

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 348

(SENATE AUTHORS: JOHNSON, Benson and Ruud)

DATE	D-PG	OFFICIAL STATUS
01/26/2015	135	Introduction and first reading Referred to Judiciary
02/12/2015	283	Withdrawn and re-referred to State and Local Government
02/16/2015	315	Author added Ruud
03/25/2015		Comm report: To pass as amended and re-refer to Judiciary

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) the practice of reproductive medicine and the appropriate roles of attorneys,
2.12 counselors, brokers, and clinics;

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

2.14 (5) considerations related to the potential exploitation and legal protections of
2.15 women in surrogacy 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, the intended parents, the child, insurance companies,
2.21 and medical professionals;

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

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

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, more than one report may be submitted.

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.