

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 668 Session of
1995

INTRODUCED BY MARKOSEK, BUNT, BIRMELIN, McCALL, McGEEHAN,
YOUNGBLOOD, MELIO, GAMBLE, LaGROTTA, OLASZ, PRESTON, STABACK,
LAUGHLIN, COLAIZZO, TRELLO, COLAFELLA, CIVERA AND DeLUCA,
FEBRUARY 13, 1995

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 1995

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, prohibiting the enforcement of
3 contracts which purport to employ a surrogate mother for the
4 sole purpose of pregnancy and delivery of a baby.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Chapter 23 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER C

10 SURROGACY

11 Sec.

12 2331. Unenforceability of contract.

13 § 2331. Unenforceability of contract.

14 (a) General rule.--A contract purporting to employ a woman
15 to act as a surrogate mother for the sole purpose of pregnancy
16 and delivery of a baby is unenforceable. Neither relinquishment
17 of the baby nor payment of a fee for surrogacy shall be
18 enforceable in any court of this Commonwealth.

1 (b) Effect of unenforceability.--Such a contract is null and
2 void ab initio.

3 (c) Parenthood.--A woman who consents to carry and deliver a
4 baby for another is the legal mother of that baby. If she is
5 married, her husband shall be deemed to be the legal father of
6 that baby. If she is not married, the sperm donor shall be
7 deemed to be the legal father of that baby. For the legal
8 parents to relinquish legal custody of that baby, they shall be
9 required to terminate parental rights in accordance with 23
10 Pa.C.S. Part III (relating to adoption).

11 (d) Social services investigation.--In the course of any
12 adoption proceeding which arises from a surrogacy birth, a full
13 investigation of all parties terminating legal custody and of
14 all parties seeking legal custody shall occur, and the
15 investigator shall make a report of this investigation to the
16 court that presides over adoption proceedings. The report shall
17 include, but not be limited to, a recommendation of court
18 action.

19 Section 2. This act shall take effect in 60 days.