

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1121

Page 1, line 1, after "14-09" insert ", a new section to chapter 14-18,"

Page 1, line 2, after "rights" insert ", gestational carriers,"

Page 1, line 4, replace the second "section" with "sections 14-18-01, 14-18-05, and"

Page 1, line 5, after the first "to" insert "gestational carriers and"

Page 1, line 6, replace "chapters" with "chapter", remove "and 14-18", and after "sections" insert "14-18-02.1, 14-18-03, 14-18-04, 14-18-06, 14-18-07,"

Page 1, line 20, remove the overstrike over ", as defined in section 14-18-01,"

Page 3, after line 17, insert:

**"SECTION 5. AMENDMENT.** Section 14-18-01 of the North Dakota Century Code is amended and reenacted as follows:

**14-18-01. Definitions.** As used in this chapter:

1. "Assisted conception" means a pregnancy resulting from insemination of an egg of a woman with sperm of a man by means other than sexual intercourse or by removal and implantation of an embryo after sexual intercourse but does not include a pregnancy resulting from the insemination of an egg of a wife using her husband's sperm.
2. ~~"Donor" means an individual whose body produces sperm or egg used for the purpose of assisted conception, whether or not a payment is made for the sperm or egg used, but does not include an individual whose body produces sperm or egg used for the purpose of conceiving a child for that individual.~~
3. "Gestational carrier" means an adult woman who enters into an agreement to have an embryo implanted in her and bear the resulting child for intended parents, where the embryo is conceived by using the egg and sperm of the intended parents.
4. ~~3.~~ "Surrogate" means an adult woman who enters into an agreement to bear a child conceived through assisted conception for intended parents.

**SECTION 6. AMENDMENT.** Section 14-18-05 of the North Dakota Century Code is amended and reenacted as follows:

**14-18-05. Surrogate agreements.** Any agreement in which a woman agrees to become a surrogate or to relinquish that woman's rights and duties as parent of a child conceived through assisted conception is void. The surrogate, however, is the mother of a resulting child and the surrogate's husband, if a party to the agreement, is the father of the child. If the surrogate's husband is not a party to the agreement or the surrogate is unmarried, paternity of the child is governed by chapter ~~14-17~~ 14-20.

**SECTION 7.** A new section to chapter 14-18 of the North Dakota Century Code is created and enacted as follows:

**Gestational carrier agreements.** A child born to a gestational carrier is a child of the intended parents for all purposes and is not a child of the gestational carrier and the gestational carrier's husband, if any."

Page 25, line 29, replace "Paternity" with "Parentage"

Page 25, line 30, remove "this" and after "chapter" insert "14-18"

Page 28, line 2, replace "chapters" with "chapter"

Page 28, line 3, remove "and 14-18" and after "sections" insert "14-18-02.1, 14-18-03, 14-18-04, 14-18-06, 14-18-07,"

Renumber accordingly