

By: Representatives Arnold, Brown (20th),
Gipson

To: Public Health and Human
Services; Judiciary A

HOUSE BILL NO. 1114

1 AN ACT TO CREATE NEW SECTIONS 93-17-81 THROUGH 93-17-87,
2 MISSISSIPPI CODE OF 1972, WHICH SHALL BE KNOWN AS THE "ADOPTION OF
3 HUMAN EMBRYOS ACT;" TO PROVIDE THAT A LEGAL EMBRYO CUSTODIAN MAY
4 RELINQUISH RIGHTS TO AN EMBRYO TO A RECIPIENT INTENDED PARENT; TO
5 PROVIDE THAT A CHILD BORN AS A RESULT OF THE RELINQUISHED EMBRYO
6 SHALL BE THE LEGAL CHILD OF THE RECIPIENT; TO PROVIDE FOR AN
7 EXPEDITED ORDER OF ADOPTION OR PARENTAGE; TO CREATE NEW SECTION
8 93-17-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERMS
9 "MINOR" AND "CHILD," AS USED IN THE ADOPTION LAWS, INCLUDE A HUMAN
10 EMBRYO; TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO
11 ESTABLISH THE JURISDICTION OF MISSISSIPPI COURTS OVER PROCEEDINGS
12 FOR THE ADOPTION OF A HUMAN EMBRYO THAT IS TRANSFERRED TO A
13 RECIPIENT INTENDED PARENT; TO AMEND SECTION 93-17-5, MISSISSIPPI
14 CODE OF 1972, TO PROVIDE THAT THE WRITTEN CONTRACT BETWEEN THE
15 LEGAL EMBRYO CUSTODIAN AND THE RECIPIENT INTENDED PARENT SHALL
16 CONSTITUTE THE CONSENT TO THE ADOPTION; TO AMEND SECTION 93-17-13,
17 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FINAL DECREE IN
18 PROCEEDINGS FOR THE ADOPTION OF A HUMAN EMBRYO MAY BE ENTERED
19 IMMEDIATELY AND WITHOUT AN INTERLOCUTORY DECREE; TO AMEND SECTION
20 93-17-15, MISSISSIPPI CODE OF 1972, TO PROHIBIT ANY ACTION TO SET
21 ASIDE A FINAL DECREE OF ADOPTION OF A HUMAN EMBRYO AFTER THE
22 EMBRYO HAS BEEN IMPLANTED; TO CREATE NEW SECTIONS 93-31-1 THROUGH
23 93-31-25, MISSISSIPPI CODE OF 1972, WHICH SHALL BE KNOWN AS THE
24 "ETHICAL TREATMENT OF HUMAN EMBRYOS ACT;" TO PROVIDE THAT IT SHALL
25 BE UNLAWFUL FOR ANY PERSON OR ENTITY TO INTENTIONALLY OR KNOWINGLY
26 CREATE OR ATTEMPT TO CREATE AN IN VITRO HUMAN EMBRYO BY ANY MEANS
27 OTHER THAN FERTILIZATION OF A HUMAN EGG BY A HUMAN SPERM; TO
28 PROVIDE FOR STANDARDS FOR PHYSICIANS AND FACILITIES PERFORMING IN
29 VITRO FERTILIZATIONS; TO PROVIDE FOR CRIMINAL PENALTIES AND CIVIL
30 SANCTIONS FOR VIOLATIONS OF THE ACT; AND FOR RELATED PURPOSES.

31 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

32 **SECTION 1.** The following shall be codified as Section
33 93-17-81, Mississippi Code of 1972:

34 93-17-81. Sections 93-17-81 through 93-17-87 shall be known
35 and may be cited as the "Adoption of Human Embryos Act."

36 **SECTION 2.** The following shall be codified as Section
37 93-17-83, Mississippi Code of 1972:

38 93-17-83. As used in Sections 93-17-81 through 93-17-87, the
39 following terms shall have the meanings in this section:



40 (a) "Embryo" or "human embryo" means an individual
41 fertilized ovum of the human species from the single-cell stage to
42 eight-week development.

