



Thailand Moves to Expand Access to Altruistic Surrogacy Following Marriage Equality

Thailand is considering amendments to the Protection for Children Born through Assisted Reproductive Technologies Act B.E. 2558 (2015) to align its surrogacy framework with the country's marriage equality legislation. The proposed amendments aim to broaden access to assisted reproductive technology while maintaining Thailand's prohibition on commercial surrogacy.

The proposed reforms are intended to address inconsistencies in the existing law, which was enacted before same-sex marriage was legally recognised and contains references to "husband" and "wife". The amendments would introduce gender-neutral terminology and potentially allow legally married same-sex couples to access altruistic surrogacy under the same framework applicable to other eligible married couples.

The draft also contemplates expanding access to certain foreign married couples. However, the specific eligibility requirements, including potential nationality, residency and other conditions, have not yet been finalised. The final scope of the proposed reforms may therefore change during the legislative process.

Importantly, the proposed amendments would not legalise commercial surrogacy. Under the current framework, only altruistic surrogacy is permitted, meaning surrogate mothers cannot receive compensation beyond legally permitted expenses. Commercial surrogacy remains prohibited and may result in criminal penalties. Existing requirements governing intended parents, surrogate mothers and regulatory oversight would also remain relevant.

If enacted, the amendments could have significant implications for fertility clinics, healthcare providers, prospective parents and legal practitioners involved in assisted reproductive services. In particular, the reforms could facilitate cross-border family-building arrangements involving eligible foreign couples while maintaining safeguards against exploitation and reproductive tourism.

The proposed amendments remain at the policy development and legislative drafting stage and have not yet entered into force. Accordingly, businesses, healthcare providers and prospective intended parents should continue to comply with the existing legal framework and monitor further developments before relying on any proposed changes.