

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 2075

By: Representative Leding

For An Act To Be Entitled

AN ACT TO PROHIBIT COMMERCIAL SURROGACY ARRANGEMENTS
AND THE ENFORCEMENT OF SURROGACY ARRANGEMENTS; AND
FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT COMMERCIAL SURROGACY
ARRANGEMENTS AND THE ENFORCEMENT OF
SURROGACY ARRANGEMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 9, Chapter 10, is amended to add an additional subchapter to read as follows:

Subchapter 3 – Surrogacy Prohibition

9-10-301. Legislative findings.

The General Assembly finds that:

(1) Commercial surrogacy agreements:

(A) Violate the public policy of the state;

(B) Are contrary to the best interests of children;

(C) Exploit of and objectify women; and

(D) Are contrary to the state's interest in protecting the

relationship between a woman and her child;

(2) Commercial surrogacy agreements, whether written or oral, directly conflict with the public policy of the state, including the prohibition of offers of money payments in connection with an adoption, the policy against trafficking in children, and the policy that human beings are



not chattel to be purchased or sold; and

(3) In opposition to the public policy and law of the state, commercial surrogacy agreements are explicitly designed to terminate and destroy:

(A) The parental rights of a mother;

(B) Her relationship with her child; and

(C) Her fundamental liberty and interest in a parental relationship.

9-10-302. Definitions.

As used in this subchapter:

(1) "Broker" means a person or entity that knowingly seeks to introduce or match a prospective mother with a prospective intended parent for the purposes of initiating, assisting, or facilitating a surrogacy arrangement;

(2) "Commercial surrogacy" means a surrogacy arrangement involving either:

(A) The payment, or agreement to pay, an amount of money or any valuable consideration to a broker; or

(B) The payment, or agreement to pay, an amount of money or valuable consideration, other than payment or reimbursement of medical and hospital expenses as authorized under § 9-9-206(c) to a mother;

(3) "Intended parent" means a person who is intended to be the person or one (1) of the persons designated to raise a child following birth;

(4) "Mother" means a woman who carries and gives birth to a child, regardless of whether she is genetically related to the child; and

(5) "Surrogacy" means an arrangement, regardless of whether embodied in a written or oral contract, that is entered into by two (2) or more people and regarding the participation in the creation of a child, with the intent that the child will be reared as the child of one (1) or more of the intended parents.

9-10-303. Surrogacy agreement unenforceable.

A surrogacy agreement is unenforceable in the State of Arkansas, regardless of whether the surrogacy agreement was entered into in the state.

9-10-304. Resolution of disputes.

A dispute, including a custody dispute, concerning a child born as a result of a surrogacy arrangement and that falls within the jurisdiction of a court within the state shall be resolved according to the laws of the state.