

STAND. COM. REP. NO.

1694

Honolulu, Hawaii

APR 21 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:

- (1) 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
- (3) 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.




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. By 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



