

02/11/2017 BULLETIN Response to intent of HB1406

A couple of months ago, the state's Attorney General filed a brief in a lawsuit related to this statute in which he said that the law, as written and enacted, was unconstitutional. It is not unusual for the legislature to repeal a law that is unconstitutional.

Thankfully, there is another statute still on the books that makes it clear that when a child is born to a married woman, the child is presumed to be that of her husband. So, the repeal of the law does not de-legitimize a child conceived by insemination and, to be honest, the law that will remain on the books is less intrusive into the relationship of a husband and wife than the statute being repealed. Unlike the law being repealed, the remaining law that will now govern the situation does not have the government inquiring into the means by which the couple's child came into existence or whose sperm, the husband's or a donor's, was used.

I hope that helps explain the overall situation.

Thanks,
Terri Lynn Weaver