

By: Raney

H.B. No. 1145

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an information clearinghouse to facilitate embryo adoption and the provision by physicians of embryo adoption information to certain patients.

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

SECTION 1. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. EMBRYO ADOPTION CLEARINGHOUSE

Sec. 50.001. DEFINITIONS. In this chapter:

(1) "Assisted reproduction" has the meaning assigned by Section 160.102, Family Code.

(2) "Clearinghouse" means the embryo adoption clearinghouse established under Section 50.002.

(3) "Department" means the Department of State Health Services.

(4) "Embryo adoption" means the act of transferring to another person a human embryo for implantation in any person who is not a genetic parent of the human embryo or the spouse of a genetic parent of the human embryo.

(5) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

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

1           Sec. 50.002. ESTABLISHMENT AND MAINTENANCE OF  
2 CLEARINGHOUSE. (a) The department shall establish and maintain a  
3 clearinghouse that contains:

4           (1) contact information for persons who want to make a  
5 human embryo created by means of assisted reproduction available  
6 for embryo adoption; and

7           (2) information provided by persons described by  
8 Subdivision (1) relating to the human embryo available for embryo  
9 adoption.

10          (b) The department shall make information contained in the  
11 clearinghouse accessible and searchable by prospective parents and  
12 their legally authorized representatives who want to obtain a human  
13 embryo for embryo adoption.

14          (c) Only a human embryo that is created by means of assisted  
15 reproduction may be made available for embryo adoption through the  
16 clearinghouse.

17          (d) The department may not under any circumstances require a  
18 person to provide information for inclusion in the clearinghouse or  
19 require a person to access or search information contained in the  
20 clearinghouse.

21          Sec. 50.003. CONSENT. Before making available in the  
22 clearinghouse any contact information or other information  
23 relating to a human embryo, the department shall obtain the written  
24 or electronic consent of:

25          (1) the person whose contact information will be made  
26 available in the clearinghouse; and

27          (2) each person who has rights to the human embryo that

1 is being made available for embryo adoption.

2 Sec. 50.004. PROCEDURE AND PRIVACY RULES. (a) The  
3 executive commissioner shall adopt any rules necessary for the  
4 establishment and maintenance of the clearinghouse. The rules must  
5 include procedures for:

6 (1) persons to submit information for inclusion in the  
7 clearinghouse;

8 (2) the department to obtain and verify the consent  
9 required under Section 50.003;

10 (3) persons to withdraw consent for inclusion of  
11 information in the clearinghouse;

12 (4) the department to remove from the clearinghouse  
13 the information provided by persons who have withdrawn consent; and

14 (5) prospective parents or their legally authorized  
15 representatives to access and search information contained in the  
16 clearinghouse.

17 (b) In adopting rules under Subsection (a), the executive  
18 commissioner shall prioritize protecting the privacy of each  
19 person:

20 (1) who submits information for inclusion in the  
21 clearinghouse;

22 (2) whose contact information is contained in the  
23 clearinghouse;

24 (3) who is a genetic parent of a human embryo that is  
25 being made available for embryo adoption through the clearinghouse;

26 (4) who has rights to a human embryo that is being made  
27 available for embryo adoption through the clearinghouse; or

1           (5) who accesses or searches information contained in  
2 the clearinghouse.

3           SECTION 2. Chapter 159, Occupations Code, is amended by  
4 adding Section 159.011 to read as follows:

5           Sec. 159.011. INFORMATION ABOUT EMBRYO ADOPTION. (a) In  
6 this section, "assisted reproduction," "embryo adoption," and  
7 "human embryo" have the meanings assigned by Section 50.001, Health  
8 and Safety Code.

9           (b) A physician who performs on a patient an assisted  
10 reproduction procedure that involves the creation of a human embryo  
11 shall inform the patient of the option of embryo adoption for unused  
12 human embryos.

13           SECTION 3. As soon as possible after the effective date of  
14 this Act, the Department of State Health Services shall establish  
15 the embryo adoption clearinghouse required by Section 50.002,  
16 Health and Safety Code, as added by this Act, and the executive  
17 commissioner of the Health and Human Services Commission shall  
18 adopt the rules necessary to implement the clearinghouse as  
19 provided by Section 50.004, Health and Safety Code, as added by this  
20 Act.

21           SECTION 4. This Act takes effect September 1, 2015.