

PA 11-153

HB6631

House	6877-6895	19
<u>Senate</u>	<u>6567, 6573-6578</u>	<u>7</u>
		26

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 20
6542 – 6897**

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Total number voting	145
Necessary for adoption	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes. Will the Clerk please call Calendar 377?

THE CLERK:

On page 43, Calendar 377, substitute for House Bill 6631, AN ACT CONCERNING THE ISSUANCE OF A REPLACEMENT BIRTH CERTIFICATE PUSUANT TO GESTATIONAL AGREEMENT, favorable report by the Committee on Public Health.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins, you have the floor, ma'am.

REP. GROGINS (129th):

Yes, thank you, Madam Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the joint

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committee's favorable report and passage of the bill.

Will you remark further, ma'am?

REP. GROGINS (129th):

Yes, Madam Speaker, thank you. This bill repeals the existing statute, Connecticut General Statute 7-48a which addresses who may qualify to be listed as a legal parent on a child's replacement birth certificate when a valid gestational agreement exists. This bill codifies the existing law set forth in a recent Supreme Court decision of Raftopol v. Ramey.

And, that case is Connecticut Supreme Court held that a nonbiological intended parent who has not adopted the child, may become the legal parent of that child when a valid gestational agreement exists and there is a court order naming the parties as the intended parents. Justice McLachlan who wrote the decision in Raftopol noted that our existing statute 7-48a contained several definitional ambiguities which are cleared up by this current legislation. So, I move -- but I do have an amendment and I ask you, Madam Speaker, that the Clerk call the amendment LCO 8197, may I be granted leave of the chamber to summarize.

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DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 8197 which will be designated House A.

THE CLERK:

LCO 8197, House A offered by Representatives Aresimowicz, Olson, Grogins, Fox and Hetherington.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave for summarization. Is there any objection? Seeing none, please proceed, ma'am.

REP. GROGINS (129th):

Yes, as I indicated before, this is a strike all amendment and this -- I have summarized accurately what the strike all would be in my previous summarization and this bill passed favorable and unanimously in the Judiciary Committee. I would also like to thank Representative Fox and Representative Hetherington for their help with this bill because it is a complicated issue and I ask for this motion, the favorable passage of this motion and bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative could you please move adoption of the Amendment?

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REP. GROGINS (129th):

Yes, I would move adoption of this Amendment,
thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is adoption on the
amendment? Will you remark? Will you remark further
on the Amendment? Representative Hetherington, you
have the floor, sir.

REP. HETHERINGTON (125th):

Madam Speaker, this amendment carries out the
intention of the original bill. It's -- the
draftsmanship on it has been improved and it makes a
good bill better as we say, so I would urge adoption.
Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Will you remark? Will you
remark further? Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. For the purpose of a
question?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins, prepare yourself.
Representative Hovey, please proceed.

REP. HOVEY (112th):

Thank you, Madam Speaker. Just for those of us who are not attorneys, could we just frame this in kind of pragmatic discourse which is this my understanding and correct me if I'm wrong, but what this does is if a couple has entered into a gestational agreement which would be with a surrogate, that when that couple's child is born, that surrogate would be removed from the birth certificate and it would become the names of the couple who had entered into that agreement that would both be on the birth certificate, am I correct, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative LeGeyt -- Grogins.

REP. GROGINS (129th):

Through you, Madam Speaker, thank you. Yes, Representative Hovey, that is essentially correct. Basically this bill establishes a procedure for obtaining a replacement birth certificate when as you've indicated a couple has a gestational agreement for assisted reproduction and that couple is using a gestational carrier or a surrogate and they then of course on the birth certificate the original birth

certificate the gestational carrier would be listed because she is the woman who carried the child obviously, but this would replace the names of the parties to that agreement as parents and that would be pursuant to a court order.

