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# HOUSE CONCURRENT 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.

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

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

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

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

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

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



1 BE IT FURTHER RESOLVED that the Department of the Attorney  
2 General is requested to seek input for the surrogacy working  
3 group from community partners, including:

- 4 (1) The Department of Health;
- 5 (2) The Department of Human Services;
- 6 (3) The Judiciary;
- 7 (4) The Hawaii State Bar Association, especially members  
8 who have handled a surrogacy matter;
- 9 (5) Advocates or representatives of surrogates;
- 10 (6) Advocates or representatives of gestational carriers;
- 11 (7) Advocates or representatives of intended parents; and
- 12 (8) Advocates or representatives of children; and

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

- 24 (1) What kind of surrogacy should be allowed and  
25 regulated, if any;
- 26 (2) Whether Hawaii should enact laws modeled on those of  
27 other states or the Uniform Parentage Act;
- 28 (3) How to prevent the financial exploitation of women in  
29 surrogacy matters;
- 30 (4) The minimum requirements for a valid surrogacy  
31 agreement;
- 32 (5) What legal presumptions, if any, should apply  
33 regarding surrogacies;
- 34 (6) How legal presumptions of parenthood should apply to  
35 parents of the same sex;
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- 1 (7) Whether a person with a genetic relationship to a
- 2 child should be able to rebut parentage presumptions
- 3 based on marriage;
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- 5 (8) What statistical information should be collected for
- 6 the birth certificate, and which parents should be
- 7 identified on the birth certificate of a child born
- 8 via surrogacy; and
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- 10 (9) Whether the working group should coordinate its
- 11 suggestions to revise Chapter 584, Hawaii Revised
- 12 Statutes; and
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14 BE IT FURTHER RESOLVED that the working group shall be  
 15 informal and shall meet at the discretion of the Attorney  
 16 General or the Attorney General's designee; and

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

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

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

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

