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**WRITTEN SUMMARY OF
THE MEETING OF THE
ACT 156 TASK FORCE ON PARENTAGE LAWS**

DATE: September 29, 2023
TIME: 3:00 p.m.
PLACE: Department of the Attorney General, Hale Auhau
425 Queen Street, Honolulu, HI 96813; 2nd Floor &
Online via Zoom

A. Call to Order; Public Notice; Roll Call and Quorum Determination.

1. Roll Taking and Quorum Determination

00:00:00 – 00:01:53

Chair Chun calls the meeting to order at 3:02 p.m.

The following members are present and constitute a quorum:

- 1. Lauren K. Chun (in person)*
- 2. Thaddeus Pham (via Zoom)*
- 3. Jeff Esmond (via Zoom)*
- 4. Hon. Jessi Hall (via Zoom)*
- 5. Carol Lockwood (via Zoom)*
- 6. Dr. Cheryl Andaya (via Zoom)*
- 7. Laurel Johnston (in person)*
- 8. Deidre Marie-Iha (via Zoom)*
- 9. Dr. Frattarelli (appears at 00:01:15 via Zoom)*

Chair Chun notes that the Commission on the Status of Women has still not appointed a member.

None of the members appearing via Zoom have a need to make the disclosure required by HRS § 92-3.7(a).

B. Action Items

- 1. Discussion and formation of one or more Permitted Interaction Groups (“PIGs”) pursuant to HRS § 92-2.5(b) to assist the Task Force in matters relating to its official business, including the recommendation of amendments to the Hawai‘i Revised Statutes to update existing parentage laws.**

00:01:53 – 01:06:29

00:02:07 – Geraldine Hasegawa appears via Zoom

Chair Chun reviewed that at the last meeting, the Task Force agreed to review the draft of the Hawai‘i UPA prepared by Judge Hall and then reconvene to discuss which PIGs should be formed. She instructed that the PIGs could meet amongst themselves but would have to present their findings to the rest of the Task Force in a public meeting. The Task Force must also be precise in how they define the scope of the PIGs and their members. Each PIG must have less than a quorum of members.

Chair Chun started the discussion by noting that in her review of the draft bill circulated by Judge Hall, she identified at least three general topics that the Task Force should focus on. One goal of the draft bill was to protect the interest of the LGBTQ community. Another group served was children born of assisted reproductive technology. Another focus should be on whether the laws can be practically enforced. This might require input from legal professionals as well as health care professionals.

Judge Hall suggested having a group look just at the paternity sections and another group looking at assisted reproduction and/or surrogacy, otherwise it would be a lot for one group to review.

Carol Lockwood agreed that it makes sense for a group to focus on legal parentage. Also notes that another issue is donor identification and could be the focus on another group.

Deirdre Marie-Iha offered that the groups should be organized around the sections draft bill that Judge Hall provided. The issues Chair Chun identified cut across all sections of the bill. However, the groups should be able to look at all sections of the bill to the extent their area of focus intersects with others. Proposes that the assisted reproduction and surrogacy sections be reviewed together.

Carol Lockwood opined that the Task Force should first discuss certain issues in greater depth which were not discussed within the Act 201 task force. “Outdated laws” are not just those involving LGBTQ issues but also those regarding secrecy.

Geraldine Hasegawa agreed that assisted reproduction and surrogacy sections should be reviewed together. Thinks that a separate topic that should be addressed are the paternity aspects of the bill, including jurisdiction, service, and genetic testing.

Chair Chun asks if there should be a certain order for the groups to complete their review. For instance, should we layer the reviews to avoid conflicting edits from different groups? Ms. Marie-Iha does not think that will be possible. We can review at the same time but focusing on different topics. Ms. Lockwood noted that there could be issues where one group is wordsmithing a section, but other members may disagree with the policy behind that section in the first place (e.g., working on the surrogacy section when others may not even think surrogacy should be allowed). Ms. Johnston agreed that it is important to discuss the policies embodied in the bill, which were not fully discussed by the Act 201 task force. Ms. Lockwood provided another example of a possible policy disagreement involving anonymous donors – some members may be in favor of anonymous donors and others may disagree. Ms. Marie-Iha agreed that if there are disagreements over important policy questions, those should be resolved first.

