LEGISLATIVE COMMITTEE MINUTES

SB264

Bill as Introduced

SB 264-FN - AS INTRODUCED

2023 SESSION

23-0973
06/05

SENATE BILL ***264-FN***

AN ACT relative to parentage.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Prentiss, Dist 5; Sen. Chandley, Dist 11; Rep. Simpson, Rock. 33; Rep. Grote, Rock. 24

COMMITTEE: Judiciary

ANALYSIS

This bill changes the name of the surrogacy chapter to "parentage."

This bill makes several technical changes to the surrogacy chapter.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0973
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to parentage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Surrogacy. Amend the chapter title before RSA 168-B:1 to read as follows:

CHAPTER 168-B

~~[SURROGACY]~~ ***PARENTAGE***

2 Parentage; Definitions. Amend RSA 168-B:1 to read as follows:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the introduction of semen into a [~~women's~~] vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] ***gametes.***

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to [~~the~~] ***a gamete donor, an embryo donor, or a*** gestational carrier ***or on their behalf.***

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a [~~woman~~] ***person*** who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom [~~she is not genetically related~~] ***such gestational carrier made no genetic contribution,*** by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, [~~her~~] ***their*** spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes ***or embryo*** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person, ***married or unmarried,*** who intends to become a parent of any child that results from a gestational carrier agreement. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person ***or telehealth*** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out [~~his or her~~] ***their*** obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

3 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, I - III to read as follows:

I. A person is the parent of a child to whom [~~she has~~] ***they have*** given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction ***with***

intent to parent the resulting child or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction ***with the intent to parent the resulting child.***

III. A donor is not a parent of a child conceived through assisted reproduction. ***A donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction. Such a petition may be brought in the court in the county where the donor resides, where the intended parent or parents reside, where the donation took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to any pregnancy.***

4 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, VII(a) to read as follows:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with ***consent to the assisted reproduction and*** the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

5 Parentage; Legitimacy. Amend RSA 168-B:3 to read as follows:

168-B:3 Legitimacy. If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent. ***In the absence of specific language to the contrary in a statute or instrument, a legitimated child shall be considered the same as a birth child, issue, or heir of the body for all purposes of the law.***

6 Parentage; Compliance. Amend RSA 168-B:4 to read as follows:

168-B:4 [~~Effect of Noncompliance~~] ***Substantial Compliance.*** [~~Noncompliance~~] ***Substantial compliance*** with the requirements of this chapter [~~shall not affect the determination of parenthood~~] ***is sufficient to allow for a determination of parentage*** under this chapter.

7 Parentage; Parental Status of a Gestational Carrier and Their Spouse or Partner, If any. Amend RSA 168-B:5 to read as follows:

168-B:5 Parental Status of a Gestational Carrier and [~~Her~~] ***Their*** Spouse or Partner, If Any. Neither a gestational carrier nor [~~her~~] ***their*** spouse or partner, if any, shall be a parent of a child conceived as a result of assisted reproduction and a gestational carrier arrangement.

8 Parentage; Rights and Responsibilities of Intended Parent. Amend RSA 168-B:8 to read as follows:

168-B:8 Rights and Responsibilities of Intended Parent. An intended parent of any child resulting from assisted reproduction and a gestational carrier arrangement shall meet each of the following requirements prior to any medical procedures to impregnate the gestational carrier:

I. [~~He, she, or they~~] ***They*** have completed a mental health consultation.

II. [~~He, she, or they~~] ***They*** have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

9 Parentage; Eligibility of a Gestational Carrier. Amend RSA 168-B:9 to read as follows:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. [~~She is~~] ***They are*** at least 21 years of age.

II. [~~She has given~~] ***They gave*** birth to at least one child.

III. [~~She has~~] ***They*** completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. [~~She has~~] ***They*** completed a mental health consultation.

V. [~~She, and her~~] ***They, and their*** spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

10 Parentage; Enforceability of Gestational Carrier Agreement. Amend RSA 168-B:10 to read as follows:

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that ***substantially*** conforms to these requirements is a legal contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement ***substantially*** meets the minimum requirements under RSA 168-B:11.

11 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, III to read as follows:

III. All parties shall be represented by legal counsel regarding the gestational carrier agreement and the gestational carrier and [~~her~~] ***their*** spouse or partner, if any, shall have legal counsel that is separate and independent from the legal counsel for the intended parents.

12 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, IV(e) to read as follows:

(e) [~~The express written agreement of all parties as to how~~]***Acknowledgment by the gestational carrier, and their spouse or partner, if any, that***, if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and ***a court of competent jurisdiction determines that*** such a breach causes harm to the resulting child, the gestational carrier [~~will cover her potential liability~~] ***may be held financially responsible*** for such harm, pursuant to RSA 168-B:18.

13 Parentage Orders. Amend RSA 168-B:12, I and II to read as follows:

168-B:12 Parentage Orders.

I. Any of the parties to a gestational carrier agreement may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the court in the county where the gestational carrier resides, where the intended parent or parents reside, ***where the transfer of embryos takes place, where at least one of the required legal or mental health consultations took place,*** or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

II. Upon the request of any party, such parentage order shall direct that the certificate of birth name the intended parent or parents as the sole parent or parents of the resulting child and that such a certificate of birth shall not name the gestational carrier or [~~her~~] ***their*** spouse or partner, if any, as the parent or parents of the resulting child.

14 Parentage; Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. Amend RSA 168-B:13 to read as follows:

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage, [~~or~~] partnership, ***separation, or divorce*** of [~~a gestational carrier after she executes a~~] ***any party to a*** gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement[~~, and her spouse or partner shall not be a parent of the resulting child~~].

15 Parentage; Intestate and Testate Succession. Amend the introductory paragraph RSA 168-B:14 to read as follows:

168-B:14 Intestate and Testate Succession. Subject to the provisions of RSA 168-B:15, a child shall be considered a child only of [~~his or her~~] ***their*** parent or parents and the parent or parents shall be considered the parent or parents of the child, as determined for the purposes of:

16 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

168-B:18 Remedies.

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of [~~her~~] ***their*** obligations imposed by this chapter.

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

[~~VI~~] ***VII.*** If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

17 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0973
1/11/23

SB 264-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to parental surrogacy.