43 (b) "Embryo relinquishment" or "legal transfer of
44 rights to an embryo" means the relinquishment of rights and
45 responsibilities by the person or persons who hold the legal
46 rights and responsibilities for an embryo and the acceptance of
47 those rights and responsibilities by a recipient intended parent.

48 (c) "Embryo transfer" means the medical procedure of
49 physically placing an embryo into the uterus of a female.

50 (d) "Legal embryo custodian" means the person or
51 persons who hold the legal rights and responsibilities for a human
52 embryo and who relinquishes the embryo to another person or
53 persons.

54 (e) "Recipient intended parent" means a person or
55 persons who receive a relinquished embryo and who accepts full
56 legal rights and responsibilities for the embryo and any child
57 that may be born as a result of embryo transfer.

58 **SECTION 3.** The following shall be codified as Section
59 93-17-85, Mississippi Code of 1972:

60 93-17-85. (1) A legal embryo custodian may relinquish all
61 rights and responsibilities for an embryo to a recipient intended
62 parent before embryo transfer. A written contract shall be
63 entered into between each legal embryo custodian and each
64 recipient intended parent before embryo transfer for the legal
65 transfer of rights to an embryo. The contract shall be signed by
66 each legal embryo custodian for the embryo and by each recipient
67 intended parent in the presence of a notary public and a witness.
68 Initials or other designations may be used if the parties desire
69 anonymity. The contract may include a written waiver by the legal
70 embryo custodian of notice and service in any legal adoption or
71 other parentage proceeding that may follow.



72 (2) If the embryo was created using donor gametes, the sperm
73 or oocyte donors who irrevocably relinquished their rights in
74 connection with in vitro fertilization shall not be entitled to
75 any notice of the embryo relinquishment, nor shall their consent
76 to the embryo relinquishment be required.

77 (3) Upon embryo relinquishment by each legal embryo
78 custodian under subsection (1) of this section, the legal transfer
79 of rights to an embryo shall be considered complete, and the
80 embryo transfer shall be authorized.

81 (4) An unborn child, and a child born to a recipient
82 intended parent as the result of embryo relinquishment under
83 subsection (1) of this section shall be presumed to be the legal
84 child of the recipient intended parent, provided that each legal
85 embryo custodian and each recipient intended parent has entered
86 into a written contract.

87 **SECTION 4.** The following shall be codified as Section
88 93-17-87, Mississippi Code of 1972:

89 93-17-87. (1) Before the birth of a child or following the
90 birth of a child, a recipient intended parent may petition the
91 chancery court for an expedited order of adoption or parentage.
92 In those cases, the written contract between each legal embryo
93 custodian and each recipient intended parent shall be acceptable
94 in lieu of a surrender of rights.

95 (2) All petitions under Sections 93-17-81 through 93-17-87
96 shall be filed in the county in which any petitioner or any
97 respondent resides.

98 (3) The court shall give effect to any written waiver of
99 notice and service in the legal proceeding for adoption or
100 parentage.

101 (4) In the interest of justice, to promote the stability of
102 embryo transfers, and to promote the interests of unborn children
103 and children who may be born following those embryo transfers, the



104 court in its discretion may waive any technical requirements as
105 the court deems just and proper.

106 **SECTION 5.** The following shall be codified as Section
107 93-17-89, Mississippi Code of 1972:

108 93-17-89. Upon a filing of a petition for adoption or
109 parentage and the court finding that the petition meets the
110 criteria required by Sections 93-17-81 through 93-17-87, an
111 expedited order of adoption or parentage shall be issued and shall
112 be a final order. The order shall terminate any future parental
113 rights and responsibilities of any past or present legal embryo
114 custodian or gamete donor in a child that results from the embryo
115 transfer and shall vest those rights and responsibilities in the
116 recipient intended parent.