So, those parties have to come into the Superior Court with their gestational agreement which is reviewed by the court and the court approving that gestational agreement will also make a finding of parentage naming those parties to the agreement, the parents. And, so through that and through that approved gestational agreement and court order, they can then go to the Department of Public Health and get a replacement birth certificate.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. And, so through you, Madam Speaker, this would then allow some of the angst of that the parents feel naturally with all of the kind of intricacies of this agreement, it eliminates some of that angst that they would have and makes the process more clean and I guess, more clear for them,

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through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins.

REP. GROGINS (129th):

Thank you, Madam Speaker. Through you, Madam Speaker, yes, that is correct that this basically clarifies the procedure and makes it, this is the most cohesive procedure in obtaining a replacement birth certificate and again, it's codifying our existing law that the Supreme Court decided in Raftopol v. Ramie, so, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker and I thank the gentle woman for her answers. I think individuals that have had fertility issues will find this to be a very important piece of legislation to them and their families, thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Will you remark further on the amendment? Will you remark further on the amendment? If not, let me try your minds. All those in favor,

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please indicate by saying aye.

HOUSE:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

Opposed, nay. The ayes have it. The Amendment
has been adopted. Will you remark further on the bill
as amended? Representative LeGeyt, you have the
floor.

REP. LeGEYT (17th):

Thank you, Madam Speaker I rise to just help
myself understand what the time frame is regarding the
issuance of a replacement birth certificate as opposed
to an original birth certificate I believe and I
assume it has to do with the competing time frames of
the impending birth and the approval of the court
order that would authorize the replacement certificate
but my question through you, Madam Speaker, to the
good Representative, how does that work if a child is
born before the court order is completed or if the
court order is completed in time for the birth and, I
know this is a multipart question, if the child is
born and no process has been completed, what kind of a
birth certificate happens then, through you, Madam

Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Yes, Thank you, Madam Speaker. Through you, basically this can be done before the child is born or after the child is born. The parties to the gestational agreement which would be the gestational carrier and if she is married, her husband, and the intended parents whether that be one parent or two parents, have to go to the Superior Court with their gestational agreement, it has to be a valid gestational agreement that is a determination made by the court, the court makes that determination, issues an order approving the agreement, and an order of parentage. If it is done before the child is born, then that can be sent to the Department of Public Health and obviously the original birth certificate would need to be filed after the child is born and then the replacement birth certificate can be received by the parents through sending in this paperwork.

If it happens after the child is born, then the original birth certificate is already filed and then

the parents would again send their court order and approval of gestational agreement and then it would be a replacement birth certificate would be issued but the statute says that it would be done immediately after one of those circumstances occur.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. And, is -- my other question, is some of this not irrelevant, but is it expected that when parties agree to a gestational agreement that it would happen early on in the pregnancy and therefore it would be in place well prior to the birth, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Through you, Madam Speaker, thank you. I don't know that you can assume that, I mean it may be that they have an agreement and maybe it isn't valid per the statute, I mean, you know, there may be intricacies that have to be worked out, so again, with the proper preparation, I think that you're right, it

would be done before then and in place, but certainly things can arise and so we can't assume that it will always be in place before the child is born.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, and one last question. Would we assume even though it's called gestational agreement, that we're talking about a legal contract between the parties, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Yes, that's actually, it is a legal contract between the parties, you're absolutely right, through you, Madam Speaker. You're absolutely right, Representative LeGeyt. It is a contract between the gestational carrier and the intended parents as well if there's a spouse of the gestational carrier and it is a valid contract, that's correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker. I appreciate that.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. Now that we're on the bill as amended, this bill represents the culmination of several years work by several dedicated people. Originally it came from the work of Donnie Sherer who was a representative here on this side of the aisle a few years ago. And, he is a professional in the field of adoption law, put in a great deal of work onto this and now subsequently we've had the work of good Representatives Aresimowicz, Olson, Grogins and Chairman Fox.

