

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1904

5 By: Representative Sabin
6

For An Act To Be Entitled

8 AN ACT TO PERMIT A CHILD CONCEIVED THROUGH ASSISTED
9 REPRODUCTION AFTER THE DEATH OF A PARENT TO INHERIT
10 REAL OR PERSONAL PROPERTY OF THE PARENT THAT DIED
11 INTESTATE; AND FOR OTHER PURPOSES.
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Subtitle

14 TO PERMIT A CHILD CONCEIVED THROUGH
15 ASSISTED REPRODUCTION AFTER THE DEATH OF
16 A PARENT TO INHERIT REAL OR PERSONAL
17 PROPERTY OF THE PARENT THAT DIED
18 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 § 28-9-202 is amended to read as follows:
25 28-9-202. Definitions.

26 (a) As used in this subchapter:

27 (1) "Assisted reproduction" means a method of causing pregnancy
28 other than sexual intercourse, including:

29 (A) Artificial insemination; and

30 (B) In-vitro fertilization and transfer of an embryo,
31 including to a surrogate;

32 (2) "Conceived" means the fertilization of an egg and its
33 subsequent implantation as an embryo in a uterus or the medical implantation
34 of an embryo in a uterus;

35 ~~(1)(A)~~ (3)(A) "Descendants" means a person's children,
36 grandchildren, and all others, however remotely related to ~~such a~~ the person,



1 who are in a direct line of descent from ~~him or her~~ the person. In other
2 words, the term "descendants" refers to lineal descendants and excludes an
3 intestate's ascendants or collateral relatives.

4 (B) The term "descendants", wherever used in this
5 subchapter, shall also include adopted children and their descendants of the
6 intestate or of any other person in connection with whom the term
7 "descendants" may be used.

8 (C) In determining which of an intestate's descendants
9 shall constitute an inheriting class, the descendants of a living descendant
10 shall be excluded from the class; ~~and~~

11 ~~(2)~~(4) "Dying intestate" means dying without a valid last will
12 and testament. A person so dying is referred to in this subchapter as an
13 "intestate", and it is recognized that a person may die wholly or partially
14 intestate-;

15 (5) "Genetic material" means an egg, sperm, or embryo; and

16 (6) "Posthumous child" or "posthumous descendant" means a child
17 born after the death of the decedent, including a child conceived by assisted
18 reproduction, before or after the death of the decedent, using the genetic
19 material of the decedent with his or her consent.

20 (b) This section is retroactive to January 1, 2009.

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22 SECTION 2. Arkansas Code § 28-9-209(c), concerning the legitimacy of a
23 child for intestate succession, is amended to read as follows:

24 ~~(c)(1)(A) Any child conceived following artificial insemination of a~~
25 ~~married woman with the consent of her husband shall be treated as their child~~
26 ~~for all purposes of intestate succession.~~ A child conceived during the life
27 of the decedent, including by assisted reproduction, with the consent of the
28 decedent, shall be treated as the child of the surviving spouse and the
29 decedent for all purposes of intestate succession when *the* child is conceived
30 by the surviving spouse using:

31 (i) The genetic material of the decedent and the
32 surviving spouse; or

33 (ii) The genetic material of the decedent and a
34 donor of genetic material.

35 (B) Consent of the ~~husband~~ decedent is presumed unless the
36 contrary is shown by clear and convincing evidence.

