

House Bill 287

By: Representatives Kirby of the 114th, England of the 116th, Broadrick of the 4th, Battles of the 15th, Cantrell of the 22nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to the
2 parent and child relationship generally, so as to provide for definitions; to provide that it shall
3 be unlawful for any person or entity to intentionally or knowingly create or attempt to create
4 an in vitro human embryo by any means other than fertilization of a human egg by a human
5 sperm; to provide that it shall be unlawful for any person or entity to intentionally or
6 knowingly create or attempt to create an in vitro hybrid human-animal embryo; to provide
7 that it shall be unlawful for any person or entity to intentionally or knowingly transfer an in
8 vitro human embryo into the womb of a nonhuman or to transfer an in vitro nonhuman
9 embryo into the womb of a human; to provide for judicial standards; to provide for penalties;
10 to provide for related matters; to provide for a short title; to provide an effective date; to
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Ethical Treatment of Human Embryos
15 Act."

16 **SECTION 2.**

17 Chapter 7 of Title 19 of the Official Code of Georgia Annotated, related to the parent and
18 child relationship generally, is amended by adding a new article to read as follows:

19 "ARTICLE 4

20 19-7-60.

21 For purposes of this article, the term:

22 (1) 'Gamete' means any oocyte or sperm.

23 (2) 'Human-animal hybrid' means any of the following:

- 24 (A) A human embryo into which a nonhuman cell, tissue, or organ is introduced;
 25 (B) A nonhuman embryo into which a human cell, tissue, or organ is introduced;
 26 (C) A human embryo into which the component parts of nonhuman cells are
 27 introduced;
 28 (D) A hybrid human-animal embryo produced by fertilizing a human egg with a
 29 nonhuman sperm;
 30 (E) A hybrid human-animal embryo produced by fertilizing a nonhuman egg with a
 31 human sperm;
 32 (F) An embryo produced by introducing a nonhuman nucleus into a human egg;
 33 (G) An embryo produced by introducing a human nucleus into a nonhuman egg;
 34 (H) An embryo containing at least haploid sets of chromosomes from both a human
 35 and a nonhuman life form;
 36 (I) A nonhuman life form engineered with the intention of generating functional human
 37 gametes within the body of a nonhuman life form; or
 38 (J) A nonhuman life form engineered such that it contains a brain derived wholly from
 39 human neural tissues.
- 40 (3) 'Human embryo' means an organism with a human or predominantly human genetic
 41 constitution from the single-celled stage to eight weeks development that is derived by
 42 fertilization (in vitro or in utero), parthenogenesis, cloning (somatic cell nuclear transfer),
 43 or any other means.
- 44 (4) 'In vitro' means outside the human body.
- 45 (5) 'In vitro fertilization' means the formation of a human embryo outside the human
 46 body by union of a human egg or eggs with human sperm.
- 47 (6) 'In vitro human embryo' means a human embryo created outside the human body.
- 48 (7) 'Transfer' means the placement of a human embryo into the body of a human female.

49 19-7-61.

- 50 (a) It shall be unlawful for any person or entity to intentionally or knowingly create or
 51 attempt to create an in vitro human embryo by any means other than fertilization of a
 52 human egg by a human sperm.
- 53 (b) The creation of an in vitro human embryo shall be solely for the purpose of initiating
 54 a human pregnancy by means of transfer to the uterus of a human female. No person or
 55 entity shall intentionally or knowingly transfer or attempt to transfer into a human uterus
 56 an embryo that is not the product of fertilization of a human egg by a human sperm.
- 57 (c) It shall be unlawful for any person or entity to intentionally or knowingly:
- 58 (1) Create or attempt to create a human-animal hybrid;
- 59 (2) Transfer or attempt to transfer a human embryo into a nonhuman womb;

60 (3) Transfer or attempt to transfer a nonhuman embryo into a human womb; or

61 (4) Transport or receive for any purpose a human-animal hybrid or any product derived
62 from such hybrid.

63 (d) Nothing in this Code section shall prohibit:

64 (1) Research involving the use of transgenic animal models containing human genes;

65 (2) Xenotransplantation of human organs, tissues, or cells into recipient animals,
66 including animals at any stage of development prior to birth; or

67 (3) An individual from receiving nonhybrid organs, tissues, or cells delivered from
68 outside of this state.

69 19-7-62.

70 In disputes arising between any parties regarding the in vitro human embryo, the judicial
71 standard for resolving such disputes shall be the best interest of the in vitro human embryo.

72 19-7-63.

73 Nothing in this article shall affect conduct relating to abortion as provided in Chapter 12
74 of Title 16; provided, however, that nothing in this article shall be construed or implied to
75 recognize any independent right to abortion under the laws of this state.

76 19-7-64.

77 Notwithstanding any other provision of this article to the contrary, nothing in this article
78 shall create or recognize any independent right to engage in the practice of in vitro
79 fertilization or to create in vitro human embryos by any means.

80 19-7-65.

81 Any person who violates this article in the performance of research and development
82 activities shall be guilty of a misdemeanor."

83 **SECTION 3.**

84 This Act shall become effective upon its approval by the Governor or upon its becoming law
85 without such approval.

86 **SECTION 4.**

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