
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 187 by Representative Lopinto

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 4 in their entirety and insert the following:

3 "To amend and reenact R.S. 14:286(D), R.S. 40:34(B)(1)(a)(viii), (h)(v), (i),
 4 and (j), and R.S. 44:4.1(B)(26), to enact Chapter 1-C of Code Title IV, of
 5 Code Book III, of Title 9 of the Louisiana Revised Statutes of 1950, to be
 6 comprised of R.S. 9:2718 through 2720.15, R.S. 14:286(E), and Part VII of
 7 Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, to be
 8 comprised of R.S. 40:93 through 97, and to repeal R.S. 9:2713,"

9 AMENDMENT NO. 2

10 On page 1, line 5, after "surrogacy" and before the semi-colon ";" delete "contracts"

11 AMENDMENT NO. 3

12 On page 1, at the beginning of line 12, change "a pre-embryo transfer order" to "an order
 13 preceding embryo transfer"

14 AMENDMENT NO. 4

15 On page 2, line 1, after "gestational" and before "on" change "carrier" to "mother"

16 AMENDMENT NO. 5

17 On page 2, line 3, after "finality;" and before "and" insert "to prohibit certain acts relative
 18 to a gestational surrogacy contract occurring on or after the effective date; to provide for data
 19 collection;"

20 AMENDMENT NO. 6

21 On page 2, between lines 14 and 15, insert the following:

22 "(1) "Compensation" means a payment of money, objects, services,
 23 or anything else having monetary value. Compensation shall not include
 24 reimbursement of actual expenses, as provided for in R.S. 9:2720.5(B)(3), to
 25 the gestational mother or payment for goods or services incurred by the
 26 intended parents as a result of the pregnancy and that would not have been
 27 incurred but for the pregnancy."

28 AMENDMENT NO. 7

29 On page 2, at the beginning of line 15, change "(1)" to "(2)"

30 AMENDMENT NO. 8

31 On page 2, at the beginning of line 16, change "(2)" to "(3)"

32 AMENDMENT NO. 9

33 On page 2, at the beginning of line 20, change "(3)" to "(4)"

1 AMENDMENT NO. 10

2 On page 2, line 21, after "child" delete the remainder of the line and insert "born as a result
3 of in utero transfer of a human embryo who has no genetic contribution from the gestational
4 mother."

5 AMENDMENT NO. 11

6 On page 2, delete lines 22 and 23 in their entirety

7 AMENDMENT NO. 12

8 On page 2, at the beginning of line 24, change "(4)" to "(5)", change "Gestational carrier" to
9 "Gestational mother"

10 AMENDMENT NO. 13

11 On page 2, at the beginning of line 26, change "(5)" to "(6)"

12 AMENDMENT NO. 14

13 On page 3, at the beginning of line 1, change "(6)" to "(7)", and after "means" and before
14 "who" change "married persons" to "a man and a woman who are married to each other in
15 accordance with Louisiana law"

16 AMENDMENT NO. 15

17 On page 3, at the beginning of line 2, delete "to be used in assisted reproduction."

18 AMENDMENT NO. 16

19 On page 3, line 3, after "gestational" and before "pursuant" change "carrier" to "mother"

20 AMENDMENT NO. 17

21 On page 3, line 17, after "Part." delete the remainder of the line and insert the following:

22 "an agreement to be known as a gestational surrogacy contract is
23 enforceable only if it is in writing and signed by the gestational mother, her
24 spouse if she is married, and both of the intended parents."

25 AMENDMENT NO. 18

26 On page 3, delete lines 18 and 19 in their entirety

27 AMENDMENT NO. 19

28 On page 3, line 21, after "transfer." delete the remainder of the line and insert the following:

29 "and is in accordance with all of the requirements of this Part.
30 C. No person shall enter into a gestational surrogacy contract for
31 compensation as defined in R.S. 9:2718 or that is not in compliance with all
32 of the requirements of this Part. Any such contract executed in the state of
33 Louisiana or any other state shall be absolutely null and unenforceable in the
34 state of Louisiana as contrary to public policy.
35 D. No person shall enter into a gestational surrogacy contract that
36 requires the gestational mother to consent to terminate a pregnancy resulting
37 from in utero embryo transfer for any reason, including a prenatal diagnosis
38 of an actual or potential disability, impairment, genetic variation, or any

1 other health condition or a discrimination based on gender, or for the
 2 purposes of the reduction of multiple fetuses. Any such provision in a
 3 contract executed in the state of Louisiana or any other state shall be
 4 absolutely null and unenforceable in the state of Louisiana as contrary to
 5 public policy."

6 AMENDMENT NO. 20

7 On page 3, line 23, after "gestational" and before "shall" change "carrier" to "mother"

8 AMENDMENT NO. 21

9 On page 3, at the end of line 25, delete the period "." and insert a comma "," and "and no
 10 older than thirty-five years of age."

