

ENROLLED HOUSE
BILL NO. 1338

By: Davis and Benson of the
House

and

Cain of the Senate

An Act relating to children; authorizing human embryo donations and transfers; requiring performance of certain techniques by physicians; prohibiting certain activities; requiring written consents; specifying certain procedures; requiring confidentiality; specifying legal status of certain persons; providing that certain donations and transfers are not trafficking in children; specifying conditions; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 556 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. No person shall perform the technique of human embryo transfer unless currently licensed to practice medicine in this state, and then only at the request and with the written consent of the husband and wife desiring to receive the human embryo transfer. In addition, the written consent of the husband and wife donating the human embryo shall be obtained by the physician.

2. The written consent of the husband and wife desiring to receive the human embryo transfer shall be executed and acknowledged by both the husband and wife, by the physician who is to perform the technique, and by any judge of a court having adoption jurisdiction in this state. The original of the executed consent shall be filed with the court in conformity to Section 553 of Title 10 of the Oklahoma Statutes.

3. The original of the written consent of the husband and wife donating the human embryo shall be filed with the court by the physician performing the technique.

4. The written consents so filed shall not be open to the general public. The information contained therein, may be released only to persons having a legitimate interest therein as evidenced by a specific court order.

B. 1. Any child or children born as a result of a human embryo transfer donation shall be considered for all legal intents and

purposes, the same as a naturally conceived legitimate child of the husband and wife that consent to and receive a human embryo transfer.

2. The husband and wife donating the human embryo shall be relieved of all parental responsibilities for any child or children resulting from the human embryo transfer.

C. The husband and wife donating the embryo shall have no right, obligation or interest with respect to a child born as a result of the donation or to the property of the child by descent or distribution.

D. A child born as a result of an embryo transfer donation shall have no right, obligation or interest with respect to the husband and wife who donated the embryo.

E. The transfer and donation of human embryos pursuant to this section shall not be construed as trafficking in children if:

1. The human embryo is donated by the biological parents of the embryo;

2. The human embryo is not at anytime offered for sale or sold; and

3. The human embryo transfer and donation is made pursuant to the provisions of this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 2nd day of May, 2000.

Speaker of the House of
Representatives

Passed the Senate the 11th day of April, 2000.

President of the Senate