



HB0096 Family Law - Parentage and Adoption - Definitions

Presented to the Honorable Luke Clippinger and Members of the House Judiciary Committee

January 23, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the House Judiciary Committee **a favorable report on HB0096 Family Law - Parentage and Adoption - Definitions**, sponsored by Delegate Kathleen M. Dumais.

Our organization is an advocate for reproductive health, rights, and justice. We seek to protect every person's freedom to decide if, when, and how to build their families. In doing so, we support individuals' access to assisted reproductive technologies (ART) and parity for parental rights regardless of family structure and choice in reproductive method.

In recent years, ART has expanded in both efficacy and use. By including embryo donors in family law, HB0096 ensures that Maryland law accurately reflects the reality of ART use and the variety of family formations in the United States today. Over 1 million babies have been born in the United States with the help of ART since 1996, with annual rates soaring from just over 20,000 ART-assisted births in 1996 to over 75,000 in 2016.ⁱ According to CDC data, current Maryland ART use exceeds the national rate; 2.8% of infants born annually in Maryland are conceived using ART versus 1.8% of infants born nationally.ⁱⁱ Over 99% of these ART procedures are in vitro fertilization (IVF), a series of procedures in which an egg and sperm are combined in a laboratory and the resulting embryo transferred to a uterus.ⁱⁱⁱ The egg, sperm, or both may be provided by a donor or by the intended parent(s). IVF treatments sometimes produce additional unused embryos which patients may choose to freeze and donate for transfer to other aspiring parents. In 2016, 1,718 donated embryo transfers took place in the United States with a 41% live birth rate.^{iv} HB0096 incorporates embryo donations into Maryland law by expanding the definition of a "gamete donor" beyond just individuals who have donated sperm or an ovum. Redefining "gamete donor" to include embryo donors accurately encompasses current forms of ART.

HB0096 also redefines parentage to ensure that intended parents of children conceived with assisted reproductive technology are legally recognized as such. HB0096 mandates written consent from both gamete donors and birth mothers for the extension of parentage to donors, strengthening the legal rights of parents conceiving through ART. The rise of assisted reproductive technology usage makes this clarification of the parental rights of ART patients vital. By reaffirming that biology is not the only basis of parenthood, HB0096 bolsters legal recognition to the variety of family structures in Maryland today.

Family formation is complex, and HB0096 recognizes that complexity. It further incorporates the range of family formation options in use today into Maryland law and provides legal protection to parents conceiving with assisted reproductive technologies. It preserves Marylanders' freedom to make decisions about how build their families. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on HB0096**. Thank you for your time and consideration.

ⁱ Livingston, G. (2018, July 17). A third of U.S. adults say they have used fertility treatments or know someone who has. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2018/07/17/a-third-of-u-s-adults-say-they-have-used-fertility-treatments-or-know-someone-who-has/>

ⁱⁱ Sunderam, S., Dmitry M. Kissin, Yujia Zhang, Suzanne G. Folger, Sheree L. Boulet, Lee Warner, William M. Callaghan, & Wanda D. Barfield. (2019). Assisted Reproductive Technology Surveillance—United States, 2016. *Morbidity and Mortality Weekly Report*, 68(4), 1–23. <https://doi.org/10.15585/mmwr.ss6804a1>

ⁱⁱⁱ Sunderam, S., Dmitry M. Kissin, Yujia Zhang, Suzanne G. Folger, Sheree L. Boulet, Lee Warner, William M. Callaghan, & Wanda D. Barfield. (2019). Assisted Reproductive Technology Surveillance—United States, 2016. *Morbidity and Mortality Weekly Report*, 68(4), 1–23. <https://doi.org/10.15585/mmwr.ss6804a1>

^{iv} *2016 National Summary Report*. (2020). Society for Assisted Reproductive Technology. https://www.sartcorsonline.com/rptCSR_PublicMultYear.aspx?reportingYear=2016#