

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 993

Representatives Mathews, A., Fischer

To enact section 3111.98 of the Revised Code to
establish requirements for surrogacy agreements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3111.98 of the Revised Code be
enacted to read as follows:

Sec. 3111.98. (A) As used in this section:

(1) "Assisted reproduction" means the act of causing
pregnancy through means other than sexual intercourse, including
any of the following procedures:

(a) Intrauterine or intracervical insemination;

(b) In vitro fertilization and embryo transfer;

(c) Intracytoplasmic sperm injection.

(2) "Foreign country of concern" means any foreign
government designated as a country of concern under 28 C.F.R.
202.601.

(3) "Gamete" means a cell containing a haploid complement
of DNA that has the potential to form an embryo when combined
with another gamete. Sperm and eggs are gametes.

(4) "Gestational surrogate" means an individual who is not

an intended parent and who agrees to become pregnant through 19
assisted reproduction using gametes that are not the 20
individual's own and give birth to a child for one or two 21
intended parents under a surrogacy agreement. 22

(5) "Surrogacy agreement" means an agreement between one 23
or two intended parents and an individual who is not an intended 24
parent in which the individual agrees to become a traditional 25
surrogate or gestational surrogate and provides that each 26
intended parent is a parent of a child conceived under the 27
agreement. 28

(6) "Traditional surrogate" means an individual who is not 29
an intended parent and who agrees to become pregnant through 30
assisted reproduction using the individual's own gametes and 31
give birth to a child for one or two intended parents under a 32
surrogacy agreement. 33

(B) (1) Before entering into any surrogacy arrangement, the 34
intended parent or parents and the surrogate shall execute a 35
surrogacy agreement. Both of the following shall apply to the 36
parties to the agreement: 37

(a) The surrogate is at least eighteen years of age. 38

(b) Each intended parent is at least eighteen years of 39
age. 40

(2) A surrogacy agreement shall not be executed if either 41
an intended parent or a surrogate is a citizen or resident of a 42
foreign country of concern. 43

(3) A surrogacy agreement executed in violation of this 44
section is void and unenforceable as contrary to the public 45
policy of this state. 46