

By: Bryant

H.B. No. 5494

A BILL TO BE ENTITLED

AN ACT

Relating to the determination of parentage of a child conceived by assisted reproduction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 160.7031, Family Code, is amended to read as follows:

Sec. 160.7031. ~~UNMARRIED MAN'S PATERNITY~~ PARENTAGE OF CHILD OF ASSISTED REPRODUCTION. ~~(a) If an unmarried man, with the intent to be the father of a resulting child, provides sperm to a licensed physician and consents to the use of that sperm for~~ An individual who consents under Section 704 to assisted reproduction by an unmarried woman, he is the father with the intent to be a parent of a child conceived by the assisted reproduction is a parent of a resulting child.

~~(b) Consent by an unmarried man who intends to be the father of a resulting child in accordance with this section must be in a record signed by the man and the unmarried woman and kept by a licensed physician.~~

SECTION 2. Section 160.704, Family Code, is amended to read as follows:

Sec. 160.704. CONSENT TO ASSISTED REPRODUCTION. (a) ~~Consent by a married woman to assisted reproduction must be in a record signed by the woman and her husband and kept by a licensed physician. This requirement does not apply to the donation of eggs~~

~~by a married woman for assisted reproduction by another woman.~~  
Except as otherwise provided in subsection (b), the consent  
described in Section 703 must be in a record signed by a woman  
giving birth to a child conceived by assisted reproduction and an  
individual who intends to be a parent of the child.

~~(b) Failure by the husband to sign a consent required by~~  
~~Subsection (a) before or after the birth of the child does not~~  
~~preclude a finding that the husband is the father of a child born to~~  
~~his wife if the wife and husband openly treated the child as their~~  
~~own.~~ Failure to consent in a record as required by subsection (a),  
before, on, or after birth of the child, does not preclude the court  
from finding consent to parentage if:

(1) The woman or the individual proves by  
clear-and-convincing evidence the existence of an express  
agreement entered into before conception that the individual and  
the woman intended they both would be parents of the child; or

(2) The woman and the individual for the first two  
years of the child's life, including any period of temporary  
absence, resided together in the same household with the child and  
both openly held out the child as the individual's child, unless the  
individual dies or becomes incapacitated before the child attains  
two years of age or the child dies before the child attains two  
years of age, in which case the court may find consent under this  
subsection to parentage if a party proves by clear-and-convincing  
evidence that the woman and the individual intended to reside  
together in the same household with the child and both intended the  
individual would openly hold out the child as the individual's

1 child, but the individual was prevented from carrying out that  
2 intent by death or incapacity.

3 SECTION 3. Section 160.102(9), Family Code, is amended to  
4 read as follows:

5 (9) ~~"Intended parents" means individuals who enter~~  
6 ~~into an agreement providing that the individuals will be the~~  
7 ~~parents of a child born to a gestational mother by means of assisted~~  
8 ~~reproduction, regardless of whether either individual has a genetic~~  
9 ~~relationship with the child.~~ "Intended parent" means an individual,  
10 married or unmarried, who manifests an intent to be legally bound as  
11 a parent of a child conceived by assisted reproduction.

12 SECTION 4. Section 160.102, Family Code, is amended by  
13 amending subsection (6) to read as follows:

14 (6) ~~"Donor" means an individual who provides eggs or~~  
15 ~~sperm to a licensed physician to be used for assisted reproduction,~~  
16 ~~regardless of whether the eggs or sperm are provided for~~  
17 ~~consideration. The term does not include.~~ "Donor means an  
18 individual who provides gametes intended for use in assisted  
19 reproduction, whether or not for consideration. The term does not  
20 include:

21 (A) ~~a husband who provides sperm or a wife who~~  
22 ~~provides eggs to be used for assisted reproduction by the wife, a~~  
23 woman who gives birth to a child conceived by assisted  
24 reproduction;

25 (B) ~~a woman who gives birth to a child by means of~~  
26 ~~assisted reproduction, a parent under Article 7 or an intended~~  
27 parent under Article 8.

1                   ~~(C) an unmarried man who, with the intent to be~~  
2 ~~the father of the resulting child, provides sperm to be used for~~  
3 ~~assisted reproduction by an unmarried woman, as provided by Section~~  
4 ~~160.7031.~~

5           SECTION 5. The changes in law made by this Act with respect  
6 to an order adjudicating paternity apply only to an order rendered  
7 on or after the effective date of this Act. An order adjudicating  
8 paternity rendered before the effective date of this Act is  
9 governed by the law in effect on the date in the order is rendered,  
10 and the former law is continued in effect for that purpose.

11           SECTION 6. This Act takes effect on September 1, 2025.