

By: Gonzalez Toureilles

H.B. No. 1999

A BILL TO BE ENTITLED

AN ACT

relating to parentage resulting from assisted reproduction.

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

SECTION 1. Section 160.102(6), Family Code, is amended to read as follows:

(6) "Donor" means an individual who provides ~~[produces]~~ eggs or sperm to a licensed physician to be used for assisted reproduction, regardless of whether the eggs or sperm are provided ~~[production is]~~ for consideration. The term does not include:

(A) a husband who provides sperm or a wife who provides eggs to be used for assisted reproduction by the wife; ~~[or]~~

(B) a woman who gives birth to a child by means of assisted reproduction; or

(C) 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, as provided by Section 160.7031.

SECTION 2. Subchapter H, Chapter 160, Family Code, is amended by adding Section 160.7031 to read as follows:

Sec. 160.7031. UNMARRIED MAN'S PATERNITY 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 assisted

1 reproduction by an unmarried woman, he is the father of a resulting
2 child.

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

7 SECTION 3. Section 160.704(a), Family Code, is amended to
8 read as follows:

9 (a) Consent by a married woman to assisted reproduction must
10 be in a record signed by the woman and her husband and kept by a
11 licensed physician. This requirement does not apply to the
12 donation of eggs by a married woman for assisted reproduction by
13 another woman.

14 SECTION 4. Section 160.706, Family Code, is amended to read
15 as follows:

16 Sec. 160.706. EFFECT OF DISSOLUTION OF MARRIAGE. (a) If a
17 marriage is dissolved before the placement of eggs, sperm, or
18 embryos, the former spouse is not a parent of the resulting child
19 unless the former spouse consented in a record kept by a licensed
20 physician that if assisted reproduction were to occur after a
21 divorce the former spouse would be a parent of the child.

22 (b) The consent of a former spouse to assisted reproduction
23 may be withdrawn by that individual in a record kept by a licensed
24 physician at any time before the placement of eggs, sperm, or
25 embryos.

26 SECTION 5. Section 160.707, Family Code, is amended to read
27 as follows:

1 Sec. 160.707. PARENTAL STATUS OF DECEASED SPOUSE. If a
2 spouse dies before the placement of eggs, sperm, or embryos, the
3 deceased spouse is not a parent of the resulting child unless the
4 deceased spouse consented in a record kept by a licensed physician
5 that if assisted reproduction were to occur after death the
6 deceased spouse would be a parent of the child.

7 SECTION 6. The change in law made by this Act applies to a
8 motion or other request for relief made in a parentage or paternity
9 proceeding that is commenced on or after the effective date of this
10 Act. A motion or other request for relief made in a parentage or
11 paternity proceeding commenced before the effective date of this
12 Act is governed by the law in effect at the time the proceeding was
13 commenced, and the former law is continued in effect for that
14 purpose.

15 SECTION 7. This Act takes effect September 1, 2007.