A bill for an act

relating to assisted reproduction; changing certain regulations; amending Minnesota Statutes 2006, section 257.56.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 257.56, is amended to read:

257.56 ~~ARTIFICIAL INSEMINATION~~ ASSISTED REPRODUCTION.

Subdivision 1. **~~Husband~~ Partner treated as biological ~~father~~ parent; woman treated as biological mother.** (a) If, under the supervision of a licensed physician and with the consent of her ~~husband~~ partner, if any, a ~~wife~~ woman is inseminated artificially with semen donated by a man not her ~~husband~~ partner, the ~~husband~~ partner, if any, is treated in law as if ~~he~~ the partner were the biological ~~father~~ parent of a child thereby conceived. ~~The husband's consent must be in writing and signed by him and his wife.~~

(b) If, under the supervision of a licensed physician and with the consent of her partner, if any, a woman has embryos created with eggs donated by another woman and her partner's or a donor's sperm transferred into her uterus for gestation, the woman and her partner, if any, are treated in law as if they were the biological parents of a child thereby gestated and delivered.

(c) The woman and her partner, if any, must consent in a writing signed by both the partner and the woman that they intend to become the legal parents of the resulting child. The consent must be retained by the physician for at least four years after the confirmation of a pregnancy that occurs during the process of artificial insemination or embryo transfer.

(d) All papers and records pertaining to the insemination or embryo transfer, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

Subd. 2. **Donor not treated as biological ~~father~~ parent.** The donor of semen, eggs, or embryos provided to a licensed physician for use in ~~artificial insemination of~~ assisted reproduction for a ~~married~~ woman other than the donor's ~~wife~~ partner is treated in law as if ~~he~~ the donor were not the biological father or mother of a child thereby conceived, gestated, and delivered.

Subd. 3. **Effect of noncompliance.** In the event of noncompliance with any of the requirements or terms of subdivision 1, a court of competent jurisdiction shall determine the respective parental rights and obligations of the parties, including both the intended parents and donors, based solely on evidence of the parties' original intent.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment and applies to donations made before, on, or after the effective date.