FISCAL IMPACT: **[X] State** **[ ] County** **[ ] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill creates a new type of claim that may be brought in court by a donor to affirm that they are not the parent of a child conceived via assisted reproduction. The Judicial Branch assumes this will result in an increase in the number of Superior Court cases, but is unable to predict how many additional cases will be filed. The bill also modifies existing statute regarding the confidentiality of proceedings brought under RSA 168-B:12, by establishing that court papers containing medical evaluations of mental health consultations shall only be accessible to the person or persons subject to the report. The Judicial Branch assumes this will have a minor, but indeterminable, impact on administrative costs. The Branch assumes that none of the other changes contained in the bill will have a fiscal impact.

AGENCIES CONTACTED:

Judicial Branch

LBA
23-0973
Revised 1/30/23

SB 264-FN FISCAL NOTE
AS INTRODUCED

AN ACT relative to parentage.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill changes the name of the surrogacy chapter from "Surrogacy" to "Parentage" and makes several technical changes to the chapter. The Judicial Branch indicates the amendment to RSA 168-B:2, III would create a new type of claim that may be brought in court by a donor to affirm that they are not the parent of a child conceived via assisted reproduction. The Branch assumes this will result in an increase in the number of superior court cases but is unable to predict how many additional cases will be filed. The Branch assumes none of the other changes contained in the bill will have a fiscal impact.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch

SB 264-FN - AS AMENDED BY THE SENATE

03/30/2023 1262s

2023 SESSION

23-0973
06/05

SENATE BILL ***264-FN***

AN ACT relative to parentage.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Prentiss, Dist 5; Sen. Chandley, Dist 11; Rep. Simpson, Rock. 33; Rep. Grote, Rock. 24

COMMITTEE: Judiciary

ANALYSIS

This bill changes the name of the surrogacy chapter to "parentage."

This bill makes several technical changes to the surrogacy chapter.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to parentage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Surrogacy. Amend the chapter title preceding RSA 168-B:1 to read as follows:

CHAPTER 168-B

[~~SURROGACY~~] ***PARENTAGE***

2 Parentage; Definitions. Amend RSA 168-B:1 to read as follows:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the introduction of semen into a [~~women's~~] ***woman's*** vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] ***gametes.***

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to [~~the~~] ***a gamete donor, an embryo donor, or a*** gestational carrier ***or on their behalf.***

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a woman who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom [~~she is not genetically related~~] ***such gestational carrier made no genetic contribution***, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, her spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes ***or embryo*** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person***, married or unmarried,*** who intends to become a parent of any child that results from an [~~gestational carrier agreement~~] ***assisted reproduction***. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person ***or telehealth*** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out [~~his or her~~] ***their*** obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

3 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, I - III to read as follows:

I. A person is the parent of a child to whom she has given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction ***with intent to parent the resulting child*** or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction ***with the intent to parent the resulting child.***

III. A donor is not a parent of a child conceived through assisted reproduction. ***A donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction. Such a petition may be brought in the court in the county where the donor resides, where the intended parent or parents reside, where the donation took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to any pregnancy.***

4 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, VII(a) to read as follows:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with ***consent to the assisted reproduction and*** the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

5 Parentage; Legitimacy. Amend RSA 168-B:3 to read as follows:

168-B:3 Legitimacy. If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent. ***In the absence of specific language to the contrary in a statute or instrument, a legitimated child shall be considered the same as a birth child, issue, or heir of the body for all purposes of the law.***

6 Parentage; Compliance. Amend RSA 168-B:4 to read as follows:

168-B:4 [~~Effect of Noncompliance~~] ***Substantial Compliance.*** [~~Noncompliance~~] ***Substantial compliance*** with the requirements of this chapter [~~shall not affect the determination of parenthood~~] ***is sufficient to allow for a determination of parentage*** under this chapter.

7 Parentage; Eligibility of a Gestational Carrier. Amend RSA 168-B:9 to read as follows:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. She is at least 21 years of age.

II. She has given birth to at least one child.

III. She has completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. She has completed a mental health consultation.

V. She, and her spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

8 Parentage; Enforceability of Gestational Carrier Agreement. Amend RSA 168-B:10 to read as follows:

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that ***substantially*** conforms to these requirements is a legal contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement ***substantially*** meets the minimum requirements under RSA 168-B:11.

9 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, IV(e) to read as follows:

(e) [~~The express written agreement of all parties as to how~~] ***Acknowledgment by the gestational carrier, and her spouse or partner, if any, that,*** if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and ***a court of competent jurisdiction determines that*** such a breach causes harm to the resulting child, the gestational carrier [~~will cover her potential liability~~] ***may be held financially responsible*** for such harm, pursuant to RSA 168-B:18.

10 Parentage Orders. Amend RSA 168-B:12, I to read as follows:

I. Any of the parties to a gestational carrier agreement may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the court in the county where the gestational carrier resides, where the intended parent or parents reside, ***where the transfer of embryos takes place, where at least***

one of the required legal or mental health consultations took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

11 Parentage; Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. Amend RSA 168-B:13 to read as follows:

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage, [~~or~~] partnership, ***separation, or divorce*** of [~~a gestational carrier after she executes a~~] ***any party to a*** gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement[~~, and her spouse or partner shall not be a parent of the resulting child~~].

12 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of her obligations imposed by this chapter.

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

[~~VI~~] ***VII.*** If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

VIII. Nothing in this chapter is intended to abrogate any rights of the resulting child to pursue any legally authorized action.

13 Rulemaking. Amend RSA 168-B:20 to read as follows:

168-B:20 Rulemaking. The department of health and human services [~~shall~~] ***may*** adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. [~~Until such time as the~~

~~department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).~~]

14 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0973
Revised 1/30/23

SB 264-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to parentage.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill changes the name of the surrogacy chapter from "Surrogacy" to "Parentage" and makes several technical changes to the chapter. The Judicial Branch indicates the amendment to RSA 168-B:2, III would create a new type of claim that may be brought in court by a donor to affirm that they are not the parent of a child conceived via assisted reproduction. The Branch assumes this will result in an increase in the number of superior court cases but is unable to predict how many additional cases will be filed. The Branch assumes none of the other changes contained in the bill will have a fiscal impact.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch

03/30/2023 1262s

2023 SESSION

23-0973
06/05

SENATE BILL ***264-FN***

AN ACT relative to parentage.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Prentiss, Dist 5; Sen. Chandley, Dist 11; Rep. Simpson, Rock. 33; Rep. Grote, Rock. 24

COMMITTEE: Judiciary

ANALYSIS

This bill changes the name of the surrogacy chapter to "parentage."

