

ASSISTED REPRODUCTION AND SURROGACY PARENTAGE ACT (EXCERPT)
Act 24 of 2024
PART 1
GENERAL PROVISIONS

722.1701 Short title.

Sec. 101.

This act may be cited as the "assisted reproduction and surrogacy parentage act".

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1702 Applicability of act.

Sec. 102.

This act does not apply to the birth of a child conceived by sexual intercourse. Part 2 applies to the birth of a child by assisted reproduction not involving surrogacy. Part 3 applies to the birth of a child by assisted reproduction under a surrogacy agreement.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1703 Definitions.

Sec. 103.

As used in this act:

(a) "Assisted reproduction" means a method of causing pregnancy through means other than by sexual intercourse including, but not limited to, all of the following:

- (i) Intrauterine, intracervical, or vaginal insemination.
- (ii) Donation of gametes.
- (iii) Donation of embryos.
- (iv) In vitro fertilization and embryo transfer.

(v) Intracytoplasmic sperm injection.

(vi) Assisted reproductive technology.

(b) "Child" means an individual born as a result of assisted reproduction or under a surrogacy agreement, whose parentage may be determined under this act.

(c) "Donor" means an individual who provides gametes intended for use in assisted reproduction, whether or not for compensation. Donor does not include an individual who gives birth to a child conceived by assisted reproduction, except in the case of surrogacy, or an individual who is a parent under the rules governing the parentage of children conceived by assisted reproduction or assisted reproduction under a surrogacy agreement under parts 2 and 3.

(d) "Genetic surrogate" means an individual, not an intended parent, who agrees to become pregnant through assisted reproduction using the individual's own gametes.

(e) "Gestational surrogate" means an individual, not an intended parent, who agrees to become pregnant through assisted reproduction using gametes that are not the individual's own.

(f) "Intended parent" means an individual, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction or by assisted reproduction under a surrogacy agreement.

(g) "Medical evaluation" means a complete consultation with and evaluation by a physician.

(h) "Mental health consultation" means a consultation with and, when required by this act, an assessment by a mental health professional.

(i) "Mental health professional" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(j) "Physician" means an individual licensed under part 170 or 175 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17097 and 333.17501 to 333.17556, to engage in the practice of medicine or osteopathic medicine and surgery.

(k) "Surrogacy agreement" means an agreement between 1 or more intended parents and a surrogate in which the surrogate agrees to become pregnant by assisted reproduction and that provides that each intended parent is a parent of a child conceived under the agreement. Unless otherwise specified, the term refers to both a gestational surrogacy agreement and a genetic surrogacy agreement.

(l) "Surrogate" means an individual who is not an intended parent and who agrees to become pregnant through assisted reproduction under a surrogacy agreement. Surrogate includes a genetic surrogate or gestational surrogate, as applicable.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1704 Establishment of parent-child relationship.

Sec. 104.

A parent-child relationship is established between an individual and a child if 1 of the following occurs:

- (a) The individual gives birth to the child, except as provided in part 3.
- (b) The individual's parentage of a child is established under part 2.
- (c) The individual's parentage of a child is established under part 3.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1705 Natural parent.

Sec. 105.

Unless parental rights are terminated, a parent-child relationship established under this act applies for all purposes. An individual who establishes a parent-child relationship under this act is considered a natural parent for all purposes, including under the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1706 Donor status; assisted reproduction.

Sec. 106.

A donor is not a parent of a child conceived by assisted reproduction.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1707 Venue for adjudication of parentage.

Sec. 107.

Venue for a proceeding to adjudicate parentage under this act is in the county of this state in which 1 of the following occurs:

- (a) The child resides, is born, or will be born.
- (b) A parent or intended parent resides.
- (c) A proceeding has been commenced for administration of the estate of an individual who is or may be a parent under this act.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1708 Limitation on use of genetic testing.

Sec. 108.

Genetic testing may not be used for either of the following purposes:

- (a) To challenge the parentage of an individual who is a parent under part 2 or 3.
- (b) To establish the parentage of an individual who is a donor under this act.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1709 Records.

Sec. 109.

On request of a party, the court may order the court records in an action under this act to be sealed to the general public. If the records are ordered sealed, all pleadings, papers, or documents in the court records, including the case history or registry of actions, must not be available for inspection, unless the court, for good cause shown, orders the inspection or unless requested by the child or a party.

History: 2024, Act 24, Eff. Apr. 2, 2025