

HOUSE BILL NO. HB0073

Birth certificates-gestational agreements.

Sponsored by: Representative(s) Greear, Duncan, Oakley and
Olsen and Senator(s) Cooper, Nethercott and
Steinmetz

A BILL

for

1 AN ACT relating to vital records; specifying how parents
2 are listed on a birth certificate upon delivery by a
3 surrogate; providing definitions; making conforming
4 amendments; specifying applicability; and providing for an
5 effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 14-2-901, 35-1-401(a)(v) and by
10 creating new paragraphs (xiv) through (xvi) and 35-1-410(d)
11 and by creating a new subsection (e) are amended to read:

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13 **14-2-901. Scope of article.**

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1 This article does not apply to the birth of a child
2 conceived by means of sexual intercourse or to the birth of
3 a child under a gestational agreement as defined by W.S.
4 35-1-401(a)(xiv).

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6 **35-1-401. Definitions.**

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8 (a) As used in this act:

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10 (v) "Live birth" means the complete expulsion or
11 extraction from its mother or its gestational carrier of a
12 fetus, which after such expulsion or extraction, breathes
13 or shows any other evidence of life such as beating of the
14 heart, pulsation of the umbilical cord, or definite
15 movement of voluntary muscles, whether or not the umbilical
16 cord has been cut or the placenta is attached;

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18 (xiv) "Gestational agreement" means a written,
19 notarized agreement between two (2) intended parents and as
20 a gestational carrier where:

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22 (A) The gestational carrier agrees to
23 pregnancy by means of assisted reproduction;

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(B) The gestational carrier, and her spouse if she is married, agree to relinquish all rights and duties as the parent of any child that is delivered from the gestational carrier;

(C) The agreement specifies that the intended parents shall become the parents of the child;

(D) All parties to the agreement are twenty-one (21) years of age or older;

(E) The agreement is filed with the state registrar or a local registrar in the county where the intended parents reside. Any agreement filed under this subparagraph shall be sealed and placed in a special file and may be opened only upon order of a court of competent jurisdiction or as otherwise provided by law.

(xv) "Gestational carrier" means a woman twenty-one (21) years of age or older who gives birth to a child under a gestational agreement;

1 (xvi) "Intended parents" means two (2) persons
2 who enter into a gestational agreement with a gestational
3 carrier for the birth of a child for which the two (2)
4 persons shall assume paternity.

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6 **35-1-410. Birth registration.**

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8 (d) For purposes of birth registration, unless a
9 court of competent jurisdiction orders otherwise at any
10 time or except as provided in subsection (e) of this
11 section, the woman who gives birth to the child shall be
12 deemed the mother.

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14 (e) Upon the birth of a child under a gestational
15 agreement, the intended parents of the child born under the
16 gestational agreement shall be deemed to be the mother and
17 father of the child, including for purposes of birth
18 registration and the birth certificate, upon satisfying the
19 following conditions:

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21 (i) Submission of a complete application by the
22 intended parents as the state office of vital records
23 services prescribes; and

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Section 2.

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(ii) Verification by the state office of vital records services that the gestational agreement complies with the requirements of W.S. 35-1-401(a)(xiv). For gestational agreements filed with a local registrar, the local registrar shall provide access to the gestational agreement to the state office of vital records services for purposes of this paragraph.

(a) This act is not intended to alter the rights and legal status of any person or unborn child not specifically addressed by the provisions of this act.

(b) The provisions of this act shall apply to any gestational agreement entered into and in effect before the effective date of this act where the child is born to a gestational carrier on or after the effective date of this act.

