

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 2075

5 By: Representative Leding
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT COMMERCIAL SURROGACY ARRANGEMENTS
9 AND THE ENFORCEMENT OF SURROGACY ARRANGEMENTS; AND
10 FOR OTHER PURPOSES.
11

Subtitle

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13 TO PROHIBIT COMMERCIAL SURROGACY
14 ARRANGEMENTS AND THE ENFORCEMENT OF
15 SURROGACY ARRANGEMENTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 9, Chapter 10, is amended to add an
22 additional subchapter to read as follows:

Subchapter 3 – Surrogacy Prohibition

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25 9-10-301. Legislative findings.

26 The General Assembly finds that:

27 (1) Commercial surrogacy agreements:

28 (A) Violate the public policy of the state;

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

30 (C) Exploit of and objectify women; and

31 (D) Are contrary to the state's interest in protecting the
32 relationship between a woman and her child;

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



1 not chattel to be purchased or sold; and

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

5 (A) The parental rights of a mother;

6 (B) Her relationship with her child; and

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

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 10 9-10-302. Definitions.

11 As used in this subchapter:

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

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

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

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

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

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

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

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 33 9-10-303. Surrogacy agreement unenforceable.

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

1 9-10-304. Resolution of disputes.

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

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