

1 State of Arkansas As Engrossed: H3/17/15 S3/31/15

2 90th General Assembly

# A Bill

3 Regular Session, 2015

HOUSE BILL 1904

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5 By: Representative Sabin

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## For An Act To Be Entitled

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AN ACT TO PERMIT A CHILD CONCEIVED THROUGH ASSISTED

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REPRODUCTION AFTER THE DEATH OF A PARENT TO INHERIT

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REAL OR PERSONAL PROPERTY OF THE PARENT THAT DIED

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INTESTATE; AND FOR OTHER PURPOSES.

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## Subtitle

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TO PERMIT A CHILD CONCEIVED THROUGH

16

ASSISTED REPRODUCTION AFTER THE DEATH OF

17

A PARENT TO INHERIT REAL OR PERSONAL

18

PROPERTY OF THE PARENT THAT DIED

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INTESTATE.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 *SECTION 1. Arkansas Code Title 28, Chapter 9, Subchapter 2, is amended*  
25 *to add an additional section to read as follows:*

26 *28-9-221. Child conceived after death of parent.*

27 *(a) Notwithstanding the provisions of any law to the contrary, a child*

28 *conceived after the death of a decedent who specifically authorized the*

29 *decedent's surviving spouse, in a writing that is either notarized, or*

30 *witnessed by a licensed physician or a person acting under the supervision of*

31 *a licensed physician, to use the decedent's gametes after the decedent's*

32 *death shall be deemed the child of the decedent with the right to inherit*

33 *from the decedent if the child is conceived within twelve (12) months*

34 *following the death of the decedent and born within nineteen (19) months*

35 *following the death of the decedent.*

36 *(b) This section is retroactive to December 1, 2009, solely for the*



1 purpose of establishing a posthumous child's entitlement to Social Security  
2 benefits under the federal Social Security Act, 42 U.S.C. § 402(d), deriving  
3 from the decedent.

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/s/Sabin

**APPROVED: 04/08/2015**