This bill makes several technical changes to the surrogacy chapter.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to parentage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Surrogacy. Amend the chapter title preceding RSA 168-B:1 to read as follows:

CHAPTER 168-B

[~~SURROGACY~~] ***PARENTAGE***

2 Parentage; Definitions. Amend RSA 168-B:1 to read as follows:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the introduction of semen into a [~~women's~~] ***woman's*** vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] ***gametes***.

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to [~~the~~] ***a gamete donor, an embryo donor, or a*** gestational carrier ***or on their behalf***.

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a woman who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom [~~she is not genetically related~~] ***such gestational carrier made no genetic contribution***, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, her spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes ***or embryo*** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person***, married or unmarried,*** who intends to become a parent of any child that results from an [~~gestational carrier agreement~~] ***assisted reproduction***. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person ***or telehealth*** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out [~~his or her~~] ***their*** obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

3 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, I - III to read as follows:

I. A person is the parent of a child to whom she has given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction ***with intent to parent the resulting child*** or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction ***with the intent to parent the resulting child.***

III. A donor is not a parent of a child conceived through assisted reproduction. ***A donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction. Such a petition may be brought in the court in the county where the donor resides, where the intended parent or parents reside, where the donation took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to any pregnancy.***

4 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, VII(a) to read as follows:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with ***consent to the assisted reproduction and*** the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

5 Parentage; Legitimacy. Amend RSA 168-B:3 to read as follows:

168-B:3 Legitimacy. If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent. ***In the absence of specific language to the contrary in a statute or instrument, a legitimated child shall be considered the same as a birth child, issue, or heir of the body for all purposes of the law.***

6 Parentage; Compliance. Amend RSA 168-B:4 to read as follows:

168-B:4 [~~Effect of Noncompliance~~] ***Substantial Compliance.*** [~~Noncompliance~~] ***Substantial compliance*** with the requirements of this chapter [~~shall not affect the determination of parenthood~~] ***is sufficient to allow for a determination of parentage*** under this chapter.

7 Parentage; Eligibility of a Gestational Carrier. Amend RSA 168-B:9 to read as follows:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. She is at least 21 years of age.

II. She has given birth to at least one child.

III. She has completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. She has completed a mental health consultation.

V. She, and her spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

8 Parentage; Enforceability of Gestational Carrier Agreement. Amend RSA 168-B:10 to read as follows:

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that ***substantially*** conforms to these requirements is a legal contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement ***substantially*** meets the minimum requirements under RSA 168-B:11.

9 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, IV(e) to read as follows:

(e) [~~The express written agreement of all parties as to how~~] ***Acknowledgment by the gestational carrier, and her spouse or partner, if any, that,*** if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and ***a court of competent jurisdiction determines that*** such a breach causes harm to the resulting child, the gestational carrier [~~will cover her potential liability~~] ***may be held financially responsible*** for such harm, pursuant to RSA 168-B:18.

10 Parentage Orders. Amend RSA 168-B:12, I to read as follows:

I. Any of the parties to a gestational carrier agreement may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the court in the county where the gestational carrier resides, where the intended parent or parents reside, ***where the transfer of embryos takes place, where at least***

one of the required legal or mental health consultations took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

11 Parentage; Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. Amend RSA 168-B:13 to read as follows:

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage, [~~or~~] partnership, ***separation, or divorce*** of [~~a gestational carrier after she executes a~~] ***any party to a*** gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement[~~, and her spouse or partner shall not be a parent of the resulting child~~].

12 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of her obligations imposed by this chapter.

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

[~~VI~~] ***VII.*** If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

VIII. Nothing in this chapter is intended to abrogate any rights of the resulting child to pursue any legally authorized action.

13 Rulemaking. Amend RSA 168-B:20 to read as follows:

168-B:20 Rulemaking. The department of health and human services [~~shall~~] ***may*** adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. [~~Until such time as the~~

~~department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).~~]

14 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0973
Revised 1/30/23

SB 264-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to parentage.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill changes the name of the surrogacy chapter from "Surrogacy" to "Parentage" and makes several technical changes to the chapter. The Judicial Branch indicates the amendment to RSA 168-B:2, III would create a new type of claim that may be brought in court by a donor to affirm that they are not the parent of a child conceived via assisted reproduction. The Branch assumes this will result in an increase in the number of superior court cases but is unable to predict how many additional cases will be filed. The Branch assumes none of the other changes contained in the bill will have a fiscal impact.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch

CHAPTER 105
SB 264-FN - FINAL VERSION

03/30/2023 1262s

2023 SESSION

23-0973
06/05

SENATE BILL ***264-FN***

AN ACT relative to parentage.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Prentiss, Dist 5; Sen. Chandley, Dist 11; Rep. Simpson, Rock. 33; Rep. Grote, Rock. 24

COMMITTEE: Judiciary

ANALYSIS

This bill changes the name of the surrogacy chapter to "parentage."

This bill makes several technical changes to the surrogacy chapter.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 105
SB 264-FN - FINAL VERSION

03/30/2023 1262s

23-0973
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to parentage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

105:1 Surrogacy. Amend the chapter title preceding RSA 168-B:1 to read as follows:

CHAPTER 168-B

[~~SURROGACY~~] ***PARENTAGE***

105:2 Parentage; Definitions. Amend RSA 168-B:1 to read as follows:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the introduction of semen into a [~~women's~~] ***woman's*** vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] ***gametes***.

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to [~~the~~] ***a gamete donor, an embryo donor, or a*** gestational carrier ***or on their behalf.***

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a woman who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom [~~she is not genetically related~~] ***such gestational carrier made no genetic contribution***, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, her spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes ***or embryo*** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person***, married or unmarried,*** who intends to become a parent of any child that results from an [~~gestational carrier agreement~~] ***assisted reproduction***. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person ***or telehealth*** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out [~~his or her~~] ***their*** obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

105:3 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, I - III to read as follows:

I. A person is the parent of a child to whom she has given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction ***with intent to parent the resulting child*** or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction ***with the intent to parent the resulting child.***

III. A donor is not a parent of a child conceived through assisted reproduction. ***A donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction. Such a petition may be brought in the court in the county where the donor resides, where the intended parent or parents reside, where the donation took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to any pregnancy.***

105:4 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, VII(a) to read as follows:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with ***consent to the assisted reproduction and*** the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

105:5 Parentage; Legitimacy. Amend RSA 168-B:3 to read as follows:

168-B:3 Legitimacy. If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent. ***In the absence of specific language to the contrary in a statute or instrument, a legitimated child shall be considered the same as a birth child, issue, or heir of the body for all purposes of the law.***

105:6 Parentage; Compliance. Amend RSA 168-B:4 to read as follows:

168-B:4 [~~Effect of Noncompliance~~] ***Substantial Compliance.*** [~~Noncompliance~~] ***Substantial compliance*** with the requirements of this chapter [~~shall not affect the determination of parenthood~~] ***is sufficient to allow for a determination of parentage*** under this chapter.

