

**GESTATIONAL AGREEMENT AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: David G. Buxton

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to gestational agreements.

**Highlighted Provisions:**

This bill:

- ▶ amends the requirement that the intended parents be married for a gestational agreement; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-15-801**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78B-15-801** is amended to read:

**78B-15-801. Gestational agreement authorized.**

(1) A prospective gestational mother, [~~her~~] the prospective gestational mother's husband if [~~she~~] the prospective gestational mother is married, a donor or the donors, and the



28 intended parents may enter into a written agreement providing that:

29 (a) the prospective gestational mother agrees to pregnancy by means of assisted  
30 reproduction;

31 (b) the prospective gestational mother, [~~her~~] the prospective gestational mother's  
32 husband if [~~she~~] the prospective gestational mother is married, and the donors relinquish all  
33 rights and duties as the parents of a child conceived through assisted reproduction; and

34 (c) the intended parents become the parents of the child.

35 (2) The intended gestational mother may not currently be receiving Medicaid or any  
36 other state assistance.

37 (3) The intended parents [~~shall be married, and both spouses~~] must be parties to the  
38 gestational agreement.

39 (4) A gestational agreement is enforceable only if validated as provided in Section  
40 [78B-15-803](#).

41 (5) A gestational agreement does not apply:

42 (a) to the birth of a child conceived by means of sexual intercourse; or

43 (b) if neither intended parent is a donor.

44 (6) The parties to a gestational agreement shall be 21 years [~~of age~~] old or older.

45 (7) The gestational mother's eggs may not be used in the assisted reproduction  
46 procedure.

47 (8) If the gestational mother is married, [~~her~~] the gestational mother's husband's sperm  
48 may not be used in the assisted reproduction procedure.