

HB 2558 with HCA 1 -- CUSTODY OF IN VITRO HUMAN EMBRYOS

SPONSOR: McCaherty

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Children and Families by a vote of 6 to 2.

This bill requires the court to render a decision in cases involving custody of in vitro human embryos using standards specified in the bill including, but not limited to, recognizing the in vitro human embryo as a human being, considering the best interest of the in vitro human embryo, and upholding agreements between the parties to an action establishing or terminating parental rights as not against public policy.

HCA #1: This amendment removes the definitions of "DNA donor" and "human embryo"; changes the standards a court must use in determining custody of an embryo by removing the recognition of an embryo as a human being and removing the requirement that the provisions of the bill be construed to acknowledge every human being at every state of development has all rights, privileges, and immunities available to other people in the state; and removes the DNA donor from the list of individuals who have standing in a proceedings regarding the custody of an embryo.

PROPONENTS: Supporters say that currently embryos are treated as property in a divorce, so one parent or the other gets the embryos, they stay permanently frozen, or they are thawed and discarded. The issue lacks case law and legislation, thus there is no compass for courts when deciding a case regarding frozen embryos. Supporters want people to have the right to try to birth embryos they've created with someone else. A person makes the choice to become a parent when he or she goes to an in vitro fertilization (IVF) clinic. Currently, during IVF a couple usually enters into a directive regarding the embryos and what should happen to them in the event of divorce or other change in circumstances. Directives can be revoked or changed at any time which is a problem, so this bill makes the decision clear.

Testifying for the bill were Representative McCaherty; Darrell Angle; Jalesia McQueen; Jen McLaughlin; and Missouri Right To Life.

OPPONENTS: Those who oppose the bill say that the bill creates a conflict between constitutional law and contract law. The bill gives personhood to an embryo and criminalizes the failure to implant an embryo which forces parenthood. The bill co-ops private decisions regarding fertility and requires individuals to become parents regardless of their desire to do so. The bill violates the 14th Amendment to the United States Constitution which prohibits

forced procreation. Personhood legislation is regularly overturned in court.

Testifying against the bill were Mary Buck; American Academy of Adoption Attorneys; American Academy of Assisted Reproductive Technology Attorneys; ACLU of Missouri; Barbara Collura, Resolve: The National Infertility Association; Owen K. Davis and Bradley J. Van Voorhis, American Society For Reproductive Health and Society for Assisted Reproductive Technology; and Carla Holste.

OTHERS: Others testifying on the bill say that unborn children in a non-abortion context have all of the rights of other people.

Testifying on the bill was Campaign Life Missouri.