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HEALTH AND SAFETY CODE - HSC

DIVISION 2. LICENSING PROVISIONS [1200 - 1796.70] (*Division 2 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 4.4. Genetic Depositories [1644.7 - 1644.9] (*Chapter 4.4 added by Stats. 2004, Ch. 775, Sec. 2.5.*)

1644.7. Any entity that receives genetic material of a human being that may be used for conception shall provide to the person depositing his or her genetic material a form for use by the depositor that, if signed by the depositor, would satisfy the conditions set forth in Section 249.5 of the Probate Code, regarding the decedent's intent for the use of that material. The use of the form is not mandatory, and the form is not the exclusive means of expressing a depositor's intent. The form shall include advisements in substantially the following form:

"The use of this form for designating whether a child conceived after your death will be your heir is not mandatory. However, if you wish to allow a child conceived after your death to be considered as your heir (or beneficiary of other benefits such as life insurance or retirement) you must specify that in writing and you must sign that written expression of intent.

This specification can be revoked or amended only in writing signed by you (and not by spoken words).

You should consider how having a child conceived after your death affects your estate planning (including your will, trust, and other beneficiary designations for retirement benefits, life insurance, financial accounts, etc.) These issues can be complex, and you should discuss them with your attorney."

(*Added by Stats. 2004, Ch. 775, Sec. 2.5. Effective January 1, 2005.*)

1644.8. Any entity that receives genetic material of a human being that may be used for conception shall make available to the person depositing his or her genetic material a form that, if signed by the depositor, would revoke any previous expression of intent regarding the use of his or her genetic material necessary to satisfy the conditions set forth in Section 249.5 of the Probate Code. The use of the form is not mandatory, and the form is not the exclusive means of expressing a depositor's intent with respect to revocation or amendment of a prior expression of intent. The form shall include advisements in substantially the following form:

"The use of this form to revoke or amend a previous form for designating whether a child conceived after your death will be your heir is not mandatory. This specification can be revoked or amended only in a writing signed by you (and not by spoken words).

These issues can be complex, and you should discuss them with your attorney."

(*Added by Stats. 2004, Ch. 775, Sec. 2.5. Effective January 1, 2005.*)

1644.9. This chapter does not apply to the application of somatic nuclear transfer technology to the creation of a human being that shares all of its nuclear genes with the person donating the implanted nucleus, commonly known as human cloning. For purposes of this section, the phrase "somatic cell nuclear transfer" means the process in which the nucleus of a somatic cell of an organism is transferred into an enucleated oocyte.

(*Added by Stats. 2004, Ch. 775, Sec. 2.5. Effective January 1, 2005.*)