

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

***** 722.1909.new *THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE* *****

722.1909.new Effect and enforceability of surrogacy agreement.

Sec. 309. (1) A surrogacy agreement that substantially complies with sections 302 and 303 is enforceable.

(2) If a child was conceived by assisted reproduction under a surrogacy agreement that does not substantially meet the material requirements of this part, a court must determine parentage consistent with the intent of the parties, taking into account the best interests of the child. Each party to the surrogacy agreement and any individual who at the time of the execution of the agreement was a spouse of a party to the agreement has standing to maintain an action to adjudicate an issue related to the enforcement of the agreement.

(3) Except as expressly provided in a surrogacy agreement or in subsection (4), if the agreement is breached by the surrogate or 1 or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(4) The breach of the surrogacy agreement by 1 or more intended parents does not relieve the intended parent of the support obligations imposed by the parent and child relationship under this part.

(5) Specific performance is not a remedy available for breach by a surrogate of a provision in the agreement that the surrogate be impregnated, terminate a pregnancy, or submit to medical procedures.

(6) Except as otherwise provided in subsection (5), if an intended parent is determined to be a parent of the child, specific performance is a remedy available for either of the following:

(a) Breach of the surrogacy agreement by a surrogate that prevents an intended parent from exercising immediately on birth of the child the full rights of parentage.

(b) Breach of the surrogacy agreement by an intended parent that prevents the intended parent's acceptance, immediately on the birth of the child, of the duties of parentage.

History: 2024, Act 24, Eff. (sine die).