

Senate Resolution 280

By: Senators Johnson of the 1st, Smith of the 52nd, Thomas of the 54th, Staton of the 18th, Adelman of the 42nd and others

A RESOLUTION

- 1 Creating the Senate Study Committee on Property Rights Relating to Reproductive and
- 2 Genetic Technology; and for other purposes.
- 3 WHEREAS, sophisticated reproductive technology has made it possible to preserve embryos
- 4 and sperm to be used at a later date; and
- 5 WHEREAS, a large amount of genetic material, donated by men suffering from cancer or
- 6 heading off to war, is now being deposited in cryogenic storage banks for future use; and
- 7 WHEREAS, healthy sperm can even be extracted after a man's death, frozen for years, and
- 8 then used to conceive a child; and
- 9 WHEREAS, because of such new technologies, property rights issues have been raised
- 10 relating to the ownership rights of such embryos and sperm in divorce actions; and
- 11 WHEREAS, questions have also arisen relating to whether a deceased donor of sperm or
- 12 eggs should be recognized as a parent or whether children produced by using frozen sperm
- 13 or embryos after a parent has died can claim inheritance rights or be entitled to life insurance
- 14 proceeds or Social Security benefits; and
- 15 WHEREAS, there is a need to examine these issues to determine if legislative action is
- 16 needed to ensure that property rights are defined and protected, including whether legislation
- 17 should be proposed in areas including, but not limited to, advanced written directives prior
- 18 to the creation of frozen embryos; embryo disposition in the event of divorce or death
- 19 involving a couple that has donated eggs or sperm or had embryos in vitro fertilized; options
- 20 for disposition of unused embryos, including storage, disposal, donation to scientific
- 21 research, and adoption; and property rights relating to biometric information, such as DNA,
- 22 retinal scans, and information from implanted microchips.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate
2 Study Committee on Property Rights Relating to Reproductive and Genetic Technology to
3 be composed of seven members of the Senate. The chairpersons of the Senate Judiciary
4 Committee, Senate Health and Human Services Committee, and Senate Science and
5 Technology Committee shall each be a member, and the other four members shall be
6 appointed by the Lieutenant Governor. The Lieutenant Governor shall designate one of the
7 members of the committee to serve as chairperson of the committee. The chairperson shall
8 call all meetings of the committee.

9 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
10 needs, issues, and problems mentioned above or related thereto and recommend any actions
11 or legislation that the committee deems necessary or appropriate. The committee may
12 conduct such meetings at such places and at such times as it may deem necessary or
13 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
14 accomplish the objectives and purposes of this resolution. The members of the committee
15 shall receive the allowances authorized for legislative members of interim legislative
16 committees but shall receive the same for not more than five days unless additional days are
17 authorized. The funds necessary to carry out the provisions of this resolution shall come
18 from the funds appropriated to the Senate. In the event that the committee makes a report
19 of its findings and recommendations with suggestions for proposed legislation, if any, such
20 report shall be made on or before December 31, 2007. The committee shall stand abolished
21 on December 31, 2007.