



April 18, 2017
9:30 a.m., Room 325

To: **Senate Committee on Judiciary and Labor**
The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair

From: Beth Giesting, Hawai'i Association of Health Plans

Re: Support for HCR 56, Requesting the Department of the Attorney General to Conduct a Study on Surrogacy and Gestational Carrier Agreements

The Hawai'i Association of Health Plans (HAHP) supports HCR 56, which would result in legal analysis and advice to the Legislature on laws regulating surrogacy or gestational carrier agreements. The situation in question is of the greatest consequence since it literally concerns the creation of human life and affects the life and health of the surrogate. In addition, surrogacy arrangements may involve non-resident participants and outcomes that, by their nature, include a degree of uncertainty. It is imperative that the state formally address these complex ethical, legal, and public policy issues for the well-being of all concerned.

HAHP also believes this work needs to be done before the Legislature acts on SB 502, a bill that would require insurers to pay for in vitro fertilization for surrogates. Consumers, insurers, and medical practitioners unnecessarily risk confusion, inconsistent benefit management, and legal action in the absence of a complete and well-thought out body of state regulations.

Thank you for the opportunity to testify in support of this measure.



An Independent Licensee of the Blue Cross and Blue Shield Association

April 18, 2017

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Senate Committee on Judiciary and Labor

Re: HCR 56 - Requesting the Department of the Attorney General to Conduct a study on Surrogacy and Gestational Carrier Agreements

Dear Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of HCR 56; requesting the Department of the Attorney General to conduct a study on surrogacy and gestational carrier agreements.

As is noted in the body of HCR 56, unlike other states, Hawaii has no regulating statute for surrogacy and gestational carrying agreements, and we believe this creates a high degree of risk and uncertainty.

The Legislature is currently considering related legislation, SB502, SD2, HD1, which would, among other things, mandate health plans to cover in vitro fertilization (IVF) services for surrogates. All health plans in Hawaii, including HMSA, have expressed concern that, without clarity on the definition of a "surrogate," mandating IVF services for surrogates could lead to inconsistent application of the mandate and legal challenges.

Given this, we believe it is imperative for the Legislature to first consider establishing a statute governing surrogacy and gestational carrier agreements before considering other legislation affecting surrogates. The study contemplated in HCR 56 would be an important first step in crafting that statute.

We appreciate the opportunity to testify in support of HCR 56.

Sincerely,

Mark K. Oto
Director, Government Relations

April 17, 2017

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair

Re: HCR 56 Requesting The Department of The Attorney General to Conduct a Study on Surrogacy And Gestational Carrier Agreements

Dear Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

My name is Terri O'Connell, and I am in-house legal counsel for University Health Alliance (UHA), a Hawaii mutual benefit society.

UHA appreciates the opportunity to testify in support of HCR 56. At this time, Hawaii has no definition of a "surrogate." This resolution would have the Attorney General conduct a study on surrogacy and gestational carrier agreements, and prepare a report. The report would include the Attorney General's findings and recommendation as to Hawaii's current laws as well as any proposed legislation.

We respectfully request the Committee see fit to pass this resolution. Thank you for the opportunity to testify today.

Sincerely,



Terri O'Connell
VP, Legal

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HCR56 on Apr 18, 2017 09:30AM
Date: Saturday, April 15, 2017 6:55:27 AM

HCR56

Submitted on: 4/15/2017

Testimony for JDL on Apr 18, 2017 09:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mihoko Ito	Individual	Support	No

Comments: I personally support this resolution because it allows for the State of Hawaii to consider revising its current position on surrogacy. Currently, Hawaii law is silent on surrogacy, and women and families who have a child via a surrogate or gestational carrier must wait until after a baby is born to get an order from the court declaring them to be parents. In several other states, however, laws have been enacted that allow for intended parents to obtain a pre-birth order through a court procedure. This ensures that, when a baby is born using surrogacy, the baby is automatically deemed to be the child of the intended parents. Women and families who go through the surrogacy process have already invested a lot emotionally and financially in the journey to parenthood. This resolution is a step towards removing some of the barriers for Hawaii families in using a surrogate, and gives them some assurance as intended parents that the surrogacy process will work. Thank you for the opportunity to support this resolution.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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