11 AMENDMENT NO. 22

12 On page 3, the end of line 28, change "carrier" to "mother"

13 AMENDMENT NO. 23

14 On page 4, line 3, after "Agree to" and before "reasonable" delete "submit to"

15 AMENDMENT NO. 24

16 On page 4, line 7, after "that" and before "she" insert "prior to executing the gestational
 17 surrogacy contract"

18 AMENDMENT NO. 25

19 On page 4, line 11, after "(4)" change "Agree" to "Certify", and after "married," and before
 20 "relinquish" change "to" to "that she will"

21 AMENDMENT NO. 26

22 On page 4, line 14, after "shall" and before the colon ":" insert "be a man and woman who
 23 are married to each other in accordance with Louisiana law and shall certify in writing that
 24 they"

25 AMENDMENT NO. 27

26 On page 4, line 15, after "gestational" and before "has" change "carrier" to "mother"

27 AMENDMENT NO. 28

28 On page 4, line 22, after "The" delete the remainder of the line and insert "gestational
 29 surrogacy contract shall include a preliminary estimate of anticipated"

30 AMENDMENT NO. 29

31 On page 4, at the beginning of line 26, change "carrier" to "mother"

32 AMENDMENT NO. 30

33 On page 4, line 28, after "gestational" and before "reside" change "carrier" to "mother"

34 AMENDMENT NO. 31

35 On page 5, line 3, after "and" and before "the" insert "each of"

1 AMENDMENT NO. 32

2 On page 5, line 5, after "gestational" and before the comma "," change "carrier" to "mother"

3 AMENDMENT NO. 33

4 On page 5, line 10, after "endocrinology." delete the remainder of the line and insert the
5 following:

6 "who has medically treated the intended mother over a period of time such
7 that the physician is competent to reach medical conclusions about the
8 intended mother's medical condition and submits a signed affidavit certifying
9 that in utero embryo transfer with a gestational mother is medically necessary
10 to assist in reproduction.

11 (5) For purposes of this Section, "medically necessary" means that
12 the intended mother has been diagnosed to be infertile, or to have a physical
13 condition such that a pregnancy would create serious risk of death or
14 substantial and irreversible impairment of a major bodily function beyond the
15 risk customary to pregnancy and child birth."

16 AMENDMENT NO. 34

17 On page 5, delete line 11 in its entirety

18 AMENDMENT NO. 35

19 On page 5, line 16, after "gestational" and before "and" change "carrier" to "mother"

20 AMENDMENT NO. 36

21 On page 5, line 21, after "gestational" and before "and" change "carrier" to "mother"

22 AMENDMENT NO. 37

23 On page 5, line 28, after "gestational" and before "and" change "carrier" to "mother"

24 AMENDMENT NO. 38

25 On page 6, line 3, after "gestational" and before "and" change "carrier" to "mother"

26 AMENDMENT NO. 39

27 On page 6, delete line 13 in its entirety and insert "§2720.5. Order Preceding Embryo
28 Transfer"

29 AMENDMENT NO. 40

30 On page 6, line 16, after "the" and before the comma "," change "Pre-Embryo Transfer
31 Order" to "Order Preceding Embryo Transfer"

32 AMENDMENT NO. 41

33 On page 6, line 20, after "a" and before "upon" change "Pre-Embryo Transfer Order" to
34 "Order Preceding Embryo Transfer"

35 AMENDMENT NO. 42

36 On page 6, line 24, after "child" and before the period "." insert "or the gestational mother"

1 AMENDMENT NO. 43

2 On page 6, line 28, after "gestational" and before "will" change "carrier" to "mother"

3 AMENDMENT NO. 44

4 On page 7, line 1, after "(a)" and before "medical" change "Reasonable" to "Actual"

5 AMENDMENT NO. 45

6 On page 7, line 3, after "gestational" and before "for" change "carrier" to "mother"

7 AMENDMENT NO. 46

8 On page 7, line 5, after "(b)" and before "expenses" change "Reasonable" to "Actual"

9 AMENDMENT NO. 47

10 On page 7, line 6, after "gestational" and before "prior" change "carrier" to "mother"

11 AMENDMENT NO. 48

12 On page 7, line 7, after "(c)" delete the remainder of the line and insert the following:

13 "Actual lost wages of the gestational mother, not covered under a disability
14 insurance policy, when bed rest has been prescribed for the gestational
15 mother for some maternal or fetal complication of pregnancy and the
16 gestational mother, who is employed, is unable to work during the prescribed
17 period of bed rest."

18 AMENDMENT NO. 49

19 On page 7, delete line 8 in its entirety

20 AMENDMENT NO. 50

21 On page 7, line 9, after "(d)" and before "travel" change "Reasonable" to "Actual"

22 AMENDMENT NO. 51

23 On page 7, at the end of line 10, change "carrier." to "mother."

24 AMENDMENT NO. 52

25 On page 7, between lines 10 and 11, insert the following:

26 "(e) Payment of a judicially sanctioned settlement or judgment
27 rendered in favor of the gestational mother or her heirs as a result of her
28 death, loss of reproductive organs or capability, or any other health
29 complication caused by the in utero embryo transfer, pregnancy or resulting
30 childbirth, miscarriage, or termination of pregnancy."

