

# HOUSE BILL 120

D4  
HB 281/10 – HGO & JUD

1lr1221  
CF SB 71

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By: **Delegates Pena–Melnyk, Costa, Hubbard, A. Kelly, Kipke, Morhaim,  
Nathan–Pulliam, Oaks, Tarrant, and V. Turner**

Introduced and read first time: January 24, 2011

Assigned to: Health and Government Operations and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commission on Surrogate Parenting**

3 FOR the purpose of creating the Commission on Surrogate Parenting; providing for  
4 the composition, chair, and staffing of the Commission; providing that a  
5 member of the Commission may not receive compensation but may be  
6 reimbursed for certain expenses; requiring the Commission to study certain  
7 issues related to surrogate parenting; requiring the Commission to make  
8 certain recommendations, if possible; requiring the Commission to report  
9 certain findings and recommendations to the Governor and to the General  
10 Assembly; providing for the termination of this Act; and generally relating to  
11 the Commission on Surrogate Parenting.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That:

14 (a) There is a Commission on Surrogate Parenting.

15 (b) The Commission consists of the following members:

16 (1) three members of the Senate of Maryland, appointed by the  
17 President of the Senate as follows:

18 (i) one member from the Judicial Proceedings Committee;

19 (ii) one member from the Finance Committee; and

20 (iii) one member from the Education, Health, and  
21 Environmental Affairs Committee;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) three members of the House of Delegates, appointed by the  
2 Speaker of the House as follows:

3                   (i) one member from the Judiciary Committee;

4                   (ii) one member from the Health and Government Operations  
5 Committee; and

6                   (iii) one member from the Economic Matters Committee;

7           (3) the Secretary of Human Resources, or the Secretary's designee;

8           (4) the Secretary of Health and Mental Hygiene, or the Secretary's  
9 designee;

10           (5) the Attorney General, or the Attorney General's designee;

11           (6) the Maryland Insurance Commissioner, or the Commissioner's  
12 designee;

13           (7) two representatives of the Maryland State Bar Association, one of  
14 whom is a member of the Health Law Section and one of whom is a member of the  
15 Family and Juvenile Law Section, designated by the Maryland State Bar Association;

16           (8) one representative of the American Civil Liberties Union of  
17 Maryland; and

18           (9) the following members appointed by the Governor:

19                   (i) two child advocates;

20                   (ii) two individuals with expertise in the field of biomedical  
21 ethics; and

22                   (iii) two members of the public, one of whom is a bioethicist  
23 affiliated with an institution of higher education in Maryland.

24           (c) The Commission shall elect a chair from among its members.

25           (d) The Department of Health and Mental Hygiene shall provide staff for the  
26 Commission.

27           (e) A member of the Commission:

28                   (1) may not receive compensation as a member of the Commission; but

29                   (2) is entitled to reimbursement for expenses under the Standard  
30 State Travel Regulations, as provided in the State budget.

1 (f) The Commission shall:

2 (1) study the following issues related to surrogate parenting:

3 (i) the extent to which surrogate parenting is occurring in  
4 Maryland;

5 (ii) the extent to which Maryland residents are conceiving  
6 children using surrogates as donors of sperm, of eggs, or as gestational carriers;

7 (iii) the extent to which brokers of surrogate parenting are  
8 marketing their services in Maryland;

9 (iv) physical and mental health issues arising from surrogate  
10 parenting;

11 (v) any loss of legal protections related to being a child or a  
12 sibling of a child of surrogate parentage;

13 (vi) whether all methods of surrogate parentage are in the best  
14 interest of a resulting child;

15 (vii) whether State regulation of surrogate parenting is in the  
16 best interest of society; and

17 (viii) the various methods of medical technology used to facilitate  
18 surrogate parentage;

19 (2) examine cases of children born in the State or residing as minors in  
20 the State born through surrogacy and evaluate the impact of surrogacy on the  
21 children, including:

22 (i) health issues arising from the surrogate parenting;

23 (ii) social issues related to being a child or sibling of a child of  
24 surrogate parentage; and

25 (iii) any other issues the Commission determines may be  
26 relevant to evaluating the impact of surrogate parenting on children; and

27 (3) if possible, make recommendations to lessen any negative impact  
28 on children related to surrogate parenting.

29 (g) On or before December 15, 2012, the Commission shall report its findings  
30 and recommendations to the Governor and, in accordance with § 2-1246 of the State  
31 Government Article, the General Assembly.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2011. It shall remain effective for a period of 1 year and 9 months and, at the  
3 end of March 31, 2013, with no further action required by the General Assembly, this  
4 Act shall be abrogated and of no further force and effect.