



Rep. Jay Hoffman

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10400HB2570ham002

LRB104 08860 JRC 24291 a

1 AMENDMENT TO HOUSE BILL 2570

2 AMENDMENT NO. _____. Amend House Bill 2570 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.1030 as follows:

6 (30 ILCS 105/5.1030 new)

7 Sec. 5.1030. The Surrogacy Agreement Escrow Protection
8 Fund.

9 Section 10. The Gestational Surrogacy Act is amended by
10 adding Section 57 as follows:

11 (750 ILCS 47/57 new)

12 Sec. 57. Surrogacy Agreement Escrow Protection Fund.
13 (a) The Surrogacy Agreement Escrow Protection Fund is
14 created as a special fund in the State treasury.

1 (b) All moneys paid into the Fund together with all
2 accumulated undistributed income shall be held as a special
3 fund in the State treasury. Moneys deposited into the Fund
4 shall be used solely for the purpose of providing restitution
5 to those who have suffered monetary loss arising out of an
6 escrow transaction related to a gestational surrogacy contract
7 regulated under this Act.

8 (c) The Fund shall be applied only to restitution ordered
9 by the Director of Public Health. Restitution may not exceed
10 the amount actually lost. The Fund may not be used for the
11 payment of attorney's fees or other fees.

12 (d) The Fund shall be subrogated to the amount of the
13 restitution, and the Director shall request the Attorney
14 General to engage in all reasonable collection steps to
15 collect restitution from the party responsible for the loss
16 and reimburse the Fund.

17 (e) Notwithstanding any other provisions of this Section,
18 the payment of restitution from the Fund shall be a matter of
19 grace and not of right, and no person shall have any vested
20 rights in the Fund as a beneficiary or otherwise. Before
21 seeking restitution from the Fund, the person or beneficiary
22 shall apply for restitution on a form provided by the
23 Director. The form shall include any information the Director
24 may reasonably require to determine that restitution is
25 appropriate.

26 (f) Any person who suffered a monetary loss that would

1 qualify them for restitution under this Section on or after
2 January 1, 2023 may apply for restitution.

3 (g) Every entity in the State engaged in escrow
4 transactions as required by this Act shall be assessed an
5 annual fee of \$1,000. These fees shall be collected by the
6 Department of Public Health on or before June 30, 2026, and
7 every June 30 thereafter.

8 (h) If the Director orders restitution in an amount
9 greater than the remaining balance of the Fund, payment may be
10 delayed until the balance of the Fund becomes sufficient to
11 dispense the restitution ordered. Alternatively, at the
12 Director's discretion, a special fee may be assessed on each
13 entity engaging in escrow transactions regulated by this Act,
14 with each entity being assessed a percentage of the total
15 restitution ordered in an amount equal to the percentage of
16 escrow funds each entity handled in the previous calendar
17 year.".