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October 19, 2023

Rep. Kelly Breen, Chair

House Judiciary Committee

Michigan House of Representatives

Lansing, MI 48933

RE: Michigan Family Protection Act - SUPPORT

Dear Chair Breen and Members of the Committee:

RESOLVE: The National Infertility Association represents the millions of women and men in the U.S. with infertility and the more than 300,000 Michigan residents struggling with this disease, plus thousands more who require medical intervention to build their families. We are pleased to support the Michigan Family Protection Act, which ensures that children born through assisted reproduction, including surrogacy, have a path to legal parentage, and we urge this Committee to favorably recommend this pro-family legislation.

Since 1988, surrogacy contracts are not legally recognized in Michigan, and the state bans compensated surrogacy agreements, meaning parents may not pay a surrogate to carry a pregnancy for them. The ban was enacted in response to the infamous Baby M case in 1988, where the New Jersey Supreme Court ruled that surrogacy contracts were unenforceable. Since that time, medical and legal advances now allow enforceable and compensated surrogacy arrangements to take place in most states across the country, but Michigan remains the only state in the U.S. where those participating in a compensated surrogacy contract still face felony charges.

The Michigan Family Protection Act will ensure that children born through assisted reproduction have a path to legal parentage; allow for surrogacy arrangements to be permitted and regulated in Michigan with clear standards for all surrogacy participants; and ensure equality for LGBTQ+ families so they can establish their parentage like other families.

Replacing Michigan's archaic surrogate parenting law is long past due. Many individuals needing to conceive with the assistance of medical technology have spent years trying to conceive a child. Infertile and same-sex couples are currently forced to leave the state to have a child with the assistance of a compensated surrogate and/or to adopt their own biological children. This adds significantly to the cost of what is already a costly process. Working with a surrogate who lives at a distance from the Intended Parent(s)' home state also limits the ability of parents to participate in the pregnancy, such as attending health care and other appointments. It also prevents Michiganders from taking advantage of Michigan's renowned medical facilities.

We respectfully ask that you pass the Michigan Family Protection Act out of the committee and help ensure it has a pathway to law on behalf of all Michiganders struggling to build their families.

We are happy to provide you additional information on this issue as RESOLVE has been providing support, information, and advocacy for the infertility community since 1974. I can be reached at bcollura@resolve.org and our website is www.resolve.org.

Sincerely,

A handwritten signature in black ink that reads "Barbara Collura". The signature is written in a cursive, flowing style.

Barbara Collura
President and CEO