

# HOUSE BILL NO. 4804

June 15, 2023, Introduced by Reps. Morse and Morgan 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 F  
4 (request no. 00367'23) of the 102nd 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.