

HCS SB 684 -- FOREIGN ADOPTION ORDERS AND EMBRYO TRANSFER ACT

SPONSOR: Rupp (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 7 to 3.

This substitute changes the laws regarding foreign adoption orders and establishes the Embryo Transfer Act.

FOREIGN ADOPTION ORDERS

A technical error in a provision regarding the process for the recognition of a foreign adoption order is corrected.

EMBRYO TRANSFER ACT

The Embryo Transfer Act is established which authorizes a legal embryo custodian to relinquish all rights and responsibilities for an embryo to a recipient intended parent prior to an embryo transfer. A legal embryo custodian must have a written contract with each recipient intended parent prior to an embryo transfer for the legal transfer of rights to an embryo and to any child who may result from the transfer.

The contract must include the designation by the recipient intended parent of an agent who is authorized to act on behalf of the parent and must be signed by each legal embryo custodian for the embryo and by each recipient intended parent. The contract nullifies any prior written agreement regarding the disposition of the embryo. If the embryo was created using donor sperm and egg, the rights to an embryo created by an in vitro fertilization clinic will be irrevocably relinquished to an agent of the clinic.

Prior to the creation of an embryo, the legal embryo custodian must establish that the embryo donor has tested negative for all infectious diseases on the United States Food and Drug Administration's Complete List of Donor Screening Assays for Infectious Agents and HIV Diagnosis Assays and designate a legal embryo custodian for the embryo who is authorized to act in the event of the death or incapacitation of the person or persons creating the embryo.

Upon embryo relinquishment by each legal embryo custodian, the legal transfer of rights to an embryo will be considered complete, and the embryo transfer will be authorized. A child born to a recipient intended parent as the result of embryo relinquishment will be presumed to be the legal child of the recipient intended parent if each legal embryo custodian and each

recipient intended parent has entered into a written contract. A completed embryo transfer contract will terminate any future parental rights and responsibilities of any past or present legal embryo custodian or sperm or egg donor in a child which results from the embryo transfer and vest the rights and responsibilities in the recipient intended parent.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill corrects a technical error in statute.

Testifying for the bill was Representative Stevenson for Senator Rupp.

OPPOSERS: There was no opposition voiced to the committee.