
HOUSE 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, that the Department of the Attorney General is
25 requested to convene and lead a surrogacy working group for the
26 purposes of considering whether the State should regulate
27 surrogacy; and
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29 BE IT FURTHER RESOLVED that the Department of the Attorney
30 General is requested to seek input for the surrogacy working
31 group from community partners, including:



- 1 (1) The Department of Health;
- 2
- 3 (2) The Department of Human Services;
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- 5 (3) The Judiciary;
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- 7 (4) The Hawaii State Bar Association, especially members
- 8 who have handled a surrogacy matter;
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- 10 (5) Advocates or representatives of surrogates;
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- 12 (6) Advocates or representatives of gestational carriers;
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- 14 (7) Advocates or representatives of intended parents; and
- 15
- 16 (8) Advocates or representatives of children; and
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18 BE IT FURTHER RESOLVED that the working group is requested
19 to consider, at a minimum:

- 20
- 21 (1) What kind of surrogacy should be allowed and
- 22 regulated, if any;
- 23
- 24 (2) Whether Hawaii should enact laws modeled on those of
- 25 other states or the Uniform Parentage Act;
- 26
- 27 (3) How to prevent the financial exploitation of women in
- 28 surrogacy matters;
- 29
- 30 (4) The minimum requirements for a valid surrogacy
- 31 agreement;
- 32
- 33 (5) What legal presumptions, if any, should apply
- 34 regarding surrogacies;
- 35
- 36 (6) How legal presumptions of parenthood should apply to
- 37 parents of the same sex;
- 38
- 39 (7) Whether a person with a genetic relationship to a
- 40 child should be able to rebut parentage presumptions
- 41 based on marriage;



1 (8) What statistical information should be collected for
2 the birth certificate, and which parents should be
3 identified on the birth certificate of a child born
4 via surrogacy; and
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6 (9) Whether the working group should coordinate its
7 suggestions to revise Chapter 584, Hawaii Revised
8 Statutes; and
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10 BE IT FURTHER RESOLVED that the working group shall be
11 informal and shall meet at the discretion of the Attorney
12 General or the Attorney General's designee; and
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14 BE IT FURTHER RESOLVED that the working group is requested
15 to report its progress, along with any preliminary
16 recommendations, to the Legislature no later than twenty days
17 prior to the convening of the Regular Session of 2019; and
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19 BE IT FURTHER RESOLVED that the working group submit a
20 final report of its findings, including any proposed
21 legislation, or a report explaining why no legislation is
22 required, to the Legislature no later than twenty days prior to
23 the convening of the Regular Session of 2020; and
24

25 BE IT FURTHER RESOLVED that the surrogacy working group
26 cease to exist on June 30, 2020; and
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28 BE IT FURTHER RESOLVED that certified copies of this
29 Resolution be transmitted to the Governor and the Attorney
30 General.

