

MAINE STATE LEGISLATURE

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Date: 3-23-16

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “**A**” to S.P. 594, L.D. 1532, Bill, “An Act To Clarify Financial Responsibility in Gestational Carrier Agreements”

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Parentage Act goes into effect July 1, 2016, and clarification of the financial responsibility in gestational carrier agreements should be made when the Maine Parentage Act takes effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 19-A MRSA §1939 is enacted to read:

§1939. Liability for payment of gestational carrier health care costs

1. Liability for health care costs. The intended parent or parents are liable for the health care costs of the gestational carrier that are not paid by her health insurance. As used in this section, "health care costs" means the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

2. Agreement. A gestational carrier agreement must explicitly detail how the health care costs of the gestational carrier are paid. The breach of a gestational carrier agreement by a party to the agreement does not relieve the intended parent or parents of the liability for health care costs imposed by subsection 1.

3. Effect on insurance coverage. This section is not intended to supplant any health insurance coverage that is otherwise available to the gestational carrier or an intended

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1 parent for the coverage of health care costs. This section does not change the health
2 insurance coverage of the gestational carrier or the responsibility of the insurance
3 company to pay benefits under a policy that covers a gestational carrier.'

4 Amend the bill by adding before the summary the following:

5 **'Emergency clause.** In view of the emergency cited in the preamble, this
6 legislation takes effect July 1, 2016.'

7 **SUMMARY**

8 This amendment replaces section 2 of the bill to provide that the intended parent or
9 parents are liable for the health care costs of a gestational carrier that are not paid by the
10 gestational carrier's health insurance. "Health care costs" is defined to mean the expenses
11 of all health care provided for assisted reproduction, prenatal care, labor and delivery.

12 This amendment requires the gestational carrier agreement to provide how the health
13 care costs of the gestational carrier are to be paid. It specifically provides that the
14 agreement is not intended to alter any available health insurance coverage.

15 This amendment adds an emergency preamble and emergency clause so that the
16 legislation takes effect on July 1, 2016, the date the Maine Parentage Act goes into effect.