



## *New York State Catholic Conference*

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RICHARD E. BARNES  
Executive Director

March 6, 2019

Honorable Member  
New York State Senate  
State Capitol  
Albany, NY 12247

Dear Senator:

The proposed Executive Budget contains a policy proposal unrelated to the state's finances which repeals New York's longstanding prohibition on commercial reproductive surrogacy. The language, misleadingly named the "Child-Parent Security Act," is included in the Public Protection and General Government Article VII legislation (S.1505-A/A.2005-A), Part QQ, beginning on page 200. We strongly oppose this language and urge that it be excluded from the final 2019-2020 SFY Budget.

Currently, New York Domestic Relations Law declares surrogacy contracts contrary to public policy, void, and unenforceable. Vendors who assist in arranging such contracts are liable for up to a civil penalty of \$10,000 and forfeiture of the fee received in brokering the contract; a second violation constitutes a felony. This policy was signed into law in 1992 by then-Governor Mario M. Cuomo, with broad bipartisan support.

The language in the Executive Budget would undo this policy and allow contractual profit-making arrangements whereby a woman's womb will be bought/rented for the purpose of breeding a child for a third party, to whom the infant will be relinquished at birth.

We strongly urge you to oppose the repeal of New York's prohibition.

Reproductive commerce is human exploitation. Commercialization denigrates the dignity of women by degrading pregnancy to a service. In states where surrogacy is permitted, surrogate services are advertised, surrogates are recruited -- most often on college campuses, in poor neighborhoods, and on military bases -- and operating agencies make large profits. Yet the process of surrogacy entails invasive, often burdensome, medical procedures and serious health risks for women.

Ironically, multiple embryo pregnancies, which are common in assisted reproductive technologies, have been linked to an increased risk of maternal mortality, something which other parts of the proposed Executive Budget call a "serious public health concern" and seek to address and prevent (see S.1507-A/A.2007-A, Part R, beginning on page 93).

Women who live in dire poverty do not have genuine freedom of choice in making a decision to carry another's child. Many egg donors and surrogate "carriers" are economically vulnerable women who are desperate for financial income. In states where surrogacy is permitted, it is estimated that gestational surrogates are paid between \$20,000 and \$30,000 for "reasonable living expenses," in addition to medical expenses. Egg donors are typically paid \$5,000 to \$10,000 for each "donation." Alarming, vulnerable women are sometimes exploited repeatedly for their eggs or their wombs, despite the fact that the long-term health dangers to these women are unknown.

A human baby is not a consumer product to be bought or sold based on the supply and demand of the economy. We would note that the legislative language offers no protection for children in terms of the intended home in which they will reside. As with adoption placements, should there not be background checks and home inspections prior to a child being relinquished? Why does the legislation contain "eligibility requirements" for the surrogate mother but not for the "intended parents"?

We believe that the surrogacy policy proposed in the Executive Budget fosters grave violations of human rights and human dignity, and will reap many dangerous consequences. It is not in the best interests of women, children, families or society.

We urge you to oppose the "Child-Parent Security Act" language in the proposed Executive Budget, as well as the freestanding legislation (S.2071) known by the same name.

Sincerely,

A handwritten signature in black ink that reads "Kathleen M. Gallagher". The signature is written in a cursive style with a large, prominent initial "K".

Kathleen M. Gallagher  
Director of Pro-Life Activities