105:7 Parentage; Eligibility of a Gestational Carrier. Amend RSA 168-B:9 to read as follows:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. She is at least 21 years of age.

II. She has given birth to at least one child.

III. She has completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. She has completed a mental health consultation.

V. She, and her spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

105:8 Parentage; Enforceability of Gestational Carrier Agreement. Amend RSA 168-B:10 to read as follows:

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that ***substantially*** conforms to these requirements is a legal contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement ***substantially*** meets the minimum requirements under RSA 168-B:11.

105:9 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, IV(e) to read as follows:

(e) [~~The express written agreement of all parties as to how~~] ***Acknowledgment by the gestational carrier, and her spouse or partner, if any, that***, if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and ***a court of competent jurisdiction determines that*** such a breach causes harm to the resulting child, the gestational carrier [~~will cover her potential liability~~] ***may be held financially responsible*** for such harm, pursuant to RSA 168-B:18.

105:10 Parentage Orders. Amend RSA 168-B:12, I to read as follows:

I. Any of the parties to a gestational carrier agreement may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the court in the county where the gestational carrier resides, where the intended parent or parents reside, ***where the transfer of embryos takes place, where at least***

one of the required legal or mental health consultations took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

105:11 Parentage; Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. Amend RSA 168-B:13 to read as follows:

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage, [~~or~~] partnership, ***separation, or divorce*** of [~~a gestational carrier after she executes a~~] ***any party to a*** gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement[~~, and her spouse or partner shall not be a parent of the resulting child~~].

105:12 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of her obligations imposed by this chapter.

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

[~~VI~~] ***VII.*** If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

VIII. Nothing in this chapter is intended to abrogate any rights of the resulting child to pursue any legally authorized action.

105:13 Rulemaking. Amend RSA 168-B:20 to read as follows:

168-B:20 Rulemaking. The department of health and human services [~~shall~~] ***may*** adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. [~~Until such time as the~~

~~department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).~~]

105:14 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 20, 2023
Effective Date: August 19, 2023

Amendments

Sen. Perkins Kwoka, Dist 21
January 30, 2023
2023-0184s
06/07

Amendment to SB 264

Amend the bill by inserting after section 16 the following and renumbering the original section 17 to read as 18:

17 Repeal. RSA 168-B:20, relative to the rulemaking for surrogacy, is repealed.

STANDARD AMENDMENT

2023-0184s

AMENDED ANALYSIS

This bill changes the name of the surrogacy chapter to "parentage", makes several technical changes to this chapter, and removes the department of health and human services' rulemaking authority under this chapter.

UNAPPROVED

Sen. Perkins Kwoka, Dist 21
February 16, 2023
2023-0591s
06/05

Amendment to SB 264-FN

Amend RSA 168-B:1 as inserted by section 1 of the bill by replacing it with the following:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the ***intravaginal, intracervical, or intrauterine*** introduction of semen [~~into a women's vagina, cervical canal, or uterus~~] through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] ***gametes***.

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to [~~the~~] ***a gamete donor, an embryo donor, or a*** gestational carrier ***or on their behalf***.

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a [~~woman~~] ***person*** who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom [~~she is not genetically related~~] ***such gestational carrier made no genetic contribution***, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, [~~her~~] ***their*** spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

UNAPPROVED

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes ***or embryo*** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person, ***married or unmarried,*** who intends to become a parent of any child that results from [~~a gestational carrier agreement~~] ***assisted reproduction***. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person ***or telehealth*** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out [~~his or her~~] ***their*** obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

Amend RSA 168-B:8 as inserted by section 8 of the bill by replacing it with the following:

168-B:8 Rights and Responsibilities of Intended Parent. An intended parent of any child resulting from assisted reproduction and a gestational carrier arrangement shall meet each of the following requirements prior to any medical procedures to impregnate the gestational carrier:

I. [~~He, she, or they~~] ***The intended parent or parents*** have completed a mental health consultation.

UNAPPROVED

II. [~~He, she, or they~~] ***The intended parent or parents*** have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

Amend RSA 168-B:9 as inserted by section 9 of the bill by replacing it with the following:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. [~~She is~~] ***The gestational carrier is*** at least 21 years of age.

II. [~~She has given~~] ***The gestational carrier has given*** birth to at least one child.

III. [~~She has~~] ***The gestational carrier*** completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. [~~She has~~] ***The gestational carrier*** completed a mental health consultation.

V. [~~She, and her~~] ***The gestational carrier and their*** spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

Amend RSA 168-B:11, IV(e) as inserted by section 12 of the bill by replacing it with the following:

(e) [~~The express written agreement of all parties as to how~~] ***Acknowledgment by the gestational carrier, and their spouse or partner, if any, that***, if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and ***a court of competent jurisdiction determines that*** such a breach causes harm to the resulting child, the gestational carrier [~~will cover her potential liability~~] ***may be held financially responsible*** for such harm, pursuant to RSA 168-B:18.

Amend the bill by replacing all after section 15 with the following:

16 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

168-B:18 Remedies.

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of [~~her~~] ***their*** obligations imposed by this chapter.

AMENDED
ADOPTED
CONSENT

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

[~~VI~~] ***VII.*** If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

VIII. Nothing in this chapter is intended to abrogate any rights of the resulting child to pursue any legally authorized action.

17 Rulemaking. Amend RSA 168-B:20 to read as follows:

168-B:20 Rulemaking. The department of health and human services [~~shall~~] ***may*** adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. [~~Until such time as the department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).~~]

18 Vital Records Administration; Definitions. Amend RSA 5-C:1, XXV to read as follows:

XXV. "Natural father" means the biological [~~father~~] ***or legal parent*** of a child ***other than the birth mother***.

