

House Bill 388

By: Representatives Mills of the 25th, Everson of the 106th, Keen of the 179th, Harbin of the 118th, Walker of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
2 adoption, so as to provide for legislative intent; to provide a short title; to change the
3 definition of "child" to include a human embryo; to provide for definitions; to provide for
4 procedures for embryo adoption; to provide for nonapplicability of certain dependent
5 exemption for income tax purposes; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as "The Option of Adoption Act."

10 **SECTION 2.**

11 The General Assembly's purpose in enacting this Act is to clarify the rights of genetic and
12 adoptive parents, to apply established procedures in adoption law to embryo adoption, to
13 clarify the legal status of children placed for adoption as embryos, and to promote the best
14 interests of the child.

15 **SECTION 3.**

16 Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is
17 amended by revising paragraph (2) of Code Section 19-8-1, relating to definitions, as
18 follows:

19 "(2) 'Child' means a person who is under 18 years of age and who is sought to be adopted
20 or a human embryo."

21 **SECTION 4.**

22 Said chapter is further amended by adding a new Code section to read as follows:

23 "19-8-27.

24 (a) For the purposes of this Code section, the term:

25 (1) 'Embryo' or 'human embryo' means an individual fertilized ovum of the human
26 species, from the single-cell stage to eight-week development.

27 (2) 'Embryo transfer' means the relinquishment of rights and responsibilities by the
28 genetic parent or parents of a human embryo and the acceptance of said rights and
29 responsibilities by an adopting parent or parents.

30 (b) Embryo transfer shall be conducted pursuant to the adoption laws of this state.

31 (c) Relinquishment of rights of a human embryo by genetic parents shall take place before
32 implantation.

33 (d) A written surrender of rights shall be obtained from the genetic mother and father,
34 unless the embryo was derived from donor gametes.

35 (e) A taxpayer shall not be allowed an exemption for a dependent as a deduction in
36 computing Georgia taxable income as provided in Code Section 48-7-20 until and unless
37 such human embryo is born."

38 **SECTION 5.**

39 All laws and parts of laws in conflict with this Act are repealed.