

---

# 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

3  
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

8  
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

12  
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

16  
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,

21  
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  
5 (1) The Department of Health;  
6  
7 (2) The Department of Human Services;  
8  
9 (3) The Judiciary;  
10  
11 (4) The Hawaii State Bar Association, especially members  
12 who have handled a surrogacy matter;  
13  
14 (5) Advocates or representatives of surrogates;  
15  
16 (6) Advocates or representatives of gestational carriers;  
17  
18 (7) Advocates or representatives of intended parents; and  
19  
20 (8) Advocates or representatives of children; and

21  
22 BE IT FURTHER RESOLVED that the working group is requested  
23 to consider, at a minimum:

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



1 (7) Whether a person with a genetic relationship to a  
2 child should be able to rebut parentage presumptions  
3 based on marriage;  
4

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  
9

10 (9) Whether the working group should coordinate its  
11 suggestions to revise Chapter 584, Hawaii Revised  
12 Statutes; and  
13

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  
17

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  
22

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  
28

29 BE IT FURTHER RESOLVED that the surrogacy working group  
30 cease to exist on June 30, 2020; and  
31

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