117 **SECTION 6.** The following shall be codified as Section
118 93-17-2, Mississippi Code of 1972:

119 93-17-2. As used in this chapter, the terms "minor," "child"
120 and "minor child" include a human embryo as defined in Section
121 93-17-83.

122 **SECTION 7.** Section 93-17-3, Mississippi Code of 1972, is
123 amended as follows:

124 93-17-3. (1) Except as otherwise provided in subsections
125 (2) and (3), a court of this state has jurisdiction over a
126 proceeding for the adoption of a minor commenced under this
127 chapter if:

128 (a) Immediately before commencement of the proceeding,
129 the minor lived in this state with a parent, a guardian, a
130 prospective adoptive parent or another person acting as parent,
131 for at least six (6) consecutive months, excluding periods of
132 temporary absence, or, in the case of a minor under six (6) months
133 of age, lived in this state from soon after birth with any of
134 those individuals and there is available in this state substantial
135 evidence concerning the minor's present or future care;



136 (b) Immediately before commencement of the proceeding,
137 the prospective adoptive parent lived in this state for at least
138 six (6) consecutive months, excluding periods of temporary
139 absence, and there is available in this state substantial evidence
140 concerning the minor's present or future care;

141 (c) The agency that placed the minor for adoption is
142 licensed in this state and it is in the best interest of the minor
143 that a court of this state assume jurisdiction because:

144 (i) The minor and the minor's parents, or the
145 minor and the prospective adoptive parent, have a significant
146 connection with this state; and

147 (ii) There is available in this state substantial
148 evidence concerning the minor's present or future care;

149 (d) The minor and the prospective adoptive parent are
150 physically present in this state and the minor has been abandoned
151 or it is necessary in an emergency to protect the minor because
152 the minor has been subjected to or threatened with mistreatment or
153 abuse or is otherwise neglected;

154 (e) The subject of the adoption is a human embryo
155 transferred to a recipient intended parent under Sections 93-17-81
156 through 93-17-87; or

157 (f) It appears that no other state would have
158 jurisdiction under prerequisites substantially in accordance with
159 paragraphs (a) through (e), or another state has declined to
160 exercise jurisdiction on the ground that this state is the more
161 appropriate forum to hear a petition for adoption of the minor,
162 and it is in the best interest of the minor that a court of this
163 state assume jurisdiction.

164 (2) A court of this state may not exercise jurisdiction over
165 a proceeding for adoption of a minor if, at the time the petition
166 for adoption is filed, a proceeding concerning the custody or
167 adoption of the minor is pending in a court of another state
168 exercising jurisdiction substantially in conformity with the



169 Uniform Child Custody Jurisdiction Act or this section unless the
170 proceeding is stayed by the court of the other state.

171 (3) If a court of another state has issued a decree or order
172 concerning the custody of a minor who may be the subject of a
173 proceeding for adoption in this state, a court of this state may
174 not exercise jurisdiction over a proceeding for adoption of the
175 minor unless:

176 (a) The court of this state finds that the court of the
177 state which issued the decree or order:

178 (i) Does not have continuing jurisdiction to
179 modify the decree or order under jurisdictional prerequisites
180 substantially in accordance with the Uniform Child Custody
181 Jurisdiction Act or has declined to assume jurisdiction to modify
182 the decree or order; or

183 (ii) Does not have jurisdiction over a proceeding
184 for adoption substantially in conformity with subsection (1) (a)
185 through (e) or has declined to assume jurisdiction over a
186 proceeding for adoption; and

187 (b) The court of this state has jurisdiction over the
188 proceeding.

