

Subject Assisted Reproduction; Surrogacy; and Donor Information

Authors Hollins and Others

Analyst Mary Davis

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Overview

This bill adopts portions of the Uniform Parentage Act, including the article covering assisted reproduction technology and parentage, gestational surrogacy, and donor information for donated eggs (ova) and sperm, also called gametes, when used in assisted reproduction.

Summary

Section	Description
1	Definitions. This section provides definitions for terms used in this section, including “assisted reproduction” including artificial insemination, and donated egg or sperm and “gestational surrogate” as a woman who carries a child for another.
2	Scope. Provides that sections 2 to 9 relate to assisted reproduction, and not children conceived through sexual intercourse or through gestational surrogacy.
3	Parental status of donor. Provides that a donor is not a parent to a child when the parents used assisted reproduction.
4	Parentage of a child of assisted reproduction. Provides that a parent who consents to assisted reproduction to have a child is the parent of the child.
5	Consent to assisted reproduction. Provides that a person who is consenting to be a parent using assisted reproduction must have a signed record, but that the court can also find that the person is a parent if there is evidence they intended to become parents through assisted reproduction or held the child out as their own.

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6	<p>Spouse's dispute of parentage; limitations.</p> <p>Provides that the spouse of a person who has a baby through assisted reproduction can dispute their parentage to the child within two years if they did not consent to assisted reproduction, and can dispute parentage after two years if they did not consent to assisted reproduction or provide egg or sperm for the child, and they did not cohabitate or hold the child out as their own.</p>
7	<p>Effect of dissolution.</p> <p>Provides that the divorce or legal separation before a transfer of egg, sperm, or embryo affects the parentage of the child, and the former spouse is not a parent if they did not consent to assisted reproduction to be done after the divorce or legal separation.</p>
8	<p>Withdrawal of consent.</p> <p>Allows any person to withdraw consent to assisted reproduction at any time before the transfer that could result in a pregnancy with written notice.</p>
9	<p>Parental status of deceased individual.</p> <p>If a person dies after the transfer that results in the pregnancy, that person can still be found to be the parent of the child. Allows a person who dies before a transfer that results in a child to be found to be the parent if that person agreed to be the parent after their own death and the transfer occurs within three years or the birth occurs within three years and 9 months of their death.</p>
10	<p>Parties eligible to enter into agreement. (Gestational surrogacy agreements)</p> <p>Provides the requirements for both a gestational surrogate and an intended parent to enter into a gestational surrogacy agreement, including a requirement that both parties be over the age of 21 and have independent legal representation.</p>
11	<p>Gestational surrogacy agreement requirements.</p> <p>Provides the requirements for a legal surrogacy agreement include that one party must be a Minnesota resident, or the procedure must occur in Minnesota; the surrogate and their spouse and any intended parent must be party to the agreement and meet the requirements under section 10; the parties must have independent legal counsel; and the document should be notarized.</p> <p>This section also provides requirements for an agreement to include the parentage of the child and responsibilities of each party and the expenses, and the rights of the gestational surrogate to make all health-related decisions regarding themselves and their pregnancy.</p>

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	The intended parents may pay the surrogate and cover reasonable expenses, and reimburse for specific expenses.
12	Effect of subsequent change of marital status. Provides that when a surrogate or an intended parent marries or divorces someone, it does not affect the surrogacy agreement, and intended parents who divorce are still both parents to the child.
13	Inspection of documents. Provides that court records related to surrogacies should not be available for inspection except to the parties to the surrogacy, the child, the attorneys, and any relevant state agency, but the court may authorize another to view the documents under exigent circumstances.
14	Exclusive, continuing jurisdiction. Provides the courts in Minnesota have exclusive jurisdiction from the time the surrogacy agreement is signed until 90 days after the birth of the child, but does not have custody and child support jurisdiction unless otherwise authorized under the law.
15	Termination of a gestational surrogacy agreement. Provides that any party can terminate a surrogacy agreement prior to an embryo transfer, or after a transfer that does not result in a pregnancy and before another transfer. The intended parents still owe costs as provided by the agreement up to the time of termination and a surrogate cannot be held liable for terminating the agreement except for fraud.
16	Parentage under gestational surrogacy. Provides that an intended parent under a gestational surrogacy agreement is the parent of the child. Provides that the gestational surrogate, and their former, current, or future spouse are not parents to the child. This section provides that if the child is believed to be the genetic child of the gestational surrogate, then the court shall order genetic testing, and parentage must be determined. If a child is not genetically related to an intended parent or to a donor who donated to the intended parent, then the child is the child of the intended parents subject to other claims of parentage under the law.
17	Parentage of deceased intended parent. An intended parent who died prior to the birth of a child is still the parent, but not if the parent dies before the transfer unless the agreement provided otherwise and the transfer happens within three years of the death of the intended parent.

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18	Order of parentage. Provides a party can commence a proceeding in court to declare the intended parents are the parents of the child, declare the surrogate and the surrogate's spouse are not the parents of the child, order the contents of the birth record for the Office of Vital Records, and make the court record private.
19	Effect of agreement. Provides how agreements that are properly created and executed are treated and how the court can handle agreements that do not meet the statutory requirements. This section does not allow a surrogate to be forced to do any medical procedure or be ordered to do any medical procedures as ordered by the court. It does allow the intended parents to be ordered to take custody of their child.
20	Definitions. (Information about a donor) Provides definitions for a section of law that will control how donor information is managed in cases of assisted reproduction, including "identifying information" and "medical history."
21	Applicability. Provides that the sections related to donor information only apply to eggs, sperm, and embryos collected on or after the effective date of the law.
22	Collection of information. Provides that a fertility clinic shall collect the donor's information such as name, date of birth, contact information when they collect the egg or sperm for donation, and the donor's medical history such as chronic illness and family medical history.
23	Donor disclosure; record. Requires a fertility clinic to tell a donor they can disclose their information or keep it private, and that they can withdraw the request to keep their information private at any time.
24	Disclosure of identifying information and medical history. Provides that a child who is conceived with donor egg or sperm can get their information from a fertility clinic when they are 18, if it is available. The parents of the child, or the child if they are 18, can also get nonidentifying medical information when needed. When egg or sperm came from out of state, they can get the contact info of the fertility clinic where the egg or sperm came from.
25	Recordkeeping. Requires a fertility clinic to keep the information and medical history about a donor of egg or sperm and to comply with reporting requirements under federal law and

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	this state. A location in this state receiving egg or sperm from another state must keep information on where they came from.
26	Repealer. Repeals the existing state law on sperm donation and assisted reproduction.



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