



**ASSEMBLY COMMITTEE ON JUDICIARY  
ASSEMBLY COMMITTEE ON HEALTH**

**NOTICE OF PUBLIC HEARING**

**SUBJECT:** Gestational Surrogacy

**PURPOSE:** To examine the issue of compensated gestational carrier surrogacy agreements.

**NEW YORK CITY**

Thursday, May 24, 2018

10:00 a.m.

Assembly Hearing Room 1923, 19th floor  
250 Broadway, New York, NY

**ORAL TESTIMONY BY INVITATION ONLY**

In 1992, New York State passed Article 8 (Sections 121-124) of the Domestic Relations Law which provides that “surrogate parenting contracts” for compensation are contrary to the public policy of this state, and are void and unenforceable. This Article was enacted on the heels of the much publicized New Jersey case, In re Baby M, 109 NJ 396, 537 A2d 1227 (1988).

The Baby M case involved a married woman who entered into a contract for \$10,000 with a married couple whereby she agreed to become pregnant through artificial insemination. The agreement provided that she carry the child to birth, and then relinquish the child to the couple. After the birth, the woman refused to relinquish the child. Originally, the trial court in New Jersey decreed the surrogacy agreement enforceable, but on appeal the New Jersey Supreme Court held the contract unenforceable as against public policy.

The hearing will examine ways that the practice of surrogacy has changed since the passage of the State’s ban on compensated surrogacy contracts. For example, there has been a shift away from traditional surrogacy (a surrogate becomes pregnant via artificial insemination using her own egg and is thus genetically related to resulting child), to the now much more common practice of gestational surrogacy (pregnancy resulting from the transfer of an embryo created through in vitro fertilization in which the resulting child is not biologically related to the surrogate).

Further, the hearing will explore how the enactment of marriage equality, together with the medical, scientific, cultural and social changes that have occurred over the last thirty (30) years, may inform a reexamination of the policy, along with ethical and legal issues surrounding compensated surrogacy agreements.

Persons invited to present pertinent testimony to the Committees at the above hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation.

Oral testimony will be limited to five (5) minutes’ duration. Witnesses are encouraged not to read their statements verbatim, but to instead summarize the key points raised therein. In preparing the order of witnesses, the Committees will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to Committee staff as early as possible.

Ten copies of any prepared testimony should be submitted at the hearing registration desk. The Committees would appreciate advance receipt of prepared statements.

In order to further publicize these hearings, please inform interested parties and organizations of the Committees' interest in receiving testimony from all sources.

In order to meet the needs of those who may have a disability, the Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

**Jeffrey Dinowitz  
Member of Assembly  
Chairman  
Committee on Judiciary**

**Richard N. Gottfried  
Member of Assembly  
Chairman  
Committee on Health**

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HEARING REPLY FORM

Persons wishing to present testimony at the public hearing on Gestational Surrogacy are requested to complete this reply form and mail, email or fax it to:

Amanda Wagner  
Analyst  
Assembly Committee on Judiciary  
New York State Capitol – Room 513  
Albany, New York 12248  
Email: [wagnera@assembly.state.ny.us](mailto:wagnera@assembly.state.ny.us)  
Phone: (518) 455-4313  
Fax: (518) 455-7250

- I plan to attend the following public hearing on Gestational Surrogacy to be conducted by the Assembly Committees on Judiciary and Health on May 24, 2018.
  
- I plan to testify at the hearing. My statement will be limited to five (5) minutes, and I will answer any questions which may arise. I will provide ten copies of my prepared statement.
  
- I will address my remarks to the following subjects:  
\_\_\_\_\_  
\_\_\_\_\_
  
- I do not plan to attend the above hearing.
  
- I would like to be added to the Committee mailing list for notices and reports.
  
- I would like to be removed from the Committee mailing list.
  
- I will require assistance and/or handicapped accessibility information. **Please specify the type of assistance required:**  
\_\_\_\_\_  
\_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX TELEPHONE: \_\_\_\_\_