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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-NINTH SESSION

**H. F. No. 437**

01/29/2015 Authored by Scott, Wills, Runbeck, Lucero, Lueck 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  
03/23/2015 Adoption of Report: Amended and re-referred to the Committee on State Government Finance

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 15 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 of representatives;  
1.12 (4) three members of the house of representatives appointed by the house of  
1.13 representatives minority leader;  
1.14 (5) the commissioner of human services or the commissioner's designee;  
1.15 (6) the commissioner of health or the commissioner's designee; and  
1.16 (7) a family court referee appointed by the chief justice of the state Supreme Court.  
1.17 Appointments must be made by June 1, 2015.

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

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

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

1.23 Subd. 5. **Conflict of interest.** A commission member may not participate in or  
1.24 vote on a decision of the commission in which the member has either a direct or indirect

2.1 personal financial interest. A witness at a public meeting of the commission must disclose  
2.2 any financial conflict of interest.

2.3 Subd. 6. **Duties.** The commission shall develop recommendations on public policy  
2.4 and laws regarding surrogacy. To develop the recommendations, the commission shall  
2.5 study surrogacy through public hearings, research, and deliberation. Topics for study  
2.6 include, but are not limited to:

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

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

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

2.13 (4) considerations related to different forms of surrogacy;

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

2.16 (6) contract law implications when a surrogacy contract is breached;

2.17 (7) potential conflicts with statutes governing private adoption and termination  
2.18 of parental rights;

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

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

2.23 (10) information to be provided to a child born of a surrogate about the child's  
2.24 biological and gestational parents.

2.25 Subd. 7. **Reporting.** The commission must submit a report including its  
2.26 recommendations and may draft legislation to implement its recommendations to the chairs  
2.27 and ranking minority members of the legislative committees with primary jurisdiction  
2.28 over health and judiciary in the house and senate by December 15, 2015. On topics where  
2.29 the commission fails to reach consensus, a majority and minority report shall be issued.

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

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

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