

SENATE, No. 1058

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Revises certain definitions in “Gestational Carrier Agreement Act.”

CURRENT VERSION OF TEXT

As introduced.



S1058 VITALE

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1 AN ACT concerning gestational carrier agreements and amending
2 P.L.2018, c.18.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 3 of P.L.2018, c.18 (C.9:17-62) is amended to read
8 as follows:

9 3. Definitions.

10 As used in this act:

11 "Advanced practice nurse" means a person certified in
12 accordance with the provisions of section 8 or 9 of P.L.1991, c.377
13 (C.45:11-47 or 45:11-48).

14 "Assisted reproductive technology" means procreative laboratory
15 procedures involving human eggs or pre-embryos, including, but
16 not limited to: in vitro fertilization; embryo transfer; gamete
17 transfer; pronuclear stage transfer; and zygote transfer.

18 "Attorney" means a person licensed to practice law in New
19 Jersey or another state or the District of Columbia.

20 "Certified nurse midwife" means a midwife licensed by the State
21 Board of Medical Examiners as a certified nurse midwife pursuant
22 to the provisions of P.L.1991, c.97 (C.45:10-17 et al.).

23 "Donor" means a person who contributes gametes for use in
24 assisted reproduction. The term does not include an intended parent
25 who contributes gametes to be used in assisted reproduction
26 pursuant to a valid gestational carrier agreement.

27 "Fertilization" means the initial union of the sperm and the egg.

28 "Gamete" means sperm or egg.

29 "Gestational carrier" means a woman 21 years of age or older
30 who agrees to become pregnant for an intended parent by assisted
31 reproductive technology without the use of her own egg.

32 "Gestational carrier agreement" means the written contract
33 between the gestational carrier and the intended parent, pursuant to
34 which the intended parent agrees to become the legal parent of a
35 child created through assisted reproductive technology and carried
36 by the gestational carrier.

37 "Implantation" means when the fertilized egg adheres to the
38 gestational carrier's uterine wall.

39 "Intended parent" means a person who enters into a gestational
40 carrier agreement with a gestational carrier pursuant to section 6 of
41 P.L.2018, c.18 (C.9:17-65), pursuant to which the person shall be
42 the legal parent of the resulting child. The term shall include
43 persons who are single, married, partners in a civil union or
44 domestic partnership, and couples who are not married or in a civil
45 union or domestic partnership. Any reference to an intended parent

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall include both spouses or partners in a civil union or domestic
2 partnership. This term shall include the intended mother, the
3 intended father, the intended mother and intended father, the
4 intended mother and intended mother, or the intended father and
5 intended father.

6 "In vitro fertilization" means all medical and laboratory
7 procedures that are required to effectuate the formation of a human
8 embryo outside the human body.

9 "Medical evaluation" means an evaluation and consultation by a
10 physician, a physician assistant, a certified nurse midwife, or an
11 advanced practice nurse.

12 "Order of parentage" means a judgment determining parentage
13 pursuant to the provisions of a gestational carrier agreement that
14 satisfies P.L.2018, c.18 (C.9:17-60 et al.).

15 "Physician" means a person licensed to practice medicine in New
16 Jersey pursuant to R.S.45:9-1 et seq. or licensed to practice in any
17 one of the United States or its territories, or the District of
18 Columbia.

19 "Physician assistant" means a health professional who meets the
20 qualifications under P.L.1991, c.378 (C.45:9-27.10 et seq.) and
21 holds a current, valid license issued pursuant to section 4 of
22 P.L.1991, c.378 (C.45:9-27.13).

23 "Pre-embryo" is a fertilized egg prior to 14 days of development.

24 "Pre-embryo transfer" means all medical and laboratory
25 procedures that are necessary to effectuate the transfer of a pre-
26 embryo into the uterine cavity.

27 "Psychological evaluation" means an evaluation and consultation
28 by a clinical social worker, **【psychotherapist】** psychologist, or
29 psychiatrist licensed by the State of New Jersey or licensed to
30 practice in any one of the United States or its territories, or the
31 District of Columbia.

32 "Reasonable expenses" means medical, hospital, counseling or
33 other similar expenses incurred in connection with the gestational
34 carrier agreement, reasonable attorney fees and costs for legal
35 services in connection with the gestational carrier agreement, and
36 the reasonable living expenses of the gestational carrier during her
37 pregnancy including payments for reasonable food, clothing,
38 medical expenses, shelter, and religious, psychological, vocational,
39 or similar counseling services during the period of the pregnancy
40 and during the period of postpartum recovery. These payments may
41 be made directly to the gestational carrier or on the gestational
42 carrier's behalf to the supplier of the goods or services pursuant to
43 the gestational carrier agreement.

44 (cf: P.L.2018, c.18, s.3)

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46 2. This act shall take effect immediately.

S1058 VITALE

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STATEMENT

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This bill amends the definition of “psychological evaluation” in section 3 of P.L.2081, c.18 (C.9:17-62) of the “Gestational Carrier Agreement Act” to replace a reference to “psychotherapist” with “psychologist.”