19 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

Sen. Perkins Kwoka, Dist 21
Sen. Carson, Dist 14
March 30, 2023
2023-1262s
06/08

Floor Amendment to SB 264-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Surrogacy. Amend the chapter title preceding RSA 168-B:1 to read as follows:

CHAPTER 168-B

[~~SURROGACY~~] ***PARENTAGE***

2 Parentage; Definitions. Amend RSA 168-B:1 to read as follows:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the introduction of semen into a [~~women's~~] ***woman's*** vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] ***gametes.***

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to [~~the~~] ***a gamete donor, an embryo donor, or a*** gestational carrier ***or on their behalf.***

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a woman who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom [~~she is not genetically related~~] ***such***

gestational carrier made no genetic contribution, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, her spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes ***or embryo*** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person***, married or unmarried,*** who intends to become a parent of any child that results from an [~~gestational carrier agreement~~] ***assisted reproduction.*** This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person ***or telehealth*** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out [~~his or her~~] ***their*** obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

3 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, I - III to read as follows:

I. A person is the parent of a child to whom she has given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction ***with intent to parent the resulting child*** or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction ***with the intent to parent the resulting child.***

III. A donor is not a parent of a child conceived through assisted reproduction. ***A donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction. Such a petition may be brought in the court in the county where the donor resides, where the intended parent or parents reside, where the donation took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to any pregnancy.***

4 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, VII(a) to read as follows:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with ***consent to the assisted reproduction and*** the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

5 Parentage; Legitimacy. Amend RSA 168-B:3 to read as follows:

168-B:3 Legitimacy. If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent. ***In the absence of specific language to the contrary in a statute or instrument, a legitimated child shall be considered the same as a birth child, issue, or heir of the body for all purposes of the law.***

6 Parentage; Compliance. Amend RSA 168-B:4 to read as follows:

168-B:4 [~~Effect of Noncompliance~~] ***Substantial Compliance.*** [~~Noncompliance~~] ***Substantial compliance*** with the requirements of this chapter [~~shall not affect the determination of parenthood~~] ***is sufficient to allow for a determination of parentage*** under this chapter.

7 Parentage; Eligibility of a Gestational Carrier. Amend RSA 168-B:9 to read as follows:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. She is at least 21 years of age.

II. She has given birth to at least one child.

III. She has completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. She has completed a mental health consultation.

V. She, and her spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

8 Parentage; Enforceability of Gestational Carrier Agreement. Amend RSA 168-B:10 to read as follows:

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that ***substantially*** conforms to these requirements is a legal contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement ***substantially*** meets the minimum requirements under RSA 168-B:11.

9 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, IV(e) to read as follows:

(e) [~~The express written agreement of all parties as to how~~] ***Acknowledgment by the gestational carrier, and her spouse or partner, if any, that,*** if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and ***a court of competent jurisdiction determines that*** such a breach causes harm to the resulting child, the gestational carrier [~~will cover her potential liability~~] ***may be held financially responsible*** for such harm, pursuant to RSA 168-B:18.

10 Parentage Orders. Amend RSA 168-B:12, I to read as follows:

I. Any of the parties to a gestational carrier agreement may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child

resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the court in the county where the gestational carrier resides, where the intended parent or parents reside, ***where the transfer of embryos takes place, where at least one of the required legal or mental health consultations took place,*** or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

11 Parentage; Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. Amend RSA 168-B:13 to read as follows:

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage, [~~or~~] partnership, ***separation, or divorce*** of [~~a gestational carrier after she executes a~~] ***any party to a*** gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement[~~, and her spouse or partner shall not be a parent of the resulting child~~].

12 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of her obligations imposed by this chapter.

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

[~~VI~~] ***VII.*** If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

*VIII. **Nothing in this chapter is intended to abrogate any rights of the resulting child to pursue any legally authorized action.***

13 Rulemaking. Amend RSA 168-B:20 to read as follows:

168-B:20 Rulemaking. The department of health and human services [~~shall~~] ***may*** adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. [~~Until such time as the department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).~~]

14 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Daryl Abbas, Member
Sen Rebecca Whitley, Member
Sen Shannon Chandley, Member

Date: January 26, 2023

HEARINGS

Wednesday	02/01/2023
(Day)	(Date)

Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**SB 244-FN**	relative to false public alarms.
1:15 p.m.	**SB 248-FN**	relative to bail for a defendant.
1:30 p.m.	**SB 249-FN**	relative to the release of a defendant pending trial.
1:45 p.m.	**SB 252-FN**	relative to release of a defendant pending trial.
2:00 p.m.	**SB 254-FN**	relative to community-based sentencing alternatives for primary caregivers.
2:15 p.m.	**SB 264-FN**	relative to parentage.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 244-FN

Sen. Altschiller	Sen. Perkins Kwoka	Sen. Rosenwald	Sen. Soucy
Sen. Chandley	Sen. Whitley	Sen. Fenton	Sen. Watters
Sen. Prentiss	Rep. M. Paige		

SB 248-FN

Sen. Abbas	Sen. Gannon	Rep. Lynn	Rep. Roy
Rep. Rhodes			

SB 249-FN

Sen. Abbas	Sen. Birdsell	Sen. Carson	Rep. Roy
Rep. Rhodes	Rep. Lynn		

SB 252-FN

Sen. Soucy	Sen. D'Allesandro	Rep. Proulx	Rep. Goley
Rep. Heath	Rep. Long		

SB 254-FN

Sen. Perkins Kwoka	Sen. Watters	Sen. Whitley	Sen. Fenton
Sen. Rosenwald	Rep. Selig	Rep. Meuse	Rep. Read

SB 264-FN

Sen. Perkins Kwoka	Sen. Soucy	Sen. Rosenwald	Sen. Fenton
Sen. Altschiller	Sen. Watters	Sen. Whitley	Sen. Prentiss
Sen. Chandley	Rep. Simpson	Rep. Grote	

Matthew Schelzi 271-3266

Sharon M. Carson
Chairman

Senate Judiciary Committee

Matthew Schelzi 271-3266

SB 264-FN, relative to parentage.

Hearing Date: February 1, 2023

Time Opened: 3:53 p.m. **Time Closed:** 4:43 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent : None

Bill Analysis: This bill changes the name of the surrogacy chapter to "parentage."

This bill makes several technical changes to the surrogacy chapter.

Sponsors:

Sen. Perkins Kwoka	Sen. Soucy	Sen. Rosenwald
Sen. Fenton	Sen. Altschiller	Sen. Watters
Sen. Whitley	Sen. Prentiss	Sen. Chandley
Rep. Simpson	Rep. Grote	

Who supports the bill: Chris Erchull (GLAD), Senator Perkins Kwoka (District 21), Catherine Tucker (Resolve New England), Senator Rosenwald (District 13), Senator Soucy (District 18), Judy Miller, Susan Richman, Meg Gilman, Jason Arrow, Hayden Smith, Kathleen Lord, Senator Watters (District 4), Kent Hackmann, Mary Till, Laurie A. McCray, Mary Alice Schatzle, Christine Hanisco, James Shanley, Katherine Remesch, Susan Bartlett, Glendowlyn Howard, Chuck Grassie, Lisa Grant, Jennifer Macia, Senator Altschiller (District 24), Jordan Budd (COLAGE), and Kate LeBlanc (Resolve New England).

