

78B-15-801 Gestational agreement authorized.

- (1) A prospective gestational mother, her husband if she is married, a donor or the donors, and the intended parents may enter into a written agreement providing that:
 - (a) the prospective gestational mother agrees to pregnancy by means of assisted reproduction;
 - (b) the prospective gestational mother, her husband if she is married, and the donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and
 - (c) the intended parents become the parents of the child.
- (2) The intended gestational mother may not currently be receiving Medicaid or any other state assistance.
- (3) The intended parents shall be married, and both spouses must be parties to the gestational agreement.
- (4) A gestational agreement is enforceable only if validated as provided in Section 78B-15-803.
- (5) A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse or if neither intended parent is a donor.
- (6) The parties to a gestational agreement shall be 21 years of age or older.
- (7) The gestational mother's eggs may not be used in the assisted reproduction procedure.
- (8) If the gestational mother is married, her husband's sperm may not be used in the assisted reproduction procedure.

Renumbered and Amended by Chapter 3, 2008 General Session