1	State of Arkansas	As Engrossed: H3/17/15 A D:11	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		HOUSE BILL 1904
4			
5	By: Representative Sabin		
6		For Arr Ast To De Futtal	
7		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.	
12 13			
14		Subtitle	
15	TO PE	RMIT A CHILD CONCEIVED THROUGH	
16	ASSIS	TED REPRODUCTION AFTER THE DEAT	TH OF
17	A PAR	ENT TO INHERIT REAL OR PERSONAL	L
18	PROPE	RTY OF THE PARENT THAT DIED	
19	INTES	TATE.	
20			
21			
22	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
23			
24	SECTION 1. Arkan	nsas Code § 28-9-202 is amended	l to read as follows:
25	28-9-202. Defin:	itions.	
26	<u>(a)</u> As used in t	this subchapter:	
27	<u>(1) "Assi</u>	sted reproduction" means a meth	od of causing pregnancy
28	other than sexual inter	<u>rcourse, including:</u>	
29	<u>(A)</u>	Artificial insemination; and	
30	<u>(B)</u>	In-vitro fertilization and tra	insfer of an embryo,
31	<u>including to a surroga</u>	<u>te;</u>	
32	<u>(2)</u> "Conce	eived" means the fertilization	<u>of an egg and its</u>
33		n as an embryo in a uterus or t	the medical implantation
34	<u>of an embryo in a uterus;</u>		
35		<u>A)</u> "Descendants" means a perso	
36	grandchildren, and all	others, however remotely relat	ed to such a <u>the</u> person,



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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 intestate's ascendants or collateral relatives. 3 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 "descendants" may be used. 7 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 (6) "Posthumous child" or "posthumous descendant" means a child 16 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. 21 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 for all purposes of intestate succession. A child conceived during the life 26 27 of the decedent, including by assisted reproduction, with the consent of the decedent, shall be treated as the child of the surviving spouse and the 28 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.

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1	(2) A posthumous child shall be treated as the child of the		
2	surviving spouse for all purposes of intestate succession when:		
3	(A) The child is conceived by the surviving spouse using:		
4	(i) The genetic material of the decedent; or		
5	(ii) The decedent's and a donor's genetic material;		
6	(B) An action is commenced or claim asserted against the		
7	estate of the decedent in a court of competent jurisdiction within two (2)		
8	years of the death of the decedent; and		
9	(C) The posthumous child is permitted to inherit real or		
10	personal property under § 28-9-210.		
11	(3) This section is retroactive to January 1, 2009.		
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13	SECTION 3. Arkansas Code § 28-9-210 is amended to read as follows:		
14	28-9-210. Posthumous heirs.		
15	(a) Posthumous descendants of the intestate conceived before his or		
16	her death but born thereafter <u>A posthumous descendant</u> shall inherit in the		
17	same manner as if born in the lifetime of the intestate \cdot when:		
18	(1) The decedent consents in writing that:		
19	(A) The surviving spouse may use the genetic material of		
20	the decedent after the decedent's death; and		
21	(B) The child shall be treated as the child of the		
22	decedent for all purposes of intestate succession; and		
23	(2) The child is conceived within two (2) years of the		
24	decedent's death sustained by:		
25	(A) Irreversible cessation of circulatory and respiratory		
26	functions; or		
27	(B) Irreversible cessation of all functions of the entire		
28	brain, including the brain stem.		
29	(b) However, no <u>A</u> right of inheritance shall <u>not</u> accrue to a ny person		
30	other than a lineal descendant of the intestate <u>a person who is an</u>		
31	intestate's collateral descendant or an ascendant, unless such a person has		
32	been born at the time of the intestate's death.		
33	(c) This section is retroactive to January 1, 2009.		
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35	/s/Sabin		
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