

**Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 1542

BY: Senator(s) Wiggins, Younger

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

11 SECTION 1. (1) This section shall be known and may be cited
12 as the "Chris McDill Law."

13 (2) For purposes of this section, the following words shall
14 have the meaning herein ascribed unless the context clearly
15 requires otherwise:

16 (a) "Assisted reproduction" means a method of causing
17 pregnancy other than sexual intercourse.

18 (b) "Personal property" means goods and chattels or
19 personal estate.



20 (3) When any person shall die possessed of personal property
21 not bequeathed before the start of a pregnancy by assisted
22 reproduction resulting in the birth of an individual who lives at
23 least one hundred twenty (120) hours after birth, that individual
24 is deemed to be living at the time of the decedent's death and
25 shall be entitled to a child's part of the decedent's personal
26 property as provided in this section if the decedent's personal
27 representative and the court, not later than six (6) months after
28 the decedent's death, received notice or had actual knowledge of
29 an intent to use the decedent's genetic material in the assisted
30 reproduction; and

31 (a) The embryo was in utero not later than thirty-six
32 (36) months after the decedent's death; or

33 (b) The individual was born not later than forty-five
34 (45) months after the decedent's death.

35 (4) (a) This section shall only be applicable if there is a
36 record signed by the decedent and the person who intends to use
37 the decedent's genetic material in the assisted reproduction that
38 the decedent consented to the use of the decedent's genetic
39 material in assisted reproduction after the death of the decedent.

40 (b) There shall be a rebuttable presumption that the
41 decedent did not consent to the use of the decedent's genetic
42 material in the assisted reproduction if the decedent was divorced
43 or legally separated at the time of the decedent's death from the



44 person who wishes to use the decedent's genetic material in the
45 assisted reproduction.

46 (5) An individual deemed to be living at the time of the
47 decedent's death under subsection (3) of this section shall be
48 entitled to a child's part of the decedent's personal property, or
49 the equivalent value thereof. If more than one (1) individual is
50 deemed to be living at the time of the decedent's death under
51 subsection (3) of this section, each individual shall be entitled
52 to an equal share of a child's part of the decedent's personal
53 property, or the equivalent value thereof.

54 (6) (a) Upon receipt of notice or the actual knowledge
55 required under subsection (3) of this section, the court shall:

56 (i) Set aside a child's part of the decedent's
57 personal property, or the equivalent value thereof, for
58 distribution to an individual deemed to be living at the time of
59 the decedent's death under subsection (3) of this section;

60 (ii) Distribute the remainder of the decedent's
61 estate, except for the set-aside child's part of the decedent's
62 personal property, or the equivalent value thereof, according to
63 the statutes of descent and distribution; and

64 (iii) Enter an order closing the estate for all
65 purposes except the distribution of the set aside part of the
66 decedent's personal property or the equivalent value thereof.

67 (b) If an individual is deemed to be living at the time
68 of the decedent's death under subsection (3) of this section, the



69 court shall distribute the set aside portion of the decedent's
70 personal estate according to subsection (5) of this section. If
71 no individual is deemed living at the time of the decedent's death
72 under subsection (3) of this section, the court shall distribute
73 the set aside portion of the decedent's personal estate as is
74 otherwise provided according to the statutes of descent and
75 distribution.

76 (7) It is the intent of the Legislature that an individual
77 deemed to be living at the time of the decedent's death under
78 subsection (3) of this section shall be eligible for federal
79 benefits under subchapter II of Chapter 7 of Title 41 of the
80 United State Code.

81 **SECTION 2.** Section 91-1-11, Mississippi Code of 1972, is
82 amended as follows:

83 91-1-11. (1) Except as provided in subsection (2) of this
84 section, when any person shall die possessed of goods and chattels
85 or personal estate not bequeathed, the same shall descend to and
86 be distributed among his or her heirs in the same manner that real
87 estate not devised descends.

88 (2) When any person shall die possessed of goods and
89 chattels or personal estate not bequeathed, the provisions of
90 Section 1 of this act are applicable in determining whether a
91 child of a decedent is living at the time of the decedent's death.

92 **SECTION 3.** Section 91-1-7, Mississippi Code of 1972, is
93 amended as follows:



94 91-1-7. (1) If a husband dies intestate and * * * does not
95 leave children or descendants of children, his widow shall be
96 entitled to his entire estate, real and personal, in fee simple,
97 after payment of his debts; but where the deceased husband * * *
98 leaves a child or children by that or a former marriage, or
99 descendants of such child or children, his widow shall have a
100 child's part of his estate, in either case in fee simple. If a
101 married woman dies owning any real or personal estate not disposed
102 of, it shall descend to her husband and her children or their
103 descendants if she * * * has any surviving her, either by a former
104 husband or by the surviving husband, in equal parts, according to
105 the rules of descent. If she * * * has children and there
106 also * * * are descendants of other children who have died before
107 the mother, the descendants shall inherit the share to which the
108 parent would have been entitled if living, as coheirs with the
109 surviving children. If she * * * has no children or descendants
110 of them, then the husband shall inherit all of her property.

111 (2) The provisions of Section 1 of this act are applicable
112 in determining whether a child of a decedent is living at the time
113 of the decedent's death.

114 **SECTION 4.** This act shall take effect and be in force from
115 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**



1 AN ACT TO ENACT THE CHRIS MCDILL LAW; TO PROVIDE THAT FOR THE
2 PURPOSES OF INTESTATE SUCCESSION, IF THE DECEDENT DIES BEFORE THE
3 START OF A PREGNANCY BY ASSISTED REPRODUCTION RESULTING IN THE
4 BIRTH OF AN INDIVIDUAL WHO LIVES AT LEAST 120 HOURS AFTER BIRTH,
5 THAT INDIVIDUAL IS DEEMED TO BE LIVING AT THE TIME OF THE
6 DECEDENT'S DEATH UNDER CERTAIN CONDITIONS; TO PROVIDE A PROCEDURE
7 FOR THE DESCENT AND DISTRIBUTION OF THE DECEDENT'S ESTATE; TO
8 AMEND SECTIONS 91-1-11 AND 91-1-7, MISSISSIPPI CODE OF 1972, TO
9 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

