

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 684
95TH GENERAL ASSEMBLY

3335L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 453.170, RSMo, and to enact in lieu thereof five new sections relating to adoptions occurring in a foreign country.

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

Section A. Section 453.170, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as section 453.170, 453.250, 453.252, 453.254, and 453.256, to read as follows:

453.170. 1. When an adoption occurs pursuant to the laws of other states of the United States, Missouri shall, from the date of adoption hold the adopted person to be for every purpose the lawful child of its parent or parents by adoption as fully as though born to them in lawful wedlock, and such adoption shall have the same force and effect as adoption pursuant to the provisions of this chapter, including all inheritance rights.

2. When an adoption occurs in a foreign country and the adopted child has migrated to the United States with the permission of the United States Department of Justice and the United States Department of Immigration and Naturalization Services, this state shall recognize the adoption. The department of health and senior services, upon receipt of proof of adoption as required in subsection [7] **9** of section 193.125, RSMo, shall issue a birth certificate for the adopted child upon request on forms prescribed and furnished by the state registrar pursuant to section 193.125, RSMo.

3. The adoptive parent or parents may petition the court pursuant to this section to request a change of name. The petition shall include a certified copy of the decree of adoption issued by the foreign country and documentation from the United States Department of Justice and the United States Department of Immigration and Naturalization Services which shows the child lawfully entered the United States. The court shall recognize and give effect to the decree

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.

18 of the foreign country and grant a decree of recognition of the adoption and shall change the
19 name of the adopted child to the name given by the adoptive parent, if such a request has been
20 made.

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

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

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

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

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

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

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

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

13 rights to an embryo shall be subject to the same agent restrictions set forth in subdivision
14 (1) of subsection 2 of section 453.250.

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

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

23 4. Prior to the creation of an embryo:

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

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

34 5. Upon embryo relinquishment by each legal embryo custodian under subsection
35 1 of this section, the legal transfer of rights to an embryo shall be considered complete, and
36 the embryo transfer shall be authorized.

37 6. A child born to a recipient intended parent as the result of embryo
38 relinquishment under subsection 1 of this section shall be presumed to be the legal child
39 of the recipient intended parent; provided that each legal embryo custodian and each
40 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.**

✓