

HOUSE BILL No. 5178

October 16, 1989, Introduced by Rep. Griffin and referred to the Committee on Judiciary.

A bill to amend section 3 of Act No. 199 of the Public Acts of 1988, entitled
"Surrogate parenting act,"
being section 722.853 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 199 of the Public Acts of
2 1988, being section 722.853 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. As used in this act:

5 (a) "Compensation" means a payment of money, objects, serv-
6 ices, or anything else having monetary value except payment of
7 expenses incurred as a result of the pregnancy and the actual
8 medical expenses of a surrogate mother or surrogate carrier.

9 (b) "Developmental disability" means that term as defined in
10 the mental health code, Act No. 258 of the Public Acts of 1974,

1 being sections 330.1001 to 330.2106 of the Michigan Compiled
2 Laws.

3 (c) "Mental illness" means that term as defined in the
4 mental health code, Act No. 258 of the Public Acts of 1974.

5 (d) "Mentally retarded" means that term as defined in the
6 mental health code, Act No. 258 of the Public Acts of 1974.

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

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

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

15 (h) "Surrogate mother" means a female who is naturally or
16 artificially inseminated and who subsequently gestates a child
17 conceived through the insemination pursuant to a surrogate par-
18 entage contract.

19 (i) "Surrogate parentage contract" means a contract, agree-
20 ment, or arrangement in which a female agrees to conceive a child
21 through natural or artificial insemination, or in which a female
22 agrees to surrogate gestation, and to voluntarily relinquish her
23 parental OR CUSTODIAL rights to the child. IT IS PRESUMED THAT A
24 CONTRACT, AGREEMENT, OR ARRANGEMENT IN WHICH A FEMALE AGREES TO
25 CONCEIVE A CHILD THROUGH NATURAL OR ARTIFICIAL INSEMINATION BY A
26 PERSON OTHER THAN HER HUSBAND, OR IN WHICH A FEMALE AGREES TO
27 SURROGATE GESTATION, INCLUDES A PROVISION, WHETHER OR NOT

1 EXPRESS, THAT THE FEMALE WILL RELINQUISH HER PARENTAL OR
2 CUSTODIAL RIGHTS TO THE CHILD.