

AMENDED IN ASSEMBLY APRIL 28, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2426

Introduced by Assembly Member Bradford

February 19, 2010

An act to add Part 7 (commencing with Section 7960) to Division 12 of the Family Code, relating to surrogacy ~~practitioners~~ *facilitators*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2426, as amended, Bradford. Surrogacy ~~practitioners~~ *facilitators*.

Existing law defines “assisted reproduction” as conception by any means other than sexual intercourse, and “assisted reproduction agreement” as a written contract that includes a person who intends to be the legal parent of a child or children born through assisted reproduction and that defines the terms of the relationship between the parties to the contract.

This bill would regulate the practice of surrogacy ~~practitioners~~ *facilitators*, as defined, and would require nonattorney surrogacy ~~practitioners~~ *facilitator* to deposit client funds in an independent, bonded escrow account or a trust account maintained by an attorney, subject to specified withdrawal requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 7 (commencing with Section 7960) is added
- 2 to Division 12 of the Family Code, to read:

1 PART 7. SURROGACY-PRACTITIONERS *FACILITATORS*

2
3 7960. For purposes of this part, the following terms have the
4 following meanings:

5 (a) “Surrogacy-practitioner” *facilitator*” means a person or
6 organization that engages in either of the following activities:

7 (1) Advertising for the purpose of soliciting parties to an assisted
8 reproduction agreement or acting as an intermediary between the
9 parties to an assisted reproduction agreement.

10 (2) Charging a fee or other valuable consideration for services
11 rendered relating to an assisted reproduction agreement.

12 (b) “Nonattorney surrogacy-practitioner” *facilitator*” means a
13 surrogacy practitioner who is not an attorney in good standing
14 licensed to practice law in this state.

15 (c) “Assisted reproduction agreement” has the same meaning
16 as defined in subdivision (b) of Section 7606.

17 (d) “*Fund management agreement*” means the agreement
18 between the intended parents and the surrogacy facilitator relating
19 to the fee or other valuable consideration for services rendered
20 or that will be rendered by the surrogacy facilitator.

21 7961. (a) A nonattorney surrogacy-practitioner *facilitator* shall
22 deposit all client funds into either of the following:

23 (1) An independent, bonded escrow depository.

24 (2) A trust account maintained by an attorney.

25 (b) Client funds may be withdrawn only by agreement between
26 the surrogacy practitioner and the intended legal parent identified
27 in the assisted reproduction agreement. *disbursed by the attorney*
28 *or escrow agent as set forth in the assisted reproduction agreement*
29 *and fund management agreement.*

30 (c) *This section shall not apply to funds that are both of the*
31 *following:*

32 (1) *Not provided for in the fund management agreement.*

33 (2) *Paid directly to a medical doctor for medical services or a*
34 *psychologist for psychological services.*