

1 SB455  
2 139460-2  
3 By Senators Figures, Sanders, Brewbaker, Bedford, Irons,  
4 Fielding, Reed, Bussman, Waggoner, Smith, Ward, Dial, Marsh,  
5 Orr, Keahey, Dunn, Glover, McGill, Scofield, Taylor, Allen and  
6 Smitherman  
7 RFD: Children, Youth Affairs, and Human Resources  
8 First Read: 22-MAR-12

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8 SYNOPSIS: The assisted reproduction article of the  
9 Uniform Parentage Act governs parentage issues  
10 relating to artificial insemination.

11 This act would require the written consent  
12 of the spouse of a donor prior to the donation of  
13 sperm or eggs through a licensed physician for the  
14 purpose of assisted reproduction.

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16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

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20 To amend Section 26-17-704, Code of Alabama 1975,  
21 relating to assisted reproduction under the Uniform Parentage  
22 Act; to require the written consent of the spouse of a married  
23 sperm or egg donor.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 26-17-704 of the Code of Alabama  
26 1975, is amended to read as follows:

27 "§26-17-704.

1           "(a) Consent by a married woman to assisted  
2 reproduction for herself must be in a record signed by the  
3 woman and her husband and maintained by the assisting licensed  
4 physician. ~~Consent by the husband of a married woman is not~~  
5 ~~required for the donation of eggs by a married woman for~~  
6 ~~assisted reproduction by another woman.~~

7           "(b) Failure of the husband to sign a consent  
8 required by subsection (a), before or after birth of the  
9 child, does not preclude a finding that the husband is the  
10 father of the child born to his wife if the wife and husband  
11 openly held out the child as their own.

12           "(c) The consent of a spouse to assisted  
13 reproduction may be withdrawn by that individual at ~~anytime~~  
14 any time before placement of the donated eggs, sperm, or  
15 embryos. The withdrawal must be in a signed record maintained  
16 by the licensed assisting physician.

17           "(d) Written consent by the husband of a married  
18 woman is required for the donation of eggs by the woman for  
19 assisted reproduction by another woman. Written consent by the  
20 wife of a married man is required for the donation of sperm by  
21 the man for assisted reproduction of a woman who is not his  
22 wife. The written consent required by this subsection shall be  
23 obtained by the assisting licensed physician before donation."

24           Section 2. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.