

1                                    AMENDMENT TO SENATE BILL 1869

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1869 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Frauds Act is amended by changing  
5 Section 1 as follows:

6            (740 ILCS 80/1) (from Ch. 59, par. 1)

7            Sec. 1. Except as provided in Section 3 of the Illinois  
8 Parentage Act in the case of the paternity of a child  
9 conceived by artificial insemination, That no action shall be  
10 brought, whereby to charge any executor or administrator upon  
11 any special promise to answer any debt or damages out of his  
12 own estate, or whereby to charge the defendant upon any  
13 special promise to answer for the debt, default or  
14 miscarriage of another person, or to charge any person upon  
15 any agreement made upon consideration of marriage, or upon  
16 any agreement that is not to be performed within the space of  
17 one year from the making thereof, unless the promise or  
18 agreement upon which such action shall be brought, or some  
19 memorandum or note thereof, shall be in writing, and signed  
20 by the party to be charged therewith, or some other person  
21 thereunto by him lawfully authorized.

22            (Source: R.S. 1874, p. 540.)

1 Section 10. The Illinois Parentage Act is amended by  
2 changing the title of the Act and Section 3 as follows:

3 (750 ILCS 40/Act Title)

4 An Act to define the legal relationships of a child born  
5 to a woman wife and a man husband requesting and consenting  
6 to heterologous artificial insemination.

7 (750 ILCS 40/3) (from Ch. 40, par. 1453)

8 Sec. 3. (a) If, under the supervision of a licensed  
9 physician and with the consent of the intended legal father  
10 of the child her--husband, a woman wife is inseminated  
11 artificially with semen donated by a man other than the  
12 intended legal father not--her-husband, the intended legal  
13 father husband shall be treated in law as if he were the  
14 natural father of a child thereby conceived. The intended  
15 legal father's husband's consent (i) shall must be in writing  
16 executed and acknowledged by both the intended legal father  
17 husband and the woman wife or (ii) may be inferred from clear  
18 and convincing evidence that the intended legal father  
19 consented to the artificial insemination procedure. If the  
20 intended legal father and the woman execute a written consent  
21 to the procedure, the physician who is to perform the  
22 technique shall certify their signatures and the date of the  
23 insemination, and file the intended legal father's husband's  
24 consent in the medical record where it shall be kept  
25 confidential and held by the patient's physician. However,  
26 the physician's failure to do so shall not affect the legal  
27 relationship between father and child. All papers and records  
28 pertaining to the insemination, whether part of the permanent  
29 medical record held by the physician or not, are subject to  
30 inspection only upon an order of the court for good cause  
31 shown.

32 (b) The donor of semen provided to a licensed physician

1 for use in artificial insemination of a woman other than the  
2 donor's wife shall be treated in law as if he were not the  
3 natural father of a child thereby conceived.

4 (Source: P.A. 83-1026.)".