

FIRST REGULAR SESSION

HOUSE BILL NO. 769

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLANK.

0620H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 210.824, RSMo, and to enact in lieu thereof one new section relating to assisted reproduction.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 210.824, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.824, to read as follows:

210.824. 1. **(1)** If ~~under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the bureau, where it shall be kept confidential and in a sealed file. The physician's failure to comply with this section shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown~~ **a person conceives through assisted reproduction with semen or ova, or both, donated by a donor who is not the person's spouse, with the consent of another intended parent, that intended parent is treated in law as if that intended parent is the natural parent of a child thereby conceived. The other intended parent's consent shall be in writing and signed by the other intended parent and the person conceiving through assisted reproduction.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(2) Failure to consent in writing, as required by subdivision (1) of this**
18 **subsection, does not preclude the court from finding that the intended parent consented**
19 **if the court finds by clear and convincing evidence that, prior to the conception of the**
20 **child, the person conceiving the child and the intended parent had an oral agreement**
21 **that the person conceiving the child and the intended parent would both be parents of**
22 **the child.**

23 **2. (1) The donor of semen provided to a licensed physician or to a licensed sperm**
24 **bank for use in [artificial insemination of a married woman other than the donor's wife is**
25 **treated in law as if he were not the natural father of a child thereby conceived] assisted**
26 **reproduction by a person other than the donor's spouse is treated in law as if the donor**
27 **is not the natural parent of a child thereby conceived unless otherwise agreed to in a**
28 **writing signed by the donor and the person conceiving the child prior to the conception**
29 **of the child.**

30 **(2) If the semen is not provided to a licensed physician or a licensed sperm bank**
31 **as specified in subdivision (1) of this subsection, the donor of semen for use in assisted**
32 **reproduction by a person other than the donor's spouse is treated in law as if the donor**
33 **is not the natural parent of a child thereby conceived if either of the following is met:**

34 **(a) The donor and the person conceiving the child agreed in a writing signed**
35 **prior to conception that the donor would not be a parent; or**

36 **(b) A court finds by clear and convincing evidence that the child was conceived**
37 **through assisted reproduction and that, prior to the conception of the child, the person**
38 **conceiving the child and the donor had an oral agreement that the donor would not be a**
39 **parent.**

40 **(3) Subdivisions (1) and (2) of this subsection shall not apply to a donor who**
41 **provided semen for use in assisted reproduction by a person other than the donor's**
42 **spouse under a written agreement signed by the donor and the person conceiving the**
43 **child prior to conception of the child stating that they intended for the donor to be a**
44 **parent.**

45 **3. A person providing ova for use in assisted reproduction by a person other**
46 **than the provider's spouse or nonmarital partner is treated in law as if the provider is**
47 **not the natural parent of a child thereby conceived unless the court finds satisfactory**
48 **evidence that the provider of the ova, and each recipient, intended for that provider to**
49 **have parental rights.**

50 **4. (1) A provider of an embryo for use in assisted reproduction to an intended**
51 **parent who is not the provider's spouse or nonmarital partner is treated in law as if the**
52 **provider is not the natural parent of a child thereby conceived unless the court finds**

53 **satisfactory evidence that the provider and the intended parent intended for the**
54 **provider to be a parent.**

55 **(2) If the provider of ova, semen, or embryos is not the original source of the ova**
56 **or sperm, each original provider's written consent to the donation is required unless**
57 **that person has executed a writing to consent, waive, or relinquish their right to the**
58 **genetic material, or as otherwise ordered by a court of law.**

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