

By: Howard

H.B. No. 2311

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the transfer of an embryo except in an adoption proceeding; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Family Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. ADOPTION OF AN EMBRYO

Sec. 162.701. ADOPTION OF EMBRYO. (a) Except as provided by Subchapter I, Chapter 160, a person who contributed genetic material for an embryo may not transfer the embryo to another person for implantation, unless the court renders an order under this subchapter authorizing the adoption of the embryo.

(b) The court may grant the petition of a person residing in this state to adopt an embryo according to this subchapter.

Sec. 162.702. JURISDICTION; REQUIREMENTS OF PETITION. (a) The petitioner shall file a suit to adopt an embryo in a court in the county of the petitioner's residence.

(b) A petition to adopt an embryo shall be entitled "In the Interest of the Embryo of _____."

(c) If the petitioner is married, both spouses must join in the petition for adoption.

Sec. 162.703. CONSENT. A court may not grant an adoption of an embryo unless both the man and the woman who created the embryo consent in writing to the adoption by the petitioner and waive any

1 interest in a child that may result from the embryo.

2 Sec. 162.704. ADOPTION ORDER. The court may grant the
3 adoption if the court finds that the requirements for adoption of an
4 embryo are met and the court finds that the adoption is in the best
5 interest of the embryo.

6 Sec. 162.705. CRIMINAL PENALTY. A person commits an
7 offense if the person knowingly or intentionally transfers or
8 receives an embryo in violation of Section 162.701(a). An offense
9 under this section is a Class A misdemeanor.

10 SECTION 2. This Act takes effect September 1, 2005.