

FIRST REGULAR SESSION

HOUSE BILL NO. 515

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALLINGFORD (Sponsor), LICHTENEGGER, HINSON, FITZWATER, SCHARNHORST, KORMAN, FLANIGAN, JONES (89), McNARY, SMITH (150), CAUTHORN, McCAHERTY, FREDERICK, DIEHL, ROWLAND, FRANZ, COOKSON, CONWAY (14), LASATER, SCHOELLER, CURTMAN, HAMPTON, ENTLICHER, RIDDLE AND WRIGHT (Co-sponsors).

1145L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 453, RSMo, by adding thereto four new sections relating to embryo transfer.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 453, RSMo, is amended by adding thereto four new sections, to be known as sections 453.250, 453.252, 453.254, and 453.256, to read as follows:

453.250. 1. Sections 453.250 to 453.256 shall be known and may be cited as the "Embryo Transfer Act".

2. As used in this section, the following terms shall mean:

(1) "Agent", a licensed attorney, fertility clinic, relative within the second degree of consanguinity, or other legal entity that participates in embryo transfer, except entities that participate in stem cell research;

(2) "Embryo" or "human embryo", an individual fertilized ovum of the human species from the single-cell stage to day seven;

(3) "Embryo relinquishment" or "legal transfer of rights to an embryo", the relinquishment of rights and responsibilities by the person or persons who hold the legal rights and responsibilities for an embryo and the acceptance of such rights and responsibilities by a recipient intended parent;

(4) "Embryo transfer", the medical procedure of physically placing an embryo into the uterus of a female;

(5) "Legal embryo custodian", the person or persons who hold the legal rights and responsibilities for a human embryo;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (6) "Recipient intended parent", a person or persons who receives a relinquished
18 embryo and who accepts full legal rights and responsibilities for such embryo and any
19 child that may be born as a result of embryo transfer.

 453.252. 1. It is the intent of the general assembly that all embryos created in
2 Missouri be birthed.

3 2. A legal embryo custodian may relinquish all rights and responsibilities for an
4 embryo to a recipient intended parent prior to embryo transfer. A written contract shall
5 be entered into between each legal embryo custodian and each recipient intended parent
6 prior to embryo transfer for the legal transfer of rights to an embryo and to any child that
7 may result from the embryo transfer. The contract may cover more than one embryo
8 collection from the donor. The contract shall include the designation by the recipient
9 intended parent or parents or an agent of such parent or parents who is authorized to act
10 on behalf of such parent or parents. The contract shall be signed by each legal embryo
11 custodian for such embryo and by each recipient intended parent in the presence of a
12 notary public and a witness. Initials or other designations may be used if the parties desire
13 anonymity. The contract shall nullify any prior written agreement governing disposition
14 of the embryo. Any subsequent embryo relinquishment or legal transfer of rights to an
15 embryo shall be subject to the same agent restrictions set forth in subdivision (1) of
16 subsection 2 of section 453.250.

17 3. If the embryo was created using donor gametes, the sperm or oocyte donors
18 irrevocably relinquish their rights to the embryo to an agent of an in vitro fertilization
19 clinic.

20 4. Upon becoming a legal embryo custodian, the legal embryo custodian shall
21 designate a successor legal embryo custodian for the embryo who is authorized to act in the
22 event of the death or incapacitation of the legal embryo custodian. Upon the death or
23 incapacitation of the legal embryo custodian, the designated successor legal embryo
24 custodian shall become the legal embryo custodian.

25 5. Prior to the creation of an embryo:

26 (1) The legal embryo custodian shall establish that the embryo donor has been
27 screened and tested negative for all infectious agents on the United States Food and Drug
28 Administration's Complete List of Donor Screening Assays for Infectious Agents and HIV
29 Diagnostic Assays. The provisions of this subsection shall not apply to an embryo in
30 existence prior to the effective date of this section; and

31 (2) The person or persons creating the legal embryo shall designate a legal embryo
32 custodian for the embryo who is authorized to act in the event of the death or
33 incapacitation of the person or persons creating the embryo. Upon the death or

34 incapacitation of the person or persons creating the embryo, the designated legal embryo
35 custodian shall become the legal embryo custodian.

36 **6. Upon embryo relinquishment by each legal embryo custodian under subsection**
37 **2 of this section, the legal transfer of rights to an embryo shall be considered complete, and**
38 **the embryo transfer shall be authorized.**

39 **7. A child born to a recipient intended parent as the result of embryo**
40 **relinquishment under subsection 2 of this section shall be presumed to be the legal child**
41 **of the recipient intended parent; provided that each legal embryo custodian and each**
42 **recipient intended parent has entered into a written contract.**

453.254. 1. The court shall give effect to any written waiver of notice and service
2 **in the legal proceeding for embryo transfer.**

3 **2. In the interest of justice, to promote the stability of embryo transfers, and to**
4 **promote the interests of children who may be born following such embryo transfers, the**
5 **court in its discretion may waive such technical requirements as the court deems just and**
6 **proper.**

453.256. A completed embryo transfer contract shall terminate any future parental
2 **rights and responsibilities of any past or present legal embryo custodian or gamete donor**
3 **in a child which results from the embryo transfer and shall vest such rights and**
4 **responsibilities in the recipient intended parent.**