Who opposes the bill: Julie Smith.

Who is neutral on the bill: Ashley Meenaghan.

Summary of testimony presented in support:

Senator Perkins Kwoka introduced SB 264-FN. She noted that parentage is a dream for many, and this bill will allow parents to use a simple affidavit to confirm their parental rights, instead of needing to go through a court hearing. This bill will open a more efficient route to adopted and surrogate families. This bill also cleans up statutes for lawyers that are practicing in this field. She would like to make one

change on page 2 line 12, to replace gestational carrier agreement to assisted reproduction. She stated the fiscal note is related to an earlier version but said there shouldn't be any fiscal impact for this bill and hoped that this bill will save costs.

Senator Gannon said words are very important. He noted how the bill crosses out the word woman and replaces it with gestational carrier. He said it bothers women in his district, and noted it's a woman's right to carry a baby as these are female reproductive terms. He asked what the intent of the bill is, as he finds the word changes problematic.

Sen. Perkins Kwoka said it is her intent to change the language to be inclusive. She wanted to make sure that people can live their lives as their true selves.

Sen. Gannon said men can't have babies; only women can have babies.

Sen. Perkins Kwoka said the change in the language is because there are people who identify as not being male or female.

Sen. Gannon said it is basic biology, and asked why the language is being changed.

Sen. Perkins Kwoka said they are changing the language to be inclusive.

Senator Abbas said page 3 lines 3-9 say, "a donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction." Sen. Abbas said it appears to create a procedure to file a petition of non-paternity and asked if it is available in existing law.

Sen. Perkins Kwoka said she believed those lines are supposed to reflect existing procedures and that it's important to protect donor's rights.

Senator Whitley asked if this is consistent with what other states have done, to make families not have to jump through hoops.

Sen. Perkins Kwoka said she believed so and noted New Hampshire has been very accommodating to the procedures so she wants to reflect what the judicial system is doing to the laws. Sen. Perkins Kwoka said there are forms that don't apply, are outdated, and don't use the correct terminology so she believed it's common sense.

Sen. Whitley asked if this clarification would save families in legal expenses.

Sen. Perkins Kwoka said she believed so and wants the judicial system to be accessible for everyone.

Senator Carson said, on page 5 line 8, it speaks to a breach of the agreement, and on line 11, "such a breach causes harm to the resulting child, the gestational carrier may be held financially responsible for such harm." Sen. Carson said the language isn't strong enough for her; if a carrier has been found to breach their contract. She noted the phrase, "may be held financial responsible," could be open to various interpretations.

Sen. Perkins Kwoka said there are practitioners who can answer that.

Sen. Carson said there needs to be a definition of what a partnership is, and it needs to be laid out for everyone involved, so when they legally hand the child off to the parents everyone knows what their roles are.

Sen. Perkins Kwoka stated she understood the comment.

Catherine Tucker stated she practices law in Loudon. She said this proposed law works well in circuit courts. She noted her law practice helps exclusively with assisted reproduction. She said there are lots of different families that are formed through assisted reproduction, however she said not everyone in New Hampshire is protected under the law. She said there were substantial changes to RSA 168-B in 2014. However, times have changed and she said there are tweaks needed to this law. She stated the removal of the word woman from the statute will not change the meaning of a vagina, cervical canal, or uterus, and doesn't believe there will be repercussions for it. She said this law regarding surrogacy has been around since the 1990s and it's always covered all types of parentage. She said now the title surrogacy causes problems and would like it updated to have an accurate title to the statute.

She stated the current surrogacy laws cover the donation of eggs and sperm but would like to change the language of eggs to gametes. She said the statute would clarify that donors as well as gestational carriers can be compensated. She said there's a problem with the definition of gestational carrier because it means they can't carry for a biological relative which is a mistake that this statute seeks to clean up. She said on page 2 line 14 to change the words gestational carrier agreement to assisted reproduction, the way it is used in current statute refers to assisted reproduction not just gestational carrier agreements. Similarly, she said for gestational carrier arrangements she would like to add in embryos to the statute. She would like to make it clear that expecting parents can be married or unmarried. She said for the mental health consultation statute, she would like to open it up to telehealth services. She said non surrogacy parentage orders were added to the law in 2021, but there are slightly different standards for parentage versus assisted reproduction so page 2 roman II creates the same legal standard. Ms. Tucker said New Hampshire is very progressive on donor laws, however when a New Hampshire donor donates in another state there isn't always a statute where they can be off the hook for child support. She said she doesn't see it very often, but those donors need to be protected.

Sen. Carson asked who controls the parentage of a child. She asked if both partners are protected.

Ms. Tucker said if a wife and husband make an embryo, the parentage belongs to them so long as they want to become the parents. She said sometimes people have more embryos they can use, and if they want to donate the embryos, they have control up until they want to make the legal donation. However, she noted sometimes parental status doesn't go along with the legal donation from one couple to another. She said they want the parents who want parentage over a child to have it.

Sen. Carson asked what if one party says they can donate their embryos, but the other party says no.

Ms. Tucker said before the *Dobbs* decision she would have said the party that says no would win, however now she can't be sure.

Sen. Carson asked why *Dobbs,* is there an assumption that a woman wants a child. She asked who would make the decision.

Ms. Tucker said under *Roe* you had the right not to procreate, but *Dobbs* has created a grey area in the law.

Sen. Carson believed that is a completely different issue. She asked if you give your consent to donate your genetic material then isn't it apparent that you wanted that child.

Ms. Tucker said when individuals donate embryos, they may not know how many children they want. Ms. Tucker said there are a variety of reasons that may make people want to change. She said the intent when you start out may not be the same intent when you end.

Sen. Whitley asked if cleaning up the definition of parentage would encourage more people to donate embryos.

Ms. Tucker said if she can reassure clients of protection for donations that could possibly help with embryo donations. She said most women don't want to see what they went through during IVF discarded and would like their embryos used in some manner.

