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.



An Act concerning gestational carrier agreements and amending P.L.2018, c.18.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

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

3. Definitions.

As used in this act:

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

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

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

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

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

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

"Gamete" means sperm or egg.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This act shall take effect immediately.

STATEMENT

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.”