

SENATE BILL 71

D4
SB 585/10 – JPR & FIN

11r0686
CF 11r1221

By: **Senators Kelley, Astle, Benson, Brochin, Conway, Currie, DeGrange, Forehand, Garagiola, Jones–Rodwell, Middleton, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, and Stone**

Introduced and read first time: January 19, 2011

Assigned to: Judicial Proceedings and Finance

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;

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.