



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."