189 (4) Any person may be adopted in accordance with the
190 provisions of this chapter in termtime or in vacation by an
191 unmarried adult or by a married person whose spouse joins in the
192 petition. The adoption shall be by sworn petition filed in the
193 chancery court of the county in which the adopting petitioner or
194 petitioners reside or in which the child to be adopted resides or
195 was born, or was found when it was abandoned or deserted, or in
196 which the home is located to which the child has been surrendered
197 by a person authorized to so do. The petition shall be
198 accompanied by a doctor's or nurse practitioner's certificate
199 showing the physical and mental condition of the child to be
200 adopted and a sworn statement of all property, if any, owned by
201 the child. In addition, the petition shall be accompanied by



202 affidavits of the petitioner or petitioners stating the amount of
203 the service fees charged by any adoption agencies or adoption
204 facilitators used by the petitioner or petitioners and any other
205 expenses paid by the petitioner or petitioners in the adoption
206 process as of the time of filing the petition. If the doctor's or
207 nurse practitioner's certificate indicates any abnormal mental or
208 physical condition or defect, the condition or defect shall not,
209 in the discretion of the chancellor, bar the adoption of the child
210 if the adopting parent or parents file an affidavit stating full
211 and complete knowledge of the condition or defect and stating a
212 desire to adopt the child, notwithstanding the condition or
213 defect. The court shall have the power to change the name of the
214 child as a part of the adoption proceedings. The word "child" in
215 this section shall be construed to refer to any person to be
216 adopted, including an adult or a human embryo being transferred to
217 a recipient intended parent under Sections 93-17-81 through
218 93-17-87.

219 (5) Adoption by couples of the same gender is prohibited.

220 (6) No person may be adopted before a court-ordered home
221 study of the prospective adopting parties is satisfactorily
222 completed if required by Section 93-17-11.

223 **SECTION 8.** Section 93-17-5, Mississippi Code of 1972, is
224 amended as follows:

225 93-17-5. (1) Except as otherwise provided in this section,
226 there shall be made parties to the proceeding by process or by the
227 filing therein of a consent to the adoption proposed in the
228 petition, which consent shall be duly sworn to or acknowledged and
229 executed only by the following persons, but not before seventy-two
230 (72) hours after the birth of the child:

231 (a) The parents, or parent, if only one (1) parent,
232 though either is under the age of twenty-one (21) years; * * *

233 (b) If both parents are dead, then any two (2) adult
234 kin of the child within the third degree computed according to the



235 civil law, provided that, if one of such kin is in possession of
236 the child, he or she shall join in the petition or be made a party
237 to the suit; or

238 (c) The guardian ad litem of an abandoned child, upon
239 petition showing that the names of the parents of such child are
240 unknown after diligent search and inquiry by the petitioners.

241 In addition to the above, there shall be made parties to any
242 proceeding to adopt a child, either by process or by the filing of
243 a consent to the adoption proposed in the petition, the following:

244 (i) Those persons having physical custody of such
245 child, except persons having such child as foster parents as a
246 result of placement with them by the Department of Human Services
247 of the State of Mississippi.

248 (ii) Any person to whom custody of such child may
249 have been awarded by a court of competent jurisdiction of the
250 State of Mississippi.

251 (iii) The agent of the county Department of Human
252 Services of the State of Mississippi that has placed a child in
253 foster care, either by agreement or by court order.

254 (2) Such consent may also be executed and filed by the duly
255 authorized officer or representative of a home to whose care the
256 child has been delivered. The child shall join the petition by
257 its next friend.

258 (3) In the case of a child born out of wedlock, the father
259 shall not have a right to object to an adoption unless he has
260 demonstrated, within the period ending thirty (30) days after the
261 birth of the child, a full commitment to the responsibilities of
262 parenthood. Determination of the rights of the father of a child
263 born out of wedlock may be made in proceedings pursuant to a
264 petition for determination of rights as provided in Section
265 93-17-6.

266 (4) If such consent is not filed, then process shall be had
267 upon the parties as provided by law for process in person or by



268 publication, if they are nonresidents of the state or are not
269 found therein, after diligent search and inquiry, or are unknown
270 after diligent search and inquiry; however, the court or
271 chancellor in vacation may fix a date in termtime or in vacation
272 to which process may be returnable and shall have power to proceed
273 in termtime or vacation. In any event, if the child is more than
274 fourteen (14) years of age, a consent to the adoption, sworn to or
275 acknowledged by the child, shall also be required or personal
276 service of process shall be had upon the child in the same manner
277 and in the same effect as if it were an adult.

278 (5) Whenever the adoption proceeding involves the transfer
279 of a human embryo, the written contract between the legal embryo
280 custodian and the recipient intended parent as required under
281 Section 93-17-85 shall constitute the consent to the adoption.

282 **SECTION 9.** Section 93-17-13, Mississippi Code of 1972, is
283 amended as follows:

284 93-17-13. A final decree of adoption shall not be entered
285 before the expiration of six (6) months from the entry of the
286 interlocutory decree except: (a) when a child is a stepchild of a
287 petitioner or is related by blood to the petitioner within the
288 third degree according to the rules of the civil law or in any
289 case in which the chancellor, in the exercise of his discretion,
290 shall determine from all the proceedings and evidence in the cause
291 that the six-month waiting period is not necessary or required for
292 the benefit of the court, the petitioners or the child to be
293 adopted, and shall so adjudicate in the decree entered in the
294 cause, in either of which cases the final decree may be entered
295 immediately without any delay and without an interlocutory decree;
296 (b) when the child has resided in the home of any petitioner prior
297 to the granting of the interlocutory decree, in which case the
298 court may, in its discretion, shorten the waiting period by the
299 length of time the child has thus resided; or (c) when the
300 proceeding involves the adoption of a human embryo, in which case



301 the final decree may be entered immediately without delay and
302 without an interlocutory decree.

303 The final decree shall adjudicate, in addition to such other
304 provisions as may be found by the court to be proper for the
305 protection of the interests of the child, and its effect, unless
306 otherwise specifically provided, shall be that: (a) the child
307 shall inherit from and through the adopting parents and shall
308 likewise inherit from the other children of the adopting parents
309 to the same extent and under the same conditions as provided for
310 the inheritance between brothers and sisters of the full blood by
311 the laws of descent and distribution of the State of Mississippi,
312 and that the adopting parents and their other children shall
313 inherit from the child, just as if such child had been born to the
314 adopting parents in lawful wedlock; (b) the child and the adopting
315 parents and adoptive kindred are vested with all of the rights,
316 powers, duties and obligations, respectively, as if such child had
317 been born to the adopting parents in lawful wedlock, including all
318 rights existing by virtue of Section 11-7-13; * * * however, * * *
319 inheritance by or from the adopted child shall be governed by
320 subsection (a) above; (c) that the name of the child shall be
321 changed if desired; and (d) that the natural parents and natural
322 kindred of the child shall not inherit by or through the child
323 except as to a natural parent who is the spouse of the adopting
324 parent, and all parental rights of the natural parent, or parents,
325 shall be terminated, except as to a natural parent who is the
326 spouse of the adopting parent. Nothing in this chapter shall
327 restrict the right of any person to dispose of property under a
328 last will and testament.

329 A final decree of adoption shall not be entered until a
330 court-ordered home study is satisfactorily completed, if required
331 in Section 93-17-11.

332 **SECTION 10.** Section 93-17-15, Mississippi Code of 1972, is
333 amended as follows:



334 93-17-15. No action shall be brought to set aside any final
335 decree of adoption, whether granted upon consent or personal
336 process or on process by publication, except within six (6) months
337 of the entry thereof; however, if the final decree of adoption is
338 for the transfer of a human embryo, no action may be brought to
339 set aside the decree after implantation of the embryo has
340 occurred.

341 **SECTION 11.** The following shall be codified as Section
342 93-31-1, Mississippi Code of 1972:

343 93-31-1. This chapter shall be known and may be cited as the
344 "Ethical Treatment of Human Embryos Act."

345 **SECTION 12.** The following shall be codified as Section
346 93-31-3, Mississippi Code of 1972:

347 93-31-3. For purposes of this chapter, the following terms
348 shall have the meanings in this section:

349 (a) "Donor" means an individual from whose body gametes
350 were obtained, or an individual from whose body cells or tissues
351 were obtained for the purpose of creating gametes or human
352 embryos, whether for valuable consideration or not.

