

# Don't Create a **B****BY MARKET** in Minnesota

## *Oppose HF 1140 / SF 1533*

Year after year, the surrogacy industry—brokers, lawyers, and fertility clinics—come to the Minnesota legislature seeking to be regulated. In reality, what they are seeking is legislation to ensure judges enforce their six-figure contracts and make Minnesota part of the lucrative global surrogacy market.

Again, the industry has brought a bill, HF 1140/SF1533, the “Gestational Carrier Act,” that, under the guise of consumer protection, instead definitively legalizes for-profit surrogacy in Minnesota. The bill should be opposed because it ignores key recommendations of the Legislative Surrogacy Commission,<sup>1</sup> supported by testimony and the practice of industry members themselves. Its flaws include:

- 1. No restrictions on “selective reduction” abortions.** The bill does not restrict multi-embryo implantations, opening the door for “selective” reduction abortions of embryos deemed “extra.”
- 2. No requirements of U.S. residency for intended parents and surrogates.** This oversight fails to protect children born of surrogacy, who might not be able to receive the full protection U.S. law or access their medical history if either party in a surrogacy arrangement is not a U.S. resident. This neglect also opens Minnesota up to being used by foreign nationals to circumvent the laws of their home nations, which often ban surrogacy arrangements.
- 3. No limitation on compensation.** Contrary to the recommendations of the Commission, the bill does not prohibit for-profit arrangements, allowing for the creation of a commercial marketplace where the financial interests of the industry are prioritized at the expense of the well-being of women and children.
- 4. No financial security requirements for surrogates.** By failing to require a surrogate mother to be financially secure and not on any form of public assistance, the bill allows unscrupulous surrogacy brokers to prey upon financially vulnerable women and families, and also allows public dollars to be spent on controversial surrogacy arrangements.
- 5. Inadequate protections for the gestational carrier/surrogate mother,** such as:
  - No list of potential risks and side-effects of hormone treatments and pregnancy when carrying a non-genetically related child;
  - No protection from being found responsible for monetary damages if the intended parents request she terminate the pregnancy and she refuses;
  - No requirement that any limitations on her activities during pregnancy are guided by her physician, not the intended parents.

**6. Inadequate protections for the child born as a result of a gestational surrogacy.** For instance, there is no requirement that the birth record document the name of the surrogate mother.

**7. No requirement that surrogacy agencies be registered.** Unlike adoption law, there is no requirement that surrogacy agencies be formed as non-profit corporations and licensed by the Department of Human Services.

### *Did you know?*

The European Court of Human Rights ruled that its member nations need not embrace surrogacy, noting its potential link with **human trafficking**.<sup>2</sup>

The European Parliament condemned surrogacy, declaring it a form of **violence against women**.<sup>3</sup>

France, Germany, Italy, Spain, and Switzerland all have laws that make **surrogacy illegal** or make the contracts void.<sup>4</sup>

For-profit commercial arrangements are already **banned** in Canada, almost all European countries, and some U.S. states.<sup>5</sup>

### *More information...*

The Public Discourse: "Trading on the Female Body: Surrogacy, Exploitation, and Collusion by the US Government"  
<http://bit.ly/2oNSvgY>

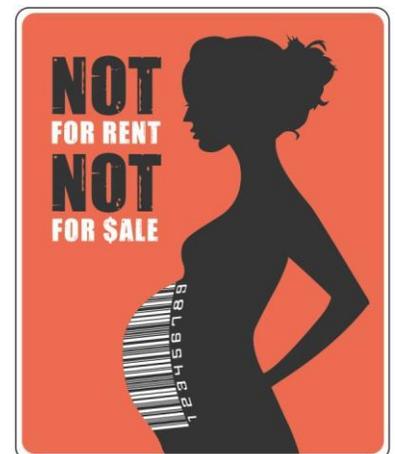
The Atlantic: "When Parents and Surrogates Disagree on Abortion"  
<http://theatlantic.com/2015/05/when-parents-and-surrogates-disagree-on-abortion/>

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<https://surrogacyawareness.com/>



<sup>1</sup> [http://www.lcc.leg.mn/lcs/surrogacy\\_commission\\_final\\_report.pdf](http://www.lcc.leg.mn/lcs/surrogacy_commission_final_report.pdf)

<sup>2</sup> *Case of Paradiso and Campanelli v. Italy*, Application no. 25358/12, European Court of Human Rights, January 24, 2017

<sup>3</sup> Report on the Annual Report on Human Rights and Democracy in the World 2014 and the European Union's policy on the matter, November 30, 2015, [http://www.lcc.leg.mn/lcs/meetings/08162016/cassidy\\_eu\\_parliament\\_statement.pdf](http://www.lcc.leg.mn/lcs/meetings/08162016/cassidy_eu_parliament_statement.pdf)

<sup>4</sup> Alex Finkelstein, Sarah Mac Dougall, Angela Kintominas, Anya Olsen, "Surrogacy Law and Policy in the U.S.: A National Conversation Informed by Global Lawmaking" Report of the Columbia Law School Sexuality & Gender Law Clinic (2016)

<sup>5</sup> Canada has a federal law regulating egg donation and allowing surrogacy but prohibiting payments for carrying a baby. See Canada's Assisted Human Reproduction Act, S.C. 2004, c. 2 (or the "AHRA"). See also Appendix F of the Majority Report of the Legislative Commission to study surrogacy: [http://www.lcc.leg.mn/lcs/surrogacy\\_commission\\_final\\_report.pdf](http://www.lcc.leg.mn/lcs/surrogacy_commission_final_report.pdf).