

# Not For Rent, Not For Sale.



Well-meaning people—perhaps even our family or friends—have chosen surrogacy (*contracting with another woman to carry a child for them*) to satisfy their deep longing to become parents, despite the challenges of infertility. Though we may be touched by the stories of those for whom surrogacy was an apparent success, we cannot ignore the many stories that did not have such a happy ending. In fact, surrogacy arrangements undermine the basic rights and well-being of women and children. For this reason, many countries and states have either banned or strictly limited surrogacy arrangements.

For years, Minnesota surrogacy proponents (surrogacy brokers, lawyers, fertility clinics, pharmaceutical companies) have been pushing for Minnesota to enact legislation that would enable a commercial surrogacy market. Unfortunately, their flawed legislation would unwittingly allow the industry to prey upon socioeconomically vulnerable women to serve as surrogates, as well as turn children into products to be bought and sold. If passed, such legislation would serve to protect the investments of intended parents and the business of the industry, and neglect the best interests of the surrogates and the children they are paid to carry.

Women are not wombs for rent; children are not products to be bought and sold.

## Does the surrogacy industry have enough oversight?

*Some surrogacy agencies follow the “recommended guidelines” and practices published by mental health, medical, and legal professionals.*

*Yet, as the practice of surrogacy grows, and surrogacy contracts are legalized in some states, the risk of surrogacy industry players **not** following these guidelines grows, too.*

“Anyone is able to start a surrogacy agency. There are no federal regulations that determine who can run this type of agency and which regulations they need to follow.”

— Minn.-based **International Assisted Reproductive Center (IARC)** website on *Selecting a Surrogacy Agency*



States that have passed legislation to legalize surrogacy contracts, such as Illinois and California, have seen their state’s “reproductive tourism” industry grow.



Foreign couples in countries where surrogacy is banned, like China, are now coming to the United States to arrange contracts with American women.<sup>1</sup>



US-based reproductive tourism firm Planet Hospital left intended parents out of thousands of dollars and surrogate mothers abandoned.<sup>2</sup>

Greater awareness, data collection, and deliberation led by non-biased bodies—those that are not direct financial stakeholders of the surrogacy industry—are essential to formulate adequate oversight and to protect all individuals implicated in this multi-layered market.<sup>3</sup>

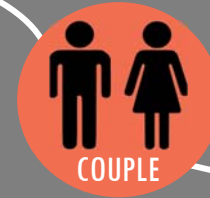
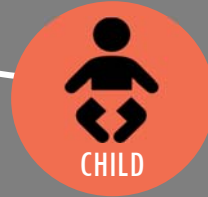
*Theresa Erickson, the California surrogacy lawyer convicted of her role in a baby-selling ring, claims she is the “tip of the iceberg” when it comes to people abusing the surrogacy system.*



1. See *Chinese Couples Seek American Surrogate Mothers*. China Digital Times (September 12, 2012). <http://chinadigitaltimes.net/2012/09/chinese-couples-seek-american-surrogate-mothers/>.  
2. See *A Surrogacy Agency That Delivered Heartache*. New York Times (July 27, 2014). [http://www.nytimes.com/2014/07/28/us/surrogacy-agency-planet-hospital-delivered-heartache.html?\\_r=1](http://www.nytimes.com/2014/07/28/us/surrogacy-agency-planet-hospital-delivered-heartache.html?_r=1).  
3. See *A Surrogacy Agency That Delivered Heartache*. New York Times (July 27, 2014). [http://www.nytimes.com/2014/07/28/us/surrogacy-agency-planet-hospital-delivered-heartache.html?\\_r=1](http://www.nytimes.com/2014/07/28/us/surrogacy-agency-planet-hospital-delivered-heartache.html?_r=1).

Commercial surrogacy creates a

**MARKETPLACE** where women  
are **BREEDERS** and children are **PRODUCTS**



Can we really put a  
**PRICE TAG** on women & children?

**LET'S TAKE STEPS TO PROTECT  
WOMEN AND CHILDREN FROM BEING  
BOUGHT AND SOLD**

### **The Surrogacy Abuse Prevention Act: HF 1000 (Zerwas) / SF 1152 (Benson)**

- Prevents the exploitation of women and the commodification of children
- Creates a regulatory framework for surrogacy arrangements in Minnesota based on the Legislative Surrogacy Commission's Recommendations
- Provides safeguards and legal protections for both the gestational surrogate and the intended parents
- Requires a background check and mental health evaluation for both gestational surrogates and intended parents
- Imposes standard requirements for valid surrogacy contracts in Minnesota
- Ensures that rights of parentage are transferred upon compliance with the surrogacy contract
- Forbids for-profit commercial surrogacy arrangements
- Outlaws predatory, for-profit surrogacy agencies and brokers, and requires all surrogacy agencies to be licensed by the Department of Health
- Clarifies that the "best interests of the child" standard will be applied in custody disputes related to surrogacy arrangements
- Protects the rights of children by allowing disclosure of the identification of the gestational surrogate
- Prevents international surrogacy arrangements, ensuring that children born through surrogacy will receive the protections and rights of the laws and Constitution of the United States
- Requires the Department of Health to collect aggregate data on surrogacy arrangements

### **The Surrogacy Abuse Prevention Act Does Not:**

- Ban surrogacy
- Prevent gestational surrogates from receiving compensation for reasonable expenses related to their pregnancy

**Senate Co-Authors: Hoffman, Ruud, Anderson**

**House Co-Authors: Murphy, Sandstede, Davids, Nornes, Hamilton, McDonald, Albright, Theis, Dettmer**

**Minnesotans for Surrogacy Awareness**, encourages our public officials to adopt common sense legislation and public policies that **protect women and children from being bought and sold.**

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