31 AMENDMENT NO. 53

32 On page 7, line 14, after "the" and before "shall" change "Pre-Embryo Transfer Order" to
33 "Order Preceding Embryo Transfer"

1 AMENDMENT NO. 54

2 On page 8, line 7, after "gestational" and before "or" change "carrier" to "mother"

3 AMENDMENT NO. 55

4 On page 8, at the end of line 10, delete "Pre-" and insert "Order Preceding Embryo Transfer"

5 AMENDMENT NO. 56

6 On page 8, delete line 11 in its entirety

7 AMENDMENT NO. 57

8 On page 8, line 12, after "gestational" and before "nor" change "carrier" to "mother"

9 AMENDMENT NO. 58

10 On page 8, line 16, after "gestational" and before the comma "," change "carrier" to "mother"
11 and after "terminate" and before "gestational" change "a" to "an enforceable"

12 AMENDMENT NO. 59

13 On page 8, line 17, after "valid" and before "except" change "Pre-Embryo Transfer Order"
14 to "Order Preceding Embryo Transfer"

15 AMENDMENT NO. 60

16 On page 9, at the beginning of line 1, change "the Pre-Embryo Transfer Order" to "the Order
17 Preceding Embryo Transfer"

18 AMENDMENT NO. 61

19 On page 9, line 8, after "a" and before the comma "," change "Pre-Embryo Transfer Order"
20 to "Order Preceding Embryo Transfer"

21 AMENDMENT NO. 62

22 On page 9, line 9, after "gestational" and before "does" change "carrier" to "mother"

23 AMENDMENT NO. 63

24 On page 9, line 13, after "gestational" and before "within" change "carrier" to "mother"

25 AMENDMENT NO. 64

26 On page 9, line 15, after "gestational" and before the comma "," change "carrier" to "mother"

27 AMENDMENT NO. 65

28 On page 9, line 20, after "gestational" and before the comma "," change "carrier" to "mother"

29 AMENDMENT NO. 66

30 On page 9, line 23, after "gestational" and before "within" change "carrier" to "mother"

31 AMENDMENT NO. 67

32 On page 10, at the beginning of line 12, change "carrier" to "gestational mother"

1 AMENDMENT NO. 68

2 On page 12, delete line 1 in its entirety and insert the following:

3 "Section 3. R.S. 14:286(D) is hereby amended and reenacted and R.S. 14:286(E) is
4 hereby enacted to read as follows:

5 §286. Sale of minor children; penalties

6 * * *

7 D.(1) It shall be unlawful for any person to enter into, induce,
8 arrange, procure, knowingly advertise for, or otherwise assist in a gestational
9 surrogacy contract, whether written or unwritten, that is not in compliance
10 with the requirements provided for in R.S. 9:2718, et seq.

11 (2) No person acting on behalf of the parties to a gestational
12 surrogacy contract shall make or agree to make any disbursements in
13 connection with the gestational surrogacy contract other than the following:

14 (a) Payment of actual medical expenses, including hospital, testing,
15 nursing, midwifery, pharmaceutical, travel, or other similar expenses,
16 incurred by the gestational mother for prenatal care and those medical and
17 hospital expenses incurred incident to birth.

18 (b) Payment of actual expenses incurred for mental health counseling
19 services provided to the gestational mother prior to the birth and up to six
20 months after birth.

21 (c) Payment of actual lost wages of the gestational mother, not
22 covered under a disability insurance policy, when bed rest has been
23 prescribed for the gestational mother for some maternal or fetal complication
24 of pregnancy and the gestational mother, who is employed, is unable to work
25 during the prescribed period of bed rest.

26 (d) Payment of actual travel costs related to the pregnancy and
27 delivery, court costs, and attorney fees incurred by the gestational mother.

28 D.E. A person convicted of violating any of the provisions of this
29 Section shall be punished by a fine not to exceed fifty thousand dollars or
30 imprisonment with or without hard labor for not more than ten years, or both.

31 Section 4. Part VII of Chapter 2 of Title 40 of the Louisiana Revised Statutes of
32 1950, to be comprised of R.S. 40:93 through 97, is hereby enacted to read as follows:

33 PART VII. GESTATIONAL SURROGACY DATA COLLECTION

34 §93. Gestational surrogacy data collection; purpose

35 The purpose of this Part shall be the compilation of relevant maternal
36 life and health factors and data concerning gestational surrogacy to the extent
37 that it is authorized by law.

38 §94. Forms for collection of data

39 The state registrar shall prescribe forms for the collection of
40 information and statistics with respect to enforceable gestational surrogacy
41 contracts. Such forms shall require but not be limited to the following
42 information:

43 (1) The age, marital status, and state and parish of domicile of the
44 gestational mother.

45 (2) The parish in which the in utero embryo transfer took place.

46 (3) The full name and address of the physician or physicians
47 performing or attending to the following phases of the gestational surrogacy:

48 (a) In utero embryo transfer.

49 (b) Prenatal and postnatal care.

50 (c) Birth.

51 (d) Miscarriage.

52 (e) Induced abortion.

53 (4) The age, marital status, and state and parish of domicile of the
54 intended mother and father.

55 (5) The medical reason necessitating the gestational surrogacy.

