

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 281 (Delegate Pena-Melnyk, *et al.*)
Health and Government Operations and Judiciary

Commission on Surrogate Parenting

This bill establishes the Commission on Surrogate Parenting. The commission must: (1) study the background and current practices of surrogate parenting; (2) examine cases of children who were born through surrogacy and evaluate the impact of surrogacy on the children, including any related health or social issues and any other issues the commission determines may be relevant; and (3) if possible, make recommendations to lessen any negative impact on children related to surrogate parenting. The Department of Legislative Services (DLS) must provide staff support for the commission. The commission must report its findings and recommendations to the Governor and the General Assembly on or before December 15, 2011.

The bill takes effect July 1, 2010, and terminates March 31, 2012.

Fiscal Summary

State Effect: Given the State's fiscal difficulties, agency budgets have been constrained. Thus, the requirement for DLS to staff the task force may not be absorbable within the existing budgeted resources of DLS without a redirection of priorities from other projects.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Although numerous bills relating to surrogacy have been introduced, mostly between the mid-1980s and mid-1990s, no current statutory provision specifically permits or prohibits surrogacy.

In a 2007 decision, *In re Roberto d.B.*, 399 Md. 267, the Court of Appeals held that the name of a genetically unrelated gestational host of a fetus, with whom the genetic father contracted to carry in vitro fertilized embryos to term, was not required to be listed on the birth certificate when children are born as a result. The court also noted in that case that “surrogacy contracts, that is payment of money for a child, are illegal in Maryland” under § 3–603 of the Criminal Law Article (Sale of minor) and § 5–3B–32 of the Family Law Article (prohibited payments relating to adoption).

Additional Information

Prior Introductions: None.

Cross File: SB 585 (Senator Kelley, *et al.*) - Judicial Proceedings.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2010
ncs/kdm

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