353 (b) "Gamete" means an egg (oocyte) or sperm.

354 (c) "Human embryo" means an organism with a human or
355 predominantly human genetic constitution from the single-celled
356 stage to approximately eight (8) weeks development that is derived
357 by fertilization (in vitro or in utero), parthenogenesis, cloning
358 (somatic cell nuclear transfer), or any other means from one (1)
359 or more human gametes or human diploid cells.

360 (d) "In vitro" means outside the human body.

361 (e) "In vitro fertilization" means the formation of a
362 human embryo outside the human body by union of human egg(s) with
363 human sperm.

364 (f) "In vitro human embryo" means a human embryo
365 created outside the human body.



366 (g) "Transfer" means the placement of a human embryo
367 into the body of a woman.

368 (h) "Valuable consideration" means financial gain or
369 advantage, including cash, in-kind payments, reimbursement for any
370 costs incurred in connection with the removal, processing,
371 disposal, preservation, quality control, storage, transfer, or
372 donation of human gametes, including lost wages of the donor, as
373 well as any other consideration.

374 **SECTION 13.** The following shall be codified as Section
375 93-31-5, Mississippi Code of 1972:

376 93-31-5. (1) It shall be unlawful for any person or entity
377 to intentionally or knowingly create or attempt to create an in
378 vitro human embryo by any means other than fertilization of a
379 human egg by a human sperm.

380 (2) The creation of an in vitro human embryo shall be
381 solely for the purpose of initiating a human pregnancy by means of
382 transfer to the uterus of a human female for the treatment of
383 human infertility. No person or entity shall intentionally or
384 knowingly transfer or attempt to transfer an embryo into a human
385 uterus that is not the product of fertilization of a human egg by
386 a human sperm.

387 **SECTION 14.** The following shall be codified as Section
388 93-31-7, Mississippi Code of 1972:

389 93-31-7. No person or entity shall give or receive valuable
390 consideration, offer to give or receive valuable consideration, or
391 advertise for the giving or receiving of valuable consideration
392 for the provision of gametes or in vitro human embryos. This
393 section shall not apply to regulate or prohibit the procurement of
394 gametes for the treatment of infertility being experienced by the
395 patient from whom the gametes are being derived.

396 **SECTION 15.** The following shall be codified as Section
397 93-31-9, Mississippi Code of 1972:



398 93-31-9. The in vitro human embryo shall be given an
399 identification by the facility for use within the medical
400 facility. Records shall be maintained that identify the donors
401 associated with the in vitro human embryo, and the confidentiality
402 of those records shall be maintained as required by law.

403 **SECTION 16.** The following shall be codified as Section
404 93-31-11, Mississippi Code of 1972:

405 93-31-11. (1) A living in vitro human embryo is a
406 biological human being who is not the property of any person or
407 entity. The fertility physician and the medical facility that
408 employs the physician owe a high duty of care to the living in
409 vitro human embryo. Any contractual provision identifying the
410 living in vitro embryo as the property of any party shall be null
411 and void. The in vitro human embryo shall not be intentionally
412 destroyed for any purpose by any person or entity or through the
413 actions of that person or entity.

414 (2) An in vitro human embryo that fails to show any sign of
415 life over a thirty-six-hour period outside a state of
416 cryopreservation shall be considered no longer living.

417 **SECTION 17.** The following shall be codified as Section
418 93-31-13, Mississippi Code of 1972:

419 93-31-13. Only medical facilities meeting the standards of
420 the American Society for Reproductive Medicine and the American
421 College of Obstetricians and Gynecologists shall cause the
422 fertilization of an in vitro human embryo. A person who engages
423 in the creation of in vitro human embryos shall be qualified as a
424 medical doctor licensed to practice medicine in this state and
425 shall possess specialized training and skill in artificial
426 reproductive technology in conformity with the standards
427 established by the American Society for Reproductive Medicine or
428 the American College of Obstetricians and Gynecologists.

