HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONVENE A TWO-YEAR WORKING GROUP TO DETERMINE THE BEST WAY TO PROTECT THE RIGHTS OF SURROGATES, GESTATIONAL CARRIERS, INTENDED PARENTS, AND CHILDREN.

WHEREAS, many people have a strong desire to be a parent despite being unable to bear a child; and

WHEREAS, surrogacy arrangements, in which a woman agrees to become pregnant, carry, and give birth to a child for another intended parent, occur in Hawaii, but the frequency and means of these agreements are unknown; and

WHEREAS, there are neither prohibitions nor protections for surrogate parents and intended parents with regard to surrogacy or gestational carrier agreements in Hawaii; and

WHEREAS, the lack of regulation in this State regarding surrogacy may create inconsistent legal results and inadequate protections among surrogates and intended parents; and

WHEREAS, the issue of surrogacy in Hawaii should be studied, and if appropriate, laws to regulate surrogacy and protect the parties to surrogacy arrangements should be enacted; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, that the Department of the Attorney General is requested to convene and lead a surrogacy working group for the purposes of considering whether the State should regulate surrogacy; and

BE IT FURTHER RESOLVED that the Department of the Attorney General is requested to seek input for the surrogacy working group from community partners, including:
(1) The Department of Health;
(2) The Department of Human Services;
(3) The Judiciary;
(4) The Hawaii State Bar Association, especially members who have handled a surrogacy matter;
(5) Advocates or representatives of surrogates;
(6) Advocates or representatives of gestational carriers;
(7) Advocates or representatives of intended parents; and
(8) Advocates or representatives of children; and

BE IT FURTHER RESOLVED that the working group is requested to consider, at a minimum:

(1) What kind of surrogacy should be allowed and regulated, if any;
(2) Whether Hawaii should enact laws modeled on those of other states or the Uniform Parentage Act;
(3) How to prevent the financial exploitation of women in surrogacy matters;
(4) The minimum requirements for a valid surrogacy agreement;
(5) What legal presumptions, if any, should apply regarding surrogacies;
(6) How legal presumptions of parenthood should apply to parents of the same sex;
(7) Whether a person with a genetic relationship to a child should be able to rebut parentage presumptions based on marriage;
What statistical information should be collected for the birth certificate, and which parents should be identified on the birth certificate of a child born via surrogacy; and

Whether the working group should coordinate its suggestions to revise Chapter 584, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that the working group shall be informal and shall meet at the discretion of the Attorney General or the Attorney General's designee; and

BE IT FURTHER RESOLVED that the working group is requested to report its progress, along with any preliminary recommendations, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2019; and

BE IT FURTHER RESOLVED that the working group submit a final report of its findings, including any proposed legislation, or a report explaining why no legislation is required, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020; and

BE IT FURTHER RESOLVED that the surrogacy working group cease to exist on June 30, 2020; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor and the Attorney General.