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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 437

01/29/2015 Authored by Scott, Uglem, Wills, Runbeck, Lucero and others

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

03/09/2015 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to family law; establishing a legislative surrogacy commission; providing
1.3 appointments; requiring a report.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **LEGISLATIVE SURROGACY COMMISSION.**

1.6 Subdivision 1. **Membership.** The Legislative Commission on Surrogacy shall
1.7 consist of 12 members, appointed as follows:

1.8 (1) three members of the senate appointed by the senate majority leader;
1.9 (2) three members of the senate appointed by the senate minority leader;
1.10 (3) three members of the house of representatives appointed by the speaker of the
1.11 house; and

1.12 (4) three members of the house of representatives appointed by the house of
1.13 representatives minority leader.

1.14 Appointments must be made by June 1, 2015.

1.15 Subd. 2. **Chair.** The commission shall elect a chair from among its members.

1.16 Subd. 3. **First meeting.** The ranking majority member of the commission who is
1.17 appointed by the senate majority leader shall convene the first meeting by July 1, 2015.

1.18 Subd. 4. **Compensation.** Members of the commission are compensated as provided
1.19 in Minnesota Statutes, section 3.101.

1.20 Subd. 5. **Conflict of interest.** A commission member may not participate in or
1.21 vote on a decision of the commission in which the member has either a direct or indirect
1.22 personal financial interest. While serving on the commission, a person shall avoid any
1.23 potential conflicts of interest. At the beginning of each meeting, each member must
1.24 disclose whether they have a potential conflict of interest. A witness at a public meeting

of the commission must disclose any financial conflict of interest, either past or present, pertaining to a surrogacy arrangement or a surrogacy agreement.

Subd. 6. Duties. The commission shall develop recommendations on public policy and laws regarding surrogacy. To develop the recommendations, the commission shall study, through public hearings, research, and deliberation, the public policy concerns raised by surrogacy agreements. These topics include, but are not limited to:

(1) potential health and psychological effects and benefits on women who serve as surrogates;

(2) potential health and psychological effects and benefits on children born of surrogates;

(3) business practices of the fertility industry, including attorneys, brokers, and clinics;

(4) considerations related to different forms of surrogacy;

(5) considerations related to the potential exploitation of women in surrogacy arrangements;

(6) considerations related to third-party reproductions;

(7) contract law implications in situations in which a surrogacy contract is breached;

(8) potential conflicts with statutes governing private adoption and termination of parental rights;

(9) potential for legal conflicts related to third-party reproduction, including conflicts between or amongst the surrogate mother, the intended parents, the child, insurance companies, and medical professionals;

(10) public policy determinations of other jurisdictions with regard to surrogacy; and

(11) information that should be required to be provided to a child born of a surrogate about the child's biological and gestational parents.

Subd. 7. Reporting. The commission must submit a report including its recommendations and may draft legislation to implement its recommendations to the chairs and ranking minority members of the legislative committees with primary jurisdiction over health and judiciary in the house and senate by December 15, 2015.

Subd. 8. Staffing. The Legislative Coordinating Commission shall provide staffing and administrative support to the commission.

Subd. 9. Expiration. The commission expires the day after submitting the report required under subdivision 7.

EFFECTIVE DATE. This section is effective the day following final enactment.