

2016 Regular Session

HOUSE BILL NO. 150

BY REPRESENTATIVE TALBOT

SUCCESSION/FORCED HEIRS: Provides relative to children conceived through gamete donation

1 AN ACT

2 To amend and reenact R.S. 9:133 and to enact Civil Code Article 1493.1, relative to forced
3 heirship; to provide relative to children conceived through gamete donation; to
4 provide relative to inheritance rights; to provide for exceptions; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 1493.1 is hereby enacted to read as follows:

8 Art. 1493.1. Children conceived through donation of gametes

9 Any child conceived from the use of gametes donated by an individual shall
10 not be deemed a forced heir of that individual, unless the individual would be an
11 ascendant of first degree notwithstanding the donation of genetic material through
12 an in vitro fertilization process.

13 Section 2. R.S. 9:133 is hereby amended and reenacted to read as follows:

14 §133. Inheritance rights

15 Inheritance rights will not flow to the in vitro fertilized ovum as a juridical
16 person, unless the in vitro fertilized ovum develops into an unborn child that is born
17 in a live birth, or at any other time when rights attach to an unborn child in
18 accordance with law. As a juridical person, the embryo or child born as a result of
19 in vitro fertilization and in vitro fertilized ovum donation to another couple does not
20 retain its inheritance rights from the in vitro fertilization patients or the donors of the

- 1 gametes used in the in vitro fertilization process, unless the donor would be a person
2 from whom the child could inherit under existing law notwithstanding the in vitro
3 fertilization process.
-

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 150 Engrossed

2016 Regular Session

Talbot

Abstract: Provides that children conceived through donated gametes shall not inherit nor be forced heirs of the individual donors, and provides for exceptions.

Present law provides that as a juridical person, an embryo or child born as a result of in vitro fertilization and in vitro fertilization ovum donation does not retain any inheritance rights from the in vitro fertilization patients.

Proposed law retains present law and provides that a child conceived by gametes donated shall not be a forced heir of or inherit from the individual donors of the gametes used in the in vitro fertilization process, unless the donor would be a person from whom the child could inherit under existing law notwithstanding the in vitro fertilization process.

(Amends R.S. 9:133; Adds C.C. Art. 1493.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Provides an exception to proposed law when the donor is a person from whom the child could inherit under present law.