

HOUSE BILL NO. 5241

July 01, 2021, Introduced by Rep. Rabhi and referred to the Committee on Government Operations.

A bill to amend 1988 PA 199, entitled
"Surrogate parenting act,"
by amending section 3 (MCL 722.853), as amended by 2014 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Compensation" means a payment of money, objects,
3 services, or anything else having monetary value except payment of
4 expenses incurred as a result of the pregnancy and the actual
5 medical expenses of a surrogate mother or surrogate carrier.

1 (b) "Developmental disability" means that term as defined in
2 section 100a of the mental health code, 1974 PA 258, MCL 330.1100a.

3 (c) "Intellectually disabled" means intellectual disability as
4 that term is defined in section 100b of the mental health code,
5 1974 PA 258, MCL 330.1100b.

6 (d) "Mental illness" means that term as defined in section 400
7 of the mental health code, 1974 PA 258, MCL 330.1400.

8 (e) "Participating party" means a biological mother,
9 biological father, surrogate carrier, or the spouse of a biological
10 mother, biological father, or surrogate carrier, if any.

11 (f) "Surrogate carrier" means the female in whom an embryo is
12 implanted in a surrogate gestation procedure.

13 (g) "Surrogate gestation" means the implantation in a female
14 of an embryo not genetically related to that female and subsequent
15 gestation of a child by that female.

16 (h) "Surrogate mother" means a female who is naturally or
17 artificially inseminated and who subsequently gestates a child
18 conceived through the insemination according to a surrogate
19 parentage contract.

20 (i) "Surrogate parentage contract" means a contract,
21 agreement, or arrangement in which a female agrees to conceive a
22 child through natural or artificial insemination, or in which a
23 female agrees to surrogate gestation, and to voluntarily relinquish
24 her parental or custodial rights to the child. It is presumed that
25 a contract, agreement, or arrangement in which a female agrees to
26 conceive a child through natural or artificial insemination by a
27 person other than her ~~husband~~, **spouse**, or in which a female agrees
28 to surrogate gestation, includes a provision, whether or not
29 express, that the female will relinquish her parental or custodial

1 rights to the child.

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Joint Resolution _____ or House Joint Resolution _____
4 (request no. 02344'21) of the 101st Legislature becomes a part of
5 the state constitution of 1963 as provided in section 1 of article
6 XII of the state constitution of 1963.