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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3948

04/21/2016 Authored by Lesch

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to family law; establishing the Surrogacy Task Force; providing for
1.3 the study of legal issues implicated by gestational and traditional surrogacy in
1.4 Minnesota; requiring a report.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **SURROGACY TASK FORCE.**

1.7 Subdivision 1. **Membership.** (a) The Surrogacy Task Force for the study
1.8 of gestational and traditional surrogacy consists of 24 members, appointed by the
1.9 commissioner of human services except where otherwise specified, as follows:

1.10 (1) the commissioner of human services or a person designated by the commissioner
1.11 of human services;

1.12 (2) the commissioner of health or a person designated by the commissioner of health;

1.13 (3) two members of the house of representatives, one appointed by the speaker of the
1.14 house and one appointed by the minority leader;

1.15 (4) two senators appointed by the Subcommittee on Committees of the Committee
1.16 on Rules and Administration, one from the majority party and one from the minority party;

1.17 (5) one person designated by the chair of the Family Law section and one person
1.18 designated by the chair of the Children and the Law section of the Minnesota State Bar
1.19 Association;

1.20 (6) one person designated by the Minnesota County Attorney's Association;

1.21 (7) one district court judge from the second or fourth judicial district appointed by the
1.22 chief justice of the Supreme Court and one district court judge with permanent chambers
1.23 outside of the metropolitan area appointed by the chief justice of the Supreme Court;

- 2.1 (8) one person representing Minnesota fertility clinics who is a member of the
 2.2 American Society of Reproductive Medicine;
- 2.3 (9) one person representing the Minnesota Legal Services Coalition;
- 2.4 (10) one person representing Minnesota-based children's advocacy nonprofits;
- 2.5 (11) one person representing Minnesota surrogacy agencies;
- 2.6 (12) one person representing mental health professionals who is a member of the
 2.7 American Society for Reproductive Medicine mental health professionals group;
- 2.8 (13) one person representing parents' rights advocacy groups;
- 2.9 (14) one person representing RESOLVE: The National Fertility Association having
 2.10 experienced gestational or traditional surrogacy, as appointed by RESOLVE;
- 2.11 (15) one woman who has acted as a gestational or traditional surrogate, designated
 2.12 by RESOLVE;
- 2.13 (16) one woman who has acted as a gestational or traditional surrogate, designated
 2.14 by the Minnesota Family Council;
- 2.15 (17) one person representing Choice Moms organization, designated by that
 2.16 organization;
- 2.17 (18) one person representing Outfront Minnesota, designated by that organization;
- 2.18 (19) one person representing the Minnesota Family Council, designated by that
 2.19 organization; and
- 2.20 (20) one person representing the Minnesota Catholic Conference, designated by that
 2.21 organization.
- 2.22 (b) Appointing and designating authorities shall appoint and designate members by
 2.23 July 1, 2016.
- 2.24 Subd. 2. **Chair.** The commissioner of human services or the commissioner's
 2.25 designee shall serve as chair.
- 2.26 Subd. 3. **Compensation; expenses.** Notwithstanding Minnesota Statutes, section
 2.27 15.059, members of the Surrogacy Task Force shall serve without compensation or
 2.28 reimbursement of expenses.
- 2.29 Subd. 4. **Meetings.** The task force shall meet as frequently and as often as necessary
 2.30 to accomplish its purpose, but no less than quarterly. The commissioner of human services
 2.31 shall convene the first meeting by July 31, 2016.
- 2.32 Subd. 5. **Staffing.** The Department of Human Services shall provide staffing and
 2.33 technical assistance within available resources.
- 2.34 Subd. 6. **Duties; report; expiration.** The Surrogacy Task Force shall review and
 2.35 study the legal issues implicated by the practice of gestational and traditional surrogacy
 2.36 in the state of Minnesota and make recommendations to the legislature on legal issues

3.1 related to surrogacy. The Surrogacy Task Force must report its findings and make
3.2 recommendations to address legal issues implicated by surrogacy to the chairs and ranking
3.3 minority members of the legislative committees in the house of representatives and the
3.4 senate with primary jurisdiction over health and judiciary by January 15, 2017. The report
3.5 must include draft legislation to implement the recommendations of the task force. The
3.6 task force expires on submission of the report required by this subdivision or on January
3.7 16, 2017, whichever is earlier.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.