

ASSISTED REPRODUCTION AND SURROGACY PARENTAGE ACT (EXCERPT)
Act 24 of 2024

722.1903 Surrogacy agreement; compliance requirements; permissible provisions.

Sec. 303.

(1) A surrogacy agreement must comply with all of the following requirements:

(a) The surrogate must agree to attempt to become pregnant by means of assisted reproduction.

(b) Except as otherwise provided in sections 306, 308, and 309, the surrogate and the surrogate's spouse or former spouse, if any, must have no claim to parentage of a child conceived by assisted reproduction under the agreement.

(c) The surrogate's spouse, if any, must acknowledge and agree to comply with the obligations imposed on the surrogate by the agreement.

(d) Except as otherwise provided in sections 306, 308, and 309, the agreement must provide that the intended parent, or, if there are 2 intended parents, each intended parent jointly and severally, immediately on birth, will be the exclusive parent or parents of the child, regardless of the number of children born or gender or mental or physical condition of each child.

(e) Except as otherwise provided in sections 306, 308, and 309, the intended parent, or, if there are 2 intended parents, each parent jointly and severally, immediately on birth, will assume responsibility for the financial support of the child, regardless of the number of children born or gender or mental or physical condition of each child.

(f) The agreement must include information disclosing that the intended parent or parents will cover the agreed-on expenses of the surrogate, the assisted reproduction expenses, and the medical expenses for the surrogate and the child.

(g) The agreement must permit the surrogate to make all health and welfare decisions regarding the surrogate and the pregnancy, including, but not limited to, whether to consent to a cesarean section or multiple embryo transfer. Notwithstanding anything in this act, any provision in the agreement to the contrary is void and unenforceable. This act does not diminish the right of the surrogate under section 28 of article I of the state constitution of 1963.

(h) The surrogacy agreement must permit the surrogate to use the services of a health care practitioner of the surrogate's choosing.

(i) The surrogacy agreement must include information about each party's right under section 305 to terminate the surrogacy agreement.

(2) A surrogacy agreement may provide for 1 or both of the following:

(a) Payment of compensation, support, and reasonable expenses.

(b) Reimbursement of specific agreed-on expenses if the agreement is terminated under section 305.

(3) A right created under a surrogacy agreement is not assignable, and there is no third-party beneficiary of the surrogacy agreement other than the child.

(4) If any of the requirements of this part are not met, a court of competent jurisdiction must determine parentage under section 309(1) and (2).

History: 2024, Act 24, Eff. Apr. 2, 2025