Ms. Lockwood suggested that people join PIGs based on what their policy concerns are and that one of the first tasks of the PIGs should be to identify policy differences and bring them back to the group.

Thaddeus Pham noted that some members of the Task Force have experience in policy matters, while others were invited to join because of their perspectives as community members or lived experiences. He would like to ensure that there is space in the PIGs for people who are less experienced in policy matters to share their lived experiences.

Jeff Esmond asked for clarification on the draft bill which was circulated. Judge Hall explains that it was based on the 2017 UPA which was created by the Uniform Laws Commission. Judge Hall started working on the draft around 2018.

00:24:51 – Mihoko Ito joins via Zoom

In 2021, a task force was created to discuss the draft. Unfortunately, because of time constraints, the task force wasn't able to have many discussions. In 2023, the judiciary submitted a version of the bill that took out the assisted reproduction and surrogacy section.

Judge Hall identified issues that have come up in the past. One issue was changing paternity to parentage and adopting gender neutral language. A bill passed this year does require us to make a lot of statutes gender neutral. Making the language gender neutral would make a possible for a female-female couple to be placed on the birth certificate. Another issue involves the surrogacy and assisted reproduction sections. There does not seem to be a lot of controversy around assisted reproduction and

surrogacy themselves, but instead, regarding the information of genetic donors. Ms. Lockwood added that there was some concern about the exploitation of women in the surrogacy process.

00:28:15 – Thaddeus Pham leaves the meeting

Ms. Marie-Iha expressed interest in serving on a PIG dealing with assisted reproduction and surrogacy and stated her interest in easing burdens for same-sex couples.

Ms. Marie-Iha asked Judge Hall if there is something that shows the difference between the draft bill before us and the 2017 UPA. Judge Hall says there may be, and if there is, she can share it.

Ms. Lockwood summarized that it sounds like PIGs can be organized around several topics: paternity/parentage, assisted reproduction and surrogacy, and the donor identification issue. Also possibly a PIG focusing on LGBTQ issues, unless all PIGs can address those issues. Chair Chun indicated she is leaning towards having members speak to LGBTQ issues in each PIG.

Ms. Johnston expressed that it would not be ridiculous to require non-genetic parents to adopt children and that we should avoid drafting a law that prevents people from knowing who their parents are. Ms. Marie-Iha expressed that she would like to receive more information about Ms. Johnston's concerns and would like to know what other states have done.

Mr. Esmond pointed out that sometimes, gay male couples may mix their donation so they do not know who the biological father of a child is. Does not know how that would affect information of genetic donor. Ms. Lockwood indicated that in Hawai'i, this would not be allowed.

The Task Force discussed the scopes of the PIGs they are seeking to form.

The Task Force also discussed whether a birth certificate should be purely a legal documentation of parentage or whether it should also include biological information. They also discuss current process for identifying genetic father on the birth certificate.

00:58:55 – *After discussion with the Task Force, Chair Chun forms three PIGs to investigate any revisions, comments, or concerns regarding to the following three topic areas:*

- A) Assisted Reproduction and Surrogacy;*
- B) Legal Parentage; and*
- C) Birth Heritage (including genetic and health information).*

Each group is tasked with looking at the entire draft revised UPA prepared by Judge Hall and with addressing concerns affecting the LGBTQ+ community.

The following members are assigned to each PIG:

A) Assisted Reproduction and Surrogacy

- 1. Carol Lockwood*
- 2. Dr. Frattarelli*
- 3. Sean Taylor*
- 4. Mihoko Ito*
- 5. Deirdre Marie-Iha*

B) Legal Parentage

- 1. Judge Jessi Hall*
- 2. Geraldine Hasegawa*
- 3. Mark Nugent*
- 4. Thaddeus Pham*
- 5. Lauren Chun*

C) Birth Heritage

- 1. Carol Lockwood*
- 2. Dr. Cheryl Andaya*
- 3. Jeff Esmond*
- 4. Laurel Johnston*
- 5. Lorrin Kim*

Chair Chun instructed that the PIGs can decide amongst themselves when to meet and how to split up tasks. Each member of each PIG will have the full scope of authority of the group itself (i.e. to investigate revisions, comments, or concerns regarding their respective topic).

The Task Force discussed meeting again at the end of October.

No public testimony offered.

C. Adjournment

01:06:29