Ms. Tucker said there is language to protect donor conceived children for estate planning. She said throughout the bill they want substantial compliance with the statute to allow for parental status to be established. She noted a breach of contract by the gestational carrier is extremely rare, however she thinks the current law puts the cart before the horse. She said the law discusses how the carrier will pay for the liability but never discusses what the actual breach is. She said this law seeks to clean this statute up. She understood there are concerns that the language is not strong enough, but would be willing to work on it. She said a separation or divorce doesn't affect the contract but would like to make it clearer.

Sen. Carson believed there is strong language in regards to a breach of contract by the gestational carrier. She stated, on page 6 line 17, it says, "After the gestational carrier is impregnated, shall not relieve the gestational carrier of their obligations". Sen. Carson asked what happens if people are married, but they don't want the child. She noted how it already said a gestational carrier can be held financially responsible. She believed there is an imbalance between the statutes.

Ms. Tucker said the intended parents are the parents no matter what. The only exception is if the gestational carrier got pregnant with her own child. Otherwise, it is one hundred percent the parents' child.

Sen. Carson said the language in this bill is complex but is fraught with a lot of issues.

Ms. Tucker said this is a complicated process, it's hard and expensive to do, and the intended parents have to do a mental health consultation. She said she would meet with any senators to address any further questions.

Sen. Whitley asked what group she was working with to come up with this legislation.

Ms. Tucker said primarily attorneys, Senator Perkins Kwoka, and GLAD.

Sen. Whitley asked if she meant attorneys in this area.

Ms. Tucker said yes.

Sen. Abbas asked about page 4 lines 13-26 and noted how the pronoun "they" is used. He said the most common use of they is to mean two or more people. He asked if there would be concern that members of the public would not understand the use of the pronoun "they" in the statute.

Ms. Tucker said the word "they" was put in by the Office of Legislative Services and was not in the original draft.

Sen. Abbas asked why there would be a need to use the pronoun "they" in the statute. He stated he understands the intent of what the sponsor was trying to accomplish but believed members of the public could become confused.

Ms. Tucker said it is important to have gender neutral language in statute. She said changing the language doesn't change the effect of the law.

Sen. Abbas asked if it could say "she or they."

Ms. Tucker said she needed to think about that question.

Sen. Gannon said the carrier in a gestational carrier is a woman, so why can't the word woman be used in this statute.

Ms. Tucker said you can have the word woman, but it would still mean woman or man.

Sen. Gannon said woman was stricken from the language in parts of this statute.

Ms. Tucker said she hesitated to answer because she is speaking on behalf of a team.

Attorney Lehman asked about page 5 section e, relating to a breach of the provision by a gestational carrier. He noted it states they may be held financially responsible but asked who will hold the person financial responsible.

Ms. Tucker said the court will hold the carrier responsible.

Attorney Lehman said typically if there is harm caused to a child then the child has a tort claim.

Ms. Tucker said this just addresses purely the contract claim that the parent has, and the child would have a separate claim.

Attorney Lehman said a person would be the subject of a contract claim, which is not typical.

Sen. Abbas said the parents would have the contract claim and the child would have the tort claim.

Ms. Tucker said yes.

Sen. Carson said that issue may need to be taken back to the working group.

Chris Erchull, attorney at GLBTQ Legal Advocates and Defenders (GLAD), said GLAD stands behind this legislation. He said inclusive language is very important and said it is reductive to characterize the language as woke. He stated a biological woman could use the pronouns he/him. He said he isn't aware of an example of a transgender male being a gestational carrier, but said he believed that could happen in the future. He noted there is a lot of pressure to talk about language with precision. He said in the *Dobbs* decision Justice Alito said that pregnancy is not a women's issue but a pregnant person's issue. He noted those who use the pronouns they/them may feel more supported with the gestational carrier language in SB 264-FN.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

mjs
Date Hearing Report completed: February 6, 2023

Speakers

Senate Judiciary Committee
SIGN-IN SHEET

Date: Wednesday February 1st, 2023 **Time:** 2:15 p.m.

SB 264-FN AN ACT relative to parentage.

Name/Representing *(please print neatly)*

	Support	Neutral	Oppose	Speaking?	Yes	No
Chris Erchull / GLBTQ Legal Advocates & Defenders (GLAD)	☑	☐	☐		☑	☐
Sen. Rebecca Perkins Kwoka (SD 21)	☑	☐	☐		☑	☐
Catherine Tucker Resolve New England	☑	☐	☐		☑	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
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	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐

Senate Remote Testify

Judiciary Committee Testify List for Bill SB264 on 2023-02-01

Support: 24 Oppose: 1

Name	Title	Representing	Position
Smith, Julie	A Member of the Public	Myself	Oppose
Rosenwald, Cindy	An Elected Official	SD 13	Support
soucy, donna	An Elected Official	SD 18	Support
Miller, Judy	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Gilman, Meg	A Member of the Public	Myself	Support
Arrow, Jason	A Member of the Public	Myself	Support
Smith, Hayden	A Member of the Public	Myself	Support
Lord, Kathleen	A Member of the Public	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support
Till, Mary	A Member of the Public	Myself	Support
McCray, Laurie A.	A Member of the Public	Myself	Support
Schatzle, Mary Alice	A Member of the Public	Myself	Support
Hanisco, Christine	A Member of the Public	Myself	Support
Shanley, James	A Member of the Public	Myself	Support
Remesch, Katherine	A Member of the Public	Myself	Support
Meenaghan, Ashley	A Member of the Public	Myself	Neutral
BARTLETT, SUSAN	A Member of the Public	Myself	Support
Howard, Glendowlyn	A Member of the Public	Myself	Support
Grassie, Chuck	A Member of the Public	Myself	Support
Grant, Lisa	A Member of the Public	Myself	Support
Macia, Jennifer	A Member of the Public	Myself	Support
Altschiller, Senator Debra	An Elected Official	Myself	Support
Budd, Jordan	A Member of the Public	COLAGE	Support
LeBlanc, Kate	A Member of the Public	Resolve New England	Support

Testimony

GLAD LEGAL ADVOCATES & DEFENDERS

Statement by Chris Erchull,
Staff Attorney, GLBTQ Legal Advocates & Defenders (GLAD),
before the Senate Judiciary Committee,
in Support of Senate Bill 264,
An Act Relative to Parentage

Honorable Chairperson Carson and Members of the Committee:

Thank you for taking the time to consider my statement in support of Senate Bill 264, An Act Relative to Parentage. This practical and straightforward legislation will close gaps in New Hampshire's outdated so-called "Surrogacy" law.

