

November 1, 2023

To: Chair Rep. Kelly Breen and the House Judiciary Committee

We write with concern regarding House Bills 5207-5215 which, as a package, would repeal Michigan's current ban on surrogacy and legalize surrogacy contracts. Infertility is a heartbreaking condition effecting those who desire to have children. However, the pain and grief that infertility causes do not justify the harmful, exploitive nature of the surrogacy industry. We in no way minimize the heartache that comes from infertility, but we must not harm others in our quest to help some!

Many people think "surrogacy builds families, how can that be bad?" Allow us to explain. First, surrogacy exploits women and the practice itself is deeply regressive. The surrogate mother is used for her womb and is then legally set aside. The surrogate mother's bond to the child is treated as if it were important during the pregnancy, and completely irrelevant afterwards. Even though we know that the maternal-fetal bond is incredibly important in the fourth trimester—especially as the baby adjusts to time outside the womb. Recent research has shown that there are serious medical and psychosocial risks that gestational surrogacy confers onto women who serve as surrogates and to the babies they carry for another person or couple. Many developed countries have prohibited commercial surrogacy on human rights and women's health grounds because surrogacy often depends on the exploitation of low income and poor women by those with means to pay for surrogacy. The European parliament stated in 2011 that surrogacy is "an exploitation of the female body and her reproductive organs." They have also stated very simply that surrogacy is, "violence against women."

By itself, in vitro fertilization (IVF) is not without its share of risks and complications, coupled with a very high failure rate of a very costly procedure. From the CDC's most recent data of 2020 we see that 326,468 IVF cycles were done which resulted in 75,023 live born infants. That isn't a high success rate. IVF can be deleterious on a woman's health and new studies are exploring the dangerous effects on the children born through this technology as well. A 2021 study found that "children conceived by assisted reproductive technology (ART) had statistically significantly worse outcomes in left ventricular function and structure." The article further stated that "children conceived by ART had increased blood pressure and unfavorable changes in left ventricular structure and function compared with children who were naturally conceived."¹

Not only does surrogacy have risks associated with the IVF procedure, research has shown that surrogate pregnancies are high-risk pregnancies and are more likely to result in cesarean section, maternal gestational diabetes, hypertension or preeclampsia, placenta previa, and other life-

1. Cui L, Zhao M, Zhang Z, Zhou W, Lv J, Hu J, Ma J, Fang M, Yang L, Magnussen CG, Xi B, Chen ZJ. Assessment of Cardiovascular Health of Children Ages 6 to 10 Years Conceived by Assisted Reproductive Technology. *JAMA Netw Open*. 2021 Nov 1;4(11):e2132602. doi: 10.1001/jamanetworkopen.2021.32602. PMID: 34735014; PMCID: PMC8569486.

threatening complications like postpartum depression.^{2,3} Children born from IVF have increased incidences of pre-term birth, low birth weight, cerebral palsy, and other conditions that result in NICU admissions and longer hospital stays.³ There have even been confirmed deaths of surrogate mothers in both the United States and abroad. Most people are unaware that a surrogate pregnancy, even if the surrogate is only carrying one baby, is a higher-risk pregnancy. Of course, high-risk pregnancies put mother and baby(ies) at risk. Dr. Anthony Diehl, an Ob/Gyn doctor in Rapid City talks about the conflicts of interest when a physician is taking care of a surrogate mother but is being paid by the people who intend to raise the child. Let us remind you that the U.S. has one of the highest maternal mortality rates in the developed world, having doubled from 1991 to 2014, and is the only developed country whose maternal mortality rate is rising. With already high maternal mortality rates, why would we further encourage surrogacy when surrogate pregnancies result in even higher risks still?

Finally, we should all pause and consider if we want to create a world where we market human beings. Jessica Kern, a woman who found out at 16 that she was a product of gestational surrogacy, writes “I think commercial surrogacy is wrong. It really is the buying and selling of babies, and the commodification of women’s bodies.”⁴ Do children conceived from surrogacy contracts feel like Jessica Kern? We don’t know because, to date, there is no research on how offspring of surrogacy feel about their origins. Jessica continues in her story, “I think that there is a very important voice missing from the ongoing cultural debate over surrogacy: the voices of the children themselves.”⁴ Until we hear from the children, surrogacy will continue to be “unashamedly, an adult or parent-centered view, with the basic human rights of newborn babies ignored.”⁵

Allowing some people to buy other people, even if they are young and small, is not a pro-liberty policy. Legislation, as a matter of good public policy, should help and protect citizens. As we seek to assist those who long for a family, we must realize that some of these very costly solutions offered carry real risks to women and children. Michigan has done well to ban surrogacy and we hope you continue to protect the lives of women and children, valuing each as a human life, not a product for sale.

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2. <https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1311&context=dignity>

3. [https://www.fertstert.org/article/S0015-0282\(17\)31941-6/fulltext](https://www.fertstert.org/article/S0015-0282(17)31941-6/fulltext)

4. <https://www.legalizesurrogacywhynot.com/jessica-kern-story>

5. Klein, R. (2017). Surrogacy: A human rights violation.