

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** SB69-ER

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

**2. Patron:** McEachin

**3. Committee:** Passed Both Houses

**4. Title:** Surrogacy contracts by an unmarried person.

**5. Summary:** Permits a surrogacy contract to be entered into by an unmarried person, a surrogate, and the surrogate's husband, if any. Upon expiration of three days following birth of any resulting child, the surrogate may relinquish her parental rights to the intended parents, if at least one intended parent is the genetic parent of the child, by signing a surrogate consent and report form naming the intended parents as the parents of the child. Under current law, the surrogate may relinquish such parental rights to the intended parents upon expiration of 25 days following birth of any resulting child. The bill extends the length of time from 60 days to 180 days to submit required documents with the State Registrar of Vital Records. The bill also makes it a Class 1 misdemeanor to accept compensation for otherwise arranging or inducing intended parents and surrogates to enter into surrogacy contracts in this Commonwealth. Under current law, to otherwise arrange or induce intended parents and surrogates to enter into surrogacy contracts in this Commonwealth is a Class 1 misdemeanor.

**6. Fiscal Impact Estimates:** Final.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could reduce the use of jail beds and revenue to the Literary Fund since the legislation restricts a Class 1 misdemeanor violations to those individuals, firms, corporation, partnerships, or other entities that accept compensation for arranging or inducing intended parents and surrogates to enter into surrogacy contracts. The existing legislation does not limit violations to accepting compensation. Therefore, it could be that fewer Class 1 misdemeanor violations would result in a sentence of up to 12 months in jail (and \$2,500 fine).

**9. Specific Agency or Political Subdivisions Affected:** Law enforcement agencies statewide, local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 3/15/2010 dpb/John Crooks

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