

SENATOR DELORES G. KELLEY
Legislative District 10
Baltimore County

—
Chair
Finance Committee

—
Executive Nominations Committee
Rules Committee
Legislative Policy Committee



Miller Senate Office Building
11 Bladen Street, Suite 3 East
Annapolis, Maryland 21401
410-841-3606 · 301-858-3606
800-492-7122 Ext. 3606
Fax 410-841-3399 · 301-858-3399
Delores.Kelley@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR DELORES G. KELLEY
REGARDING SENATE BILL 1062-MARYLAND DEPARTMENT OF
HEALTH-BIRTH REGISTRATION-GESTATIONAL CARRIERS
BEFORE THE SENATE FINANCE COMMITTEE
ON MARCH 12, 2020

Mr. Vice-Chair and Members:

Many adults with strong desires to become parents are unable, for a variety of reasons, to rely on sexual intercourse as a means to that end.

Some individuals are infertile; some suffer cell damage as a result of health care cures involving radiation; others lack a spouse or domestic partner; and some have same-sex spouses or civil unions.

While Maryland is one of 15 states which mandates that certain insurers cover infertility treatments (Insurance Article 12-810 and Health General Article 19-701), Maryland has not standardized by

statute, any protocols for preparation of birth certificates for the children born of gestational carriers, to whom the children are genetically unrelated.

In these cases, the intended parents are required to get an order of parentage by applying to a Maryland Court of proper jurisdiction. Following birth, these families need birth certificates for these children. It is the purpose of Senate Bill 1062 to establish the standards and information which the intended parents and the attending obstetricians or midwives must submit to Vital Records for preparation of such a child's official birth certificate.

SB 1062 requires that where applicable when submitting information required by Vital Records for preparation of the birth certificate for a child delivered from a gestational carrier, the intended parents should also include a copy of the order of the Court establishing parentage.

SB 1062 also designates the categories of information to be submitted to Vital Records for preparation of the child's birth certificate. Among

information to be recorded, and sealed by Vital Records are that :

- 1) the delivery was by a gestational carrier;**
- 2) the identity of the gestational carrier;**
- 3) relevant medical information regarding the gestational carrier, as well as regarding the delivery; and**
- 4) information regarding the intended parents.**

The Health Department is required to adopt regulations to standardize all of these requirements, including the sealing of the forms, and the registration of the certificate of birth in accordance with the order of the Court.

Senate Bill 1062 sets no new policy regarding whether gestational surrogacy should be permitted in Maryland. Governor Schaeffer vetoed Bills which would have outlawed gestational surrogacy (SB 251 in 1992, and SB 171 in 1994). In each case, the General Assembly failed to override either veto, and therefore our silence had the effect of endorsing collaborative reproduction, but without any regulation or consistency.

Page 4-Senate Bill 1062

Senate Bill 1062 brings consistency to one aspect, post-birth paperwork to seal certain documents and to standardize the process of providing birth certificates for the children born in Maryland as a result of gestational surrogacy.

I therefore urge your favorable report of Senate Bill 1062.