

HB2570



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2570

Introduced 2/4/2025, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.1030 new
750 ILCS 47/57 new

Amends the State Finance Act to create the Surrogacy Agreement Escrow Protection Fund. Amends the Gestational Surrogacy Act. Provides that the Fund is to be used solely for the purpose of providing restitution to those who have suffered monetary loss arising out of an escrow transaction related to a gestational surrogacy contract as regulated by the Act. Provides that the Fund is to be applied only to restitution ordered by the Director of Public Health and restitution may not exceed the amount actually lost.

LRB104 08860 JRC 18915 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 income-earning fund in the State
15 treasury.

16 (b) All moneys paid into the Fund together and all
17 accumulated undistributed income shall be held as a special
18 fund in the State treasury. The Fund shall be used solely for
19 the purpose of providing restitution to those who have
20 suffered monetary loss arising out of an escrow transaction
21 related to a gestational surrogacy contract as regulated by

1 this Act.

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

6 (d) The Fund shall be subrogated to the amount of the
7 restitution, and the Director shall request the Attorney
8 General to engage in all reasonable collection steps to
9 collect restitution from the party responsible for the loss
10 and reimburse the Fund.

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

20 (f) Any person who suffered a monetary loss that would
21 qualify them for restitution under this Section on or after
22 January 1, 2023, may apply for restitution.

23 (g) Every entity in the State engaged in escrow
24 transactions as required by this Act shall be assessed a
25 yearly fee of \$1,000. At any time when the balance of the Fund
26 falls below \$150,000, a special fee must be assessed in the

1 amount necessary to bring the balance over \$150,000. Each
2 entity shall be assessed a percentage of that total equal to
3 the percentage of escrow funds each entity handled the
4 previous calendar year of the total. These fees may not be
5 assessed until an initial appropriation has been made to the
6 Fund.