HB0101/936181/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 101
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "a" insert "certain"; in the same line, after "of" insert "certain provisions of"; in the same line, after "Act;" insert "providing for the application of certain provisions of this Act; altering the definition of "child", for purposes of certain provisions of law regarding inheritance, to include a child conceived from the genetic material of a person after the person's death under certain circumstances; providing that a certain after–born relation may not be considered as entitled to distribution in that relation's own right, unless the decedent had consented in a written record to use of the decedent's genetic material for posthumous conception in accordance with the requirements of a certain provision of law, the decedent consented in a written record to be the parent of a child posthumously conceived using the decedent's genetic material, and the child posthumously conceived was born within a certain period after the death of the decendent; making stylistic changes;"; and after line 7, insert:

"BY repealing and reenacting, with amendments,
Article - Estates and Trusts
Section 1-205 and 3-107
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"Article – Estates and Trusts

1–205.

(Over)

(A) A child includes**:**

(1) [a**] A** legitimate child, an adopted child, and an illegitimate child to the extent provided in §§ 1–206 through 1–208 of this subtitle**; AND**

(2) A CHILD CONCEIVED FROM THE GENETIC MATERIAL OF A PERSON AFTER THE DEATH OF THE PERSON IF:

(I) THE PERSON CONSENTED IN A WRITTEN RECORD TO USE OF THE PERSON'S GENETIC MATERIAL FOR POSTHUMOUS CONCEPTION IN ACCORDANCE WITH THE REQUIREMENTS OF § 20-111 OF THE HEALTH - GENERAL ARTICLE; AND

(II) THE PERSON CONSENTED IN A WRITTEN RECORD TO BE THE PARENT OF A CHILD POSTHUMOUSLY CONCEIVED USING THE PERSON'S GENETIC MATERIAL.

(B) A child does not include a stepchild, a foster child, or a grandchild or more remote descendant.

3–107.

(A) A child of the decedent who is conceived before the death of the decedent, but born afterwards shall inherit as if **[**he**] THE CHILD** had been born in the lifetime of the decedent.

(B) No other after–born relation may be considered as entitled to distribution in **[**his**] THE RELATION'S** own right **UNLESS:**

(1) THE DECEDENT HAD CONSENTED IN A WRITTEN RECORD TO USE OF THE DECEDENT'S GENETIC MATERIAL FOR POSTHUMOUS CONCEPTION IN ACCORDANCE WITH THE REQUIREMENTS OF § 20-111 OF THE HEALTH - GENERAL ARTICLE;

(2) THE PERSON CONSENTED IN A WRITTEN RECORD TO BE THE PARENT OF A CHILD POSTHUMOUSLY CONCEIVED USING THE PERSON'S GENETIC MATERIAL; AND

(3) THE CHILD POSTHUMOUSLY CONCEIVED USING THE DECEDENT'S GENETIC MATERIAL IS BORN WITHIN 2 YEARS AFTER THE DEATH OF THE DECEDENT.".

after line 16, insert:

"**(A) (1) THIS SECTION APPLIES TO THE USE OF SPERM OR EGGS FROM A DONOR KNOWN TO THE INDIVIDUAL WHO INTENDS TO BECOME A PARENT THROUGH THE USE OF THE SPERM OR EGGS.**

(2) THIS SECTION DOES NOT APPLY TO THE USE OF SPERM OR EGGS DONATED TO A TISSUE BANK OR FERTILITY CLINIC BY A DONOR WHO INTENDED TO REMAIN ANONYMOUS EITHER INDEFINITELY OR UNTIL A CHILD THAT RESULTS FROM THE USE OF THE SPERM OR EGGS BECOMES AN ADULT.";

and in lines 17 and 21, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively.

On page 2, in line 5, strike "**(C)**" and substitute "**(D)**"; and in the same line, after "**WHO**" insert "**KNOWINGLY**".