

HOUSE BILL 1477

D4

6lr1626

By: **Delegate McMillan**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Gestational Agreements – Rights of Parties**

3 FOR the purpose of establishing the rights and responsibilities of the intended parents, the
4 child, the gestational carrier, and others when a child is born to a gestational carrier
5 in accordance with a gestational agreement; defining certain terms; and generally
6 relating to gestational agreements.

7 BY adding to

8 Article – Family Law

9 Section 5–203.1

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2015 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Family Law**

15 **5–203.1.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (2) “GESTATIONAL AGREEMENT” MEANS AN AGREEMENT BETWEEN A
19 GESTATIONAL CARRIER, HER SPOUSE OR PARTNER, IF ANY, AND EACH INTENDED
20 PARENT UNDER WHICH EACH INTENDED PARENT AGREES TO BECOME THE LEGAL
21 PARENT OF THE CHILD BORN TO THE GESTATIONAL CARRIER.

22 (3) “GESTATIONAL CARRIER” MEANS A WOMAN OTHER THAN AN
23 INTENDED PARENT WHO AGREES TO BECOME PREGNANT FOR AN INTENDED PARENT

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WITH THE INTENTION OF GESTATING AND DELIVERING THE INTENDED PARENT'S
2 CHILD.

3 (4) "INTENDED PARENT" MEANS AN INDIVIDUAL, WHETHER MARRIED
4 OR UNMARRIED, WHO MANIFESTS THE INTENT TO BE THE LEGAL PARENT OF A CHILD
5 BORN TO A GESTATIONAL CARRIER.

6 (B) WHEN A CHILD IS BORN TO A GESTATIONAL CARRIER IN ACCORDANCE
7 WITH A GESTATIONAL AGREEMENT:

8 (1) EACH INTENDED PARENT IS A PARENT OF THE CHILD AND SHALL
9 HAVE EQUAL RIGHTS AND RESPONSIBILITIES WITH RESPECT TO THE CHILD,
10 REGARDLESS OF WHETHER THERE IS A GENETIC RELATIONSHIP TO THE CHILD;

11 (2) THE CHILD HAS ALL THE RIGHTS OF A PARENT-CHILD
12 RELATIONSHIP WITH EACH INTENDED PARENT, INCLUDING RIGHTS OF
13 INHERITANCE, FROM THE MOMENT OF BIRTH OF THE CHILD;

14 (3) THE GESTATIONAL CARRIER AND HER SPOUSE OR PARTNER, IF
15 ANY, ARE NOT THE PARENTS OF THE CHILD AND DO NOT HAVE ANY RIGHTS OR
16 OBLIGATIONS WITH RESPECT TO THE CHILD; AND

17 (4) ANY SPERM, EGG, OR EMBRYO DONOR OTHER THAN AN INTENDED
18 PARENT IS NOT A PARENT OF THE CHILD AND HAS NO RIGHTS OR OBLIGATIONS WITH
19 RESPECT TO THE CHILD.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.