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Legislative District 10
Baltimore County

—
Chair
Finance Committee

—
Executive Nominations Committee
Rules Committee
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Delores G. Kelley

Regarding Senate Bill 215- Maryland Department of Health- Birth Registration-Gestational Carriers

Before the Senate Finance Committee

January 28, 2021

Mr. Vice-Chair and Members:

**Senate Bill 215 has been requested by the Vital Statistics
Division of the Maryland Department of Health in order to
systematize the preparation of birth certificates for newborns who
were carried by gestational carriers.**

**While Maryland is one of 15 states which mandate that certain
insurers cover infertility treatments, Maryland has not standardized
by statute, any protocols for preparation of birth certificates for the**

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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 215 to establish the 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 215 requires that when submitting information required by Vital Records for preparation of the birth certificate for a child delivered from a gestational carrier, the intended parents shall also include a copy of the order of the Court establishing parentage.

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SB 215 also designates the categories of information to be submitted to Vital Records for preparation of the child's birth certificate, including:

- 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 215 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

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Assembly failed to override either veto, and therefore our silence had the effect of endorsing collaborative reproduction.

Senate Bill 215 brings needed standardization regarding post-birth paperwork needed to seal certain documents, and to provide birth certificates for the children born in Maryland as a result of gestational surrogacy.

I therefore urge your favorable report of Senate Bill 215.