



Sen. John G. Mulroe

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09900HB3898sam002

LRB099 09535 HEP 48660 a

1 AMENDMENT TO HOUSE BILL 3898

2 AMENDMENT NO. _____. Amend House Bill 3898, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 111, by inserting immediately below line 17 the
5 following:

6 "(750 ILCS 46/710 new)

7 Sec. 710. Applicability. This Article applies only to
8 assisted reproductive arrangements or gestational surrogacy
9 contracts entered into after the effective date of this
10 amendatory Act of the 99th General Assembly.

11 Section 12. The Gestational Surrogacy Act is amended by
12 changing Sections 20 and 70 as follows:

13 (750 ILCS 47/20)

14 Sec. 20. Eligibility.

15 (a) A gestational surrogate shall be deemed to have

1 satisfied the requirements of this Act if she has met the
2 following requirements at the time the gestational surrogacy
3 contract is executed:

4 (1) she is at least 21 years of age;

5 (2) she has given birth to at least one child;

6 (3) she has completed a medical evaluation;

7 (4) she has completed a mental health evaluation;

8 (5) she has undergone legal consultation with
9 independent legal counsel regarding the terms of the
10 gestational surrogacy contract and the potential legal
11 consequences of the gestational surrogacy; and

12 (6) she has obtained a health insurance policy that
13 covers major medical treatments and hospitalization and
14 the health insurance policy has a term that extends
15 throughout the duration of the expected pregnancy and for 8
16 weeks after the birth of the child; provided, however, that
17 the policy may be procured by the intended parents on
18 behalf of the gestational surrogate pursuant to the
19 gestational surrogacy contract.

20 (b) The intended parent or parents shall be deemed to have
21 satisfied the requirements of this Act if he, she, or they have
22 met the following requirements at the time the gestational
23 surrogacy contract is executed:

24 (1) he, she, or they contribute at least one of the
25 gametes resulting in a pre-embryo that the gestational
26 surrogate will attempt to carry to term;

1 (2) he, she, or they have a medical need for the
2 gestational surrogacy as evidenced by a qualified
3 physician's affidavit attached to the gestational
4 surrogacy contract and as required by the Illinois
5 Parentage Act of 2015 ~~1984~~;

6 (3) he, she, or they have completed a mental health
7 evaluation; and

8 (4) he, she, or they have undergone legal consultation
9 with independent legal counsel regarding the terms of the
10 gestational surrogacy contract and the potential legal
11 consequences of the gestational surrogacy.

12 (Source: P.A. 93-921, eff. 1-1-05.)

13 (750 ILCS 47/70)

14 Sec. 70. Irrevocability. No action to invalidate a
15 gestational surrogacy meeting the requirements of subsection
16 (d) of Section 15 of this Act or to challenge the rights of
17 parentage established pursuant to Section 15 of this Act and
18 the Illinois Parentage Act of 2015 ~~1984~~ shall be commenced
19 after 12 months from the date of birth of the child.

20 (Source: P.A. 93-921, eff. 1-1-05.)".