STAND. COM. REP. NO.

Honolulu, Hawaii

APR 2 1 2017 RE: H.C.R. NO. 56

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.C.R. No. 56 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONDUCT A STUDY ON SURROGACY AND GESTATIONAL CARRIER AGREEMENTS, "

begs leave to report as follows:

The purpose and intent of this measure is to:

- Request the Department of the Attorney General to conduct a study on surrogacy and gestational carrier agreements;
- (2) Specify areas for the Department to consider relating to surrogacy and gestational carrier agreements; and
- Request the Department to prepare a report that includes findings and recommendations, including any proposed legislation, and submit the report to the Legislature no later than thirty days prior to the convening of the Regular Session of 2018.

Your Committee received testimony in support of this measure from the Hawaii Association of Health Plans, Hawaii Medical Service Association, University Health Alliance, and one individual.



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Your Committee finds that surrogacy is a contractual relationship between two or more consenting adults in which a woman agrees to act as the surrogate or gestational carrier for the child of another person. While surrogacy does occur in Hawaii, it is not regulated and existing laws do not make specific reference to surrogacy or gestational carrier agreements, especially with regard to the legal custody of the child. Bv requesting the Department of the Attorney General to conduct a study on surrogacy and gestational carrier agreements, this measure will assist in addressing ambiguities that may exist regarding the issue of legal custody in such agreements.

Your Committee has amended this measure by:

- (1) Requesting that the Department of the Attorney General submit its report to the Legislature no later than twenty days, rather than thirty days, prior to the convening of the Regular Session of 2018; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 56, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 56, S.D. 1.

> Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

GILBERT S.C. KEITH-AGARAN, Chair



The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* HCR 56	Committee Referral:			Date: 4/18/17	
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)		\checkmark		· · · · · · · · · · · · · · · · · · ·	
RHOADS, Karl (VC)		~			
GABBARD, Mike					
KIM, Donna Mercado					/
THIELEN, Laura H.					
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TOTAL		4	0	0	
Recommendation: 🗌 Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes