

By: Howard of Fort Bend, Flynn, et al.

H.B. No. 1703

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) A court order authorizing the adoption of a human embryo is required for the transfer of a human embryo to another person for implantation in any person who is not the genetic parent of the embryo or the spouse of a genetic parent.

(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; COMPENSATION. (a) A court may not grant an adoption of an embryo unless both the man and the woman who contracted for the creation of the embryo have relinquished their

1 parental rights or consented in writing to the adoption by the  
2 petitioner and waived any interest in the human embryo.

3 (b) Compensation may not be paid or received to relinquish  
4 or waive a person's parental rights with regard to an embryo except  
5 for reimbursement for reasonable fees incurred to preserve or  
6 transport the embryo.

7 Sec. 162.704. ADOPTION ORDER. The court may grant the  
8 adoption if the court finds that the requirements for adoption of an  
9 embryo are met and the court finds that the adoption is in the best  
10 interest of the embryo.

11 Sec. 162.705. HUMAN EMBRYO TRAFFICKING PROHIBITED;  
12 PENALTIES. (a) In this section:

13 (1) "Gamete" means a human sperm or unfertilized human  
14 ovum.

15 (2) "Human embryo" means a genetically complete living  
16 organism of the species Homo sapien, from the single-cell zygote  
17 stage to eight weeks' development.

18 (3) "Human embryo trafficking" means creating a human  
19 embryo using in vitro fertilization for the purpose of selling,  
20 buying, or transferring for valuable consideration the human embryo  
21 to a person who is not a genetic parent of the embryo or the spouse  
22 of a genetic parent. The term does not include the adoption of a  
23 human embryo or the reimbursement of direct expenses related to the  
24 adoption of a human embryo.

25 (b) A person commits an offense if the person knowingly or  
26 intentionally:

27 (1) participates in human embryo trafficking;

1           (2) buys, sells, receives, or otherwise transfers a  
2 human embryo for valuable consideration, except for lawful  
3 reimbursements for embryo adoption as provided for in Section  
4 162.703; or

5           (3) buys, sells, receives, or otherwise transfers  
6 human gametes for the purpose of human embryo trafficking.

7           (c) An offense under this section is a Class A misdemeanor.

8           SECTION 2. This Act takes effect September 1, 2007.