

BILL ANALYSIS

H.B. 1999
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Chapter 160 of the Family Code, Uniform Parentage Act, describes the terms of donor participation of eggs or sperm in assisted reproduction, as well as the intent of the father, and the consent of a married or unmarried man or woman.

H.B.1999 will clarify sections pertaining to consent and the intention of the parties, and add new language to Section 160.7031 of the Family Code, to define an unmarried man's paternity in assisted reproduction.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 160.102(6) of the Family Code by defining a donor as an individual who provides eggs or sperm to a licensed physician to be used for assisted reproduction, regardless of whether or not they are for consideration. The term does not include an unmarried man, who with the intent to be the father of the resulting child, provides sperm to be used for assisted reproduction by an unmarried woman, pursuant to Section 160.7031.

Further amends Subchapter H, Chapter 160 of the Family Code by adding Section 160.7031 to provide that 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 assisted reproduction by an unmarried woman, he is the father of a resulting child. However, this consent must be in a record signed by both the man and unmarried woman, and kept by the licensed physician.

Additionally amends Section 160.704(a) of the Family Code by providing that consent by a married woman to assisted reproduction must be in record signed by the woman and her husband, and must be kept by a licensed physician.

Amends Section 160.706 of the Family Code to provide that in the event of dissolution of marriage, before the placement of eggs, sperm, or embryos, the former spouse is not the parent of the resulting child unless consent was made in a record kept by a licensed physician. Moreover, if the former spouse would like to withdraw consent, they may do so in a record, kept by a licensed physician at any time before the placement of eggs, sperm, or embryos.

Amends Section 160.707 of the Family Code by providing that in the case of the death of a spouse before the placement of eggs, sperm, or embryos, the deceased spouse is only the parent if consent was made in a record kept by a licensed physician.

The change in law made by this Act apply only to a motion or other request for relief made in a parentage or paternity proceeding that is pending or filed after the effective date of this Act.

EFFECTIVE DATE

September 1, 2007

H.B. 1999 80(R)