



Minnesota Senate Judiciary Finance and Public Safety Committee

March 22, 2024

Chair Latz and Members of the Committee: We write to oppose S.F. 3504 (Maye Quade), which, if it follows the same language recently substituted in the House, will create a legal framework for surrogacy arrangements. Surrogacy allows people with the money and means to effectively purchase children. It is wrong no matter who participates. When money changes hands for the baby, it exploits women and commodifies children. Women should not be for rent and children should not be for sale.

Though we can understand the desire to have a child—and the Catholic Church is about the last institution that can be accused of being against bringing more children into the world—we must consider in greater detail the effect of surrogacy arrangements on the parties involved, but also the way in which surrogacy arrangements can have broader social consequences.

In calling for a global ban on surrogacy as it has become an international business, including in Minnesota, Pope Francis stated on Jan. 8, 2024, that he deems “deplorable the practice of so-called surrogate motherhood, which represents a grave violation of the dignity of the woman and the child, based on the exploitation of situations of the mother’s material needs.”

In these concerns, the Church is not alone, and its concerns cannot be written off as mere religious objections. Beyond faith leaders, a diverse array of anti-poverty advocates, those concerned about human trafficking, bioethicists, scholars, and feminist leaders have expressed concerns and reservations about surrogacy—all of which can be justified by the seemingly never-ending stories found with a simple google search.

Among those concerns: first, the emerging physical and psychological problems that