429 **SECTION 18.** The following shall be codified as Section
430 93-31-15, Mississippi Code of 1972:



431 93-31-15. In the interest of reducing the risk of
432 complications for both the mother and the transferred in vitro
433 human embryos, including the risk of preterm birth associated with
434 higher-order multiple gestations, a person or entity performing in
435 vitro fertilization shall limit the number of in vitro human
436 embryos created in a single cycle to the number to be transferred
437 in that cycle in accordance with Section 93-31-17.

438 **SECTION 19.** The following shall be codified as Section
439 93-31-17, Mississippi Code of 1972:

440 93-31-17. (1) Where a woman under age forty (40) is to
441 receive treatment using her own eggs or embryos created using her
442 own eggs, whether fresh or previously cryopreserved, at the time
443 of transfer no person or entity shall transfer more than two (2)
444 embryos in any treatment cycle, regardless of the procedure used.

445 (2) Where a woman age forty (40) or older is to receive
446 treatment using her own eggs or embryos created using her own
447 eggs, whether fresh or previously cryopreserved, at the time of
448 transfer no person or entity shall transfer more than three (3)
449 embryos in any treatment cycle, regardless of the procedure used.

450 (3) Where a woman is to receive treatment using donated eggs
451 or adopted embryos, no person or entity shall transfer more than
452 two (2) donated eggs or two (2) adopted embryos in any treatment
453 cycle, regardless of the woman's age at the time of transfer and
454 regardless of the procedure used.

455 **SECTION 20.** The following shall be codified as Section
456 93-31-19, Mississippi Code of 1972:

457 93-31-19. In disputes arising between any parties regarding
458 the in vitro human embryo, the judicial standard for resolving
459 such disputes shall be the best interest of the in vitro human
460 embryo.

461 **SECTION 21.** The following shall be codified as Section
462 93-31-21, Mississippi Code of 1972:



463 93-31-21. All facilities providing assisted reproductive
464 technologies shall, at least twenty-four (24) hours before
465 obtaining a signed contract for services, provide patients with
466 informed consent as required by law and obtain a signed disclosure
467 form before services commence. In addition to medical risks and
468 information on outcome and success rates, the informed consent
469 materials shall state in plain language the parental rights and
470 duties of the donors, as well as their legal rights and duties
471 regarding the disposition of in vitro human embryos that were not
472 transferred due to either of the fertility patient's death,
473 divorce, abandonment, or dispute over the custody of the in vitro
474 human embryo.

475 **SECTION 22.** The following shall be codified as Section
476 93-31-23, Mississippi Code of 1972:

477 93-31-23. Notwithstanding any other provision of this
478 chapter to the contrary, nothing in this chapter shall be
479 construed to create or recognize any independent right to engage
480 in the practice of in vitro fertilization or to create in vitro
481 human embryos by any means.

482 **SECTION 23.** The following shall be codified as Section
483 93-31-25, Mississippi Code of 1972:

484 93-31-25. (1) Any person or entity that violates any
485 provision of this chapter and derives a pecuniary gain from that
486 violation shall be fined not less than Five Hundred Dollars
487 (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

488 (2) Any violation of this chapter by a medical doctor shall
489 constitute unprofessional conduct under Section 73-25-29 and shall
490 result in sanctions increasing in severity from censure to
491 temporary suspension of license to permanent revocation of
492 license.

493 (3) Any violation of this chapter may be the basis for
494 denying an application for, denying an application for the renewal
495 of, or revoking any license, permit, certificate, or any other



496 form of permission required to practice or engage in a trade,
497 occupation, or profession.

498 (4) Any violation of this chapter by an individual in the
499 employ and under the auspices of a licensed health care facility
500 to which the management of the facility consents, knows, or should
501 know may be the basis for denying an application for, denying an
502 application for the renewal of, temporarily suspending, or
503 permanently revoking any operational license, permit, certificate,
504 or any other form of permission required to operate a medical or
505 health care facility.

506 **SECTION 24.** This act shall take effect and be in force from
507 and after July 1, 2012.