So, I hope we can move forward with this. It's a good bill, it takes care of the increasingly common or at least less rare instance where parents or a couple is able to resolve the issue of their inability to have their own children by having someone, another woman, carry the child for them.

In this case, there is no biological relationship between the birth mother and the child, it is entirely

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the child of the adoptive parents if you will and it is done pursuant to an agreement. It requires in large degree the generosity and the goodness of a woman who is willing to participate in such an agreement so that a couple otherwise childless will have the opportunity to have their own child. Donnie Sherer called me today and asked me how this was going and I told him it was on the go list and he was extremely pleased that this good work would finally perhaps reach fruition. So, I would respectfully urge adoption and the passage -- I would respectfully urge passage of this bill. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir Representative Fox, you have the floor.

REP. FOX (148th):

Thank you, Madam Speaker. I would also like to echo the comments of the ranking member and echoing my support and thanks for those who worked so hard on this legislation. I would also like to thank Representative Hetherington as well as the former Representative Don Sherer from Stamford who has been one of the long time proponents of this bill and I

would like to give a special thanks to Representative Grogins. When this session began, I was made aware that the courts were looking for some direction from the General Assembly in terms of the public policy on this issue and it was something that we needed to work on but it was also something that was complicated, it would require some real dedication to make sure it was done properly and Representative Grogins -- I asked her to look into this and she has done an outstanding job and I would especially like to thank her. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Through you, Madam Speaker, to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins, please prepare yourself. Please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Representative Grogins, in the first birth certificate, the one the

original one that was given and then of course the appropriate substitute one, could you enlighten me as to what happens physically to that particular certificate and where does it get, where does it safely get, through you, Madam Representative.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Thank you, through you, Madam Speaker, that original birth certificate naming the birth mother once there's a replacement birth certificate issued, that original birth certificate gets sealed.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Through you, Madam Speaker, that birth certificate which is safe and sealed down the line 20 years, 15 years, 30 years down the line, if the child who now is an adult wants to know who the surrogate mother was, does the child have the accessibility? Have you given it a thought and could you share that with us, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Yes, Thank you, through you Madam Speaker.

That's really outside the boundaries of this particular bill and so you know, I could research that and get back to you but that isn't what's contained in this bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker and I thank the Representative for her kind answers. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Rowe. Oh, all right then, thank you. Did you have a question? Then please proceed, sir.

REP. ROWE (123rd):

Thank you. Through you, just a question and I think it was answered basically in the last colloquy but, there's nothing in this amendment that deals with anything other than replacement birth certificates

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pursuant to a gestational agreement, through you, is that correct?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Yes, through you Madam Speaker, that's absolutely correct. This only deals with the procedure in obtaining a replacement birth certificate.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And, I think I know the answer to this but just to be clear, therefore nothing in this bill as amended would change current law as it pertains to birth certificates in adoptions, traditional adoptions, adoptions which do not arise out of these gestational agreements. Is my understanding correct, through you?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Grogins

REP. GROGINS (129th):

Through you, Madam Speaker, that's absolutely correct, Representative Rowe.

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DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you, for your response, thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark, will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to the well. Members take your seats. The machine will open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see if your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally?

THE CLERK:

House Bill 6631, as amended by House A.

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Total number voting	146
Necessary for adoption	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes. Will the Clerk please call Calendar 238?

THE CLERK:

On page 38, Calendar 238, Substitute for House Bill 6357, AN ACT CONCERNING ADMINISTRATIVE HEARINGS UNDER THE MEDICAID ELECTRONIC HEALTH RECORD INCENTIVE PROGRAM, favorable report by the Judiciary Committee.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Tercyak, you have the floor, sir.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker. I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the joint committee's favorable report and passage of the bill. Will you remark further, sir?

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Calendar 630, House Bill Number 6631.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 631, House Bill Number 6357.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

A final item on calendar page 32 is Calendar
632, House Bill Number 6642.
Move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 33, Calendar 634, House
Bill Number 5431.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

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Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

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Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)