



NATIONAL CENTER FOR LESBIAN RIGHTS



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AB 2356: Equal Access to Fertility Medical Care FAQs for Prospective Parents

This bill allows providers to offer people seeking to conceive using a known sperm donor access to certain fertility services on the same terms as different-sex couples. It was authored by Assemblymember Nancy Skinner and co-sponsored by Equality California and the National Center for Lesbian Rights.

Why was AB 2356 needed?

Increasingly, women in same-sex couples, transgender people, and single women are asking trusted friends to act as sperm donors in order to conceive a child. California was the first state to legally recognize that people may use known donors (not just anonymous sperm donors) to conceive a child.

However, people using known donors cannot access the same fertility services as women in different-sex relationships. Different-sex couples can have insemination services using fresh sperm. Known donors' sperm must typically be frozen and quarantined for six months. Insemination using fresh sperm is more effective and less costly.

What does AB 2356 do?

This bill allows providers to provide insemination services using fresh (unfrozen) sperm to people using known donors. Currently, this procedure is generally only available to different-sex couples.

Doctors and clinics currently are not providing these services except to different-sex couples because donor testing requirements only allow "sexually intimate partners" to be exempt from being retested at each insemination attempt. This retesting process generally requires sperm to be frozen. AB 2356 recognizes that when a person has already been exposed to a known donor's semen at home, she should be able to decide to waive these retesting requirements in the same way that a woman may do when she is trying to conceive with her husband or boyfriend.

This bill will not change the requirement that all donors must be tested and that people must receive counseling on the risk of sexually transmitted diseases. AB 2356 also requires that if a person wants insemination services without repeat testing, they must waive repeat testing in writing after being informed of the testing requirements under California law.

When does AB 2356 go into effect?

Doctors and clinics can begin providing services under this law January 1, 2013. Each provider will be able to decide when and if to offer these services after this date.

What is a “known donor” or “designated donor”?

A “known donor” or a “designated donor” is a sperm donor who the person wanting to become pregnant knows. A known donor may be a close male friend. Or, for example, a lesbian couple may want to have the birth mother’s partner’s brother as their donor.

For more information, contact the National Center for Lesbian Rights Legal Helpline at 800-528-6257 or info@nclrights.org