

# SENATE BILL No. 100

February 7, 1989, Introduced by Senators BINSFELD, DI NELLO, EHLERS, ARTHURHULTZ, DILLINGHAM, CRUCE, GAST, DE GROW, WELBORN, CROPSEY, ENGLER, FESSLER, SHINKLE, SCHWARZ, FREDRICKS, J. HART, GEO. HART, CARL, BARCIA and SEDERBURG and referred to the Committee on Health Policy.

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.