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To: House Judiciary Members

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There are so many troubling issues with HB 5207-5212 that it would take volumes to fully dissect all of them. Authorizing abortion clauses in legally binding surrogacy contracts, erasing moms and dads from our parentage laws, putting women's bodies under contract, encouraging the largely unregulated multi-billion-dollar fertility industry to expand in our state thus creating untold numbers of embryos – unborn humans – to be discarded or used for research and so much more.

Michigan law currently allows for uncompensated, altruistic surrogacy for adult women, and Michigan law allows IVF. Michigan allows intended parents, whether they are genetically related to the child or not, to adopt and have their names listed on the birth certificate. What Michigan law does not allow is legally binding, compensated surrogacy contracts, the use of a contract to determine parentage without court oversight, and the use of minors or developmentally disabled women as surrogates. Yet, HB 5209 would repeal the criminal penalty for using minors or developmentally disabled women as surrogates. I don't think that's a good idea; do you?

We are one of two remaining states which prohibit legally binding contractual surrogacy agreements. Providing payment for services rendered turns the generous act of being an altruistic surrogate into a money-making proposition which in turn creates a market that can and does exploit poor and vulnerable women.

Michigan law recognizes that gestational carriers and the babies they carry need safeguards against exploitation and commodification; banning compensated surrogacy and requiring the legal adoption of children born of surrogates helps provide those safeguards. In most parts of Europe and much of Asia, surrogacy is completely banned. Countries such as Germany, Sweden and Japan do not allow even altruistic surrogacy. Others like Canada, Australia, and Great Britain, ban commercial surrogacy but allow some forms of altruistic surrogacy like Michigan. Thailand and India, who once permitted commercial surrogacy and surrogacy tourism, as these bills will allow, have changed their laws after realizing how exploitative surrogacy contracts are and now ban commercial surrogacy.

Almost without exception, surrogacy contracts contain abortion clauses. Abortion clauses dictate that the gestational carrier submit to an abortion at the behest of the purchasing parent if those intended parent(s) change their minds, discover a fetal anomaly, or if there are more babies that survived the embryo transfer than they want. While a woman cannot be forced to abort, if she refuses, heavy legal and financial consequences can be imposed. Just a few years ago, we passed comprehensive legislation directed at tackling the problem of human trafficking. Included in that law is the definition of coercion: "a belief that failure to perform an act will result in financial harm."

Surrogacy contracts clearly contain coercion of financial harm to any surrogate who refuses to abort a child if the purchasing parent(s) so dictate, and the contract stipulates.

Surrogacy horror stories have surfaced which include baby selling rings, surrogate trafficking, and baby hoarding. A Japanese man was discovered with 16 infants living in his condo all purchased with donor eggs and surrogates that he acquired through a surrogacy brokerage firm. Surrogate Melissa Cook from California was contracted by a 3rd party broker to be a gestational carrier for a man she never met. The man purchased eggs and paid to have embryos created and implanted in Melissa's body – triplets. The disabled man lived in deplorable conditions in his parents' basement, yet because he managed to buy eggs, purchase a womb, and sign a contract, he was allowed to take legal possession of three babies - babies which he could not care for. These situations were made possible because surrogacy contracts are often brokered by 3rd party attorneys and the intended parent has no contact with the surrogate, and the legal adoption requirement is bypassed.

The law in Michigan allows for altruistic surrogacy, thus requiring the surrogate to at least meet the intended parent(s), and it requires legal adoption thus allowing the state to investigate and thwart any situation which may be dangerous to the child. Without state involvement, a situation like what happened to the babies carried by Melissa Cook could happen in Michigan.

I understand the desire to have one's own children, and I understand that some believe this bill package will help infertile couples have children, but I urge you to look at the current law and the unintended consequences of adopting HB 5207-5215 and vote no.