As an attorney with GLBTQ Legal Advocates & Defenders (GLAD), New England's leading legal rights organization dedicated to ensuring equality for LGBTQ people and people living with HIV, I can attest to the need for statutes that are responsive to the various ways that same-gender couples form families and that protect all children regardless of the circumstances of their birth.

Senate Bill 264 accomplishes several common-sense goals to clarify New Hampshire parentage law. First, by replacing the word "egg" with "gamete," the law ensures greater protection for children born through egg *and* sperm donation. The bill also uses updated language to better reflect the varied families who depend on this law. Senate Bill 264 also provides a mechanism for gamete donors to obtain a court order clarifying that they are not legal parents of a child. Such an order may be important for gamete donors who seek additional confirmation of their legal status. These straightforward updates will provide added clarity and protection for people using assisted reproduction to build their families and greater security for New Hampshire children.

February 1, 2023

Submitted by:

Chris Erchull

Chris Erchull
NH Bar #266733
Staff Attorney
GLBTQ Legal Advocates & Defenders
cerchull@glad.org
617-426-1350

Matthew Schelzi

From: Kate Weldon LeBlanc <kwleblanc@resolvenewengland.org>
Sent: Wednesday, February 1, 2023 4:01 PM
To: Sharon Carson; William Gannon; Shannon Chandley; Becky Whitley; Daryl Abbas; Matthew Schelzi
Cc: Rebecca Perkins Kwoka
Subject: Support letter for SB 264

Caution! This message was sent from outside your organization.

Dear Chair Carson, Vice Chair Gannon, and members of the Senate Judiciary committee,

I am the Executive Director of Resolve New England (RNE), which is a non-profit organization that provides support, education and advocacy for people who are struggling to achieve their dream of parenthood. RNE proudly serves all six New England states. I am writing to express our organization's support for SB 264, *An Act relative to parentage*. This legislation makes minor but important technical changes that will improve the law in New Hampshire. These include renaming the statute as "parentage", which is a more accurate term since this section includes but is not limited to surrogacy. Parentage is the legal parent-child relationship, which provides vital protections for families. Some of the other updates are needed because the current version of the law is almost ten years old, including provisions that do not reflect practices that have permanently changed as a result of the COVID pandemic. For example, many mental health providers now generally offer their services only through telehealth so the law needs to align with that change regarding the screening of surrogacy patients. Finally, SB 264 will make the language of the law gender neutral. These technical changes will be very helpful to the families we serve, including couples with infertility and LGBTQ couples trying to grow families.

We are grateful to Senator Perkins Kwoka for filing this bill and to the committee for your consideration. Please reach out if RNE can be helpful.
Sincerely,
Kate Weldon LeBlanc
--

Kate Weldon LeBlanc
Executive Director, Resolve New England
She/Her/Hers| 617-686-8465 | Kwleblanc@resolvenewengland.org
www.resolvenewengland.org
395 Totten Pond Road, Suite 203, Waltham, MA 02451

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Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # SB 264

Hearing date: 2/1/23

Executive Session date: 3/7/23

Motion of: Re-refer **Vote:** 3-2

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☑	☐	☑	☐
Sen. Abbas	☐	☑	☑	☐
Sen. Whitley	☐	☐	☐	☑
Sen. Chandley	☐	☐	☐	☑

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair	☐	☐	☐	☐
Sen. Gannon, V-Chair	☐	☐	☐	☐
Sen. Abbas	☐	☐	☐	☐
Sen. Whitley	☐	☐	☐	☐
Sen. Chandley	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair	☐	☐	☐	☐
Sen. Gannon, V-Chair	☐	☐	☐	☐
Sen. Abbas	☐	☐	☐	☐
Sen. Whitley	☐	☐	☐	☐
Sen. Chandley	☐	☐	☐	☐

Reported out by: Sen. Gannon

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, March 8, 2023

THE COMMITTEE ON Judiciary

to which was referred **SB 264-FN**

AN ACT relative to parentage.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 3-2

Senator Bill Gannon
For the Committee

Matthew Schelzi 271-3266

JUDICIARY

SB 264-FN, relative to parentage.
Re-refer to Committee, Vote 3-2.
Senator Bill Gannon for the committee.

General Court of New Hampshire - Bill Status System

Docket of SB264

Docket Abbreviations

Bill Title: relative to parentage.

Official Docket of **SB264.**:

Date	Body	Description
1/25/2023	S	**Introduced** 01/19/2023 and Referred to Judiciary; **SJ 5**
1/26/2023	S	**Hearing:** 02/01/2023, Room 100, SH, 02:15 pm; **SC 8**
3/8/2023	S	Committee Report: Rereferred to Committee, 03/16/2023; **SC 13**
3/16/2023	S	Special Order to 03/30/2023, Without Objection, MA; 03/16/2023 **SJ 10**
3/16/2023	S	Committee Report: Rereferred to Committee, 03/30/2023; **SC 15**
3/30/2023	S	Rereferred to Committee, MF, VV; 03/30/2023; **SJ 12**
3/30/2023	S	Sen. Perkins Kwoka Moved Ought to Pass; 03/30/2023; **SJ 12**
3/30/2023	S	Sen. Perkins Kwoka Floor Amendment **#2023-1262s**, AA, VV; 03/30/2023; **SJ 12**
3/30/2023	S	**Ought to Pass with Amendment** 2023-1262s, MA, VV; OT3rdg; 03/30/2023; **SJ 12**
4/7/2023	H	Introduced (in recess of) 04/06/2023 and referred to Judiciary
4/11/2023	H	Public Hearing: 04/19/2023 01:00 pm LOB 206-208
4/11/2023	H	Executive Session: 05/03/2023 09:00 am LOB 206-208
5/10/2023	H	Committee Report: Ought to Pass 05/03/2023 **(Vote 20-0; CC)**
5/18/2023	H	**Ought to Pass**: MA VV 05/18/2023 **HJ 14** P. 8
6/13/2023	H	Enrolled (in recess of) 06/08/2023 **HJ 15**
6/13/2023	S	Enrolled Adopted, VV, (In recess 06/08/2023); **SJ 19**
6/21/2023	S	Signed by the Governor on 06/20/2023; Chapter 0105; Effective 08/19/2023

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB264-FN **Senate Committee:** JUD

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 0184s ___ - amendment #_____
X - amendment # 0591s ___ - amendment #_____
X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # 1262s ___ - amendment #_____
___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house
X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Matthew Schehzi 8-29-23
Committee Aide **Date**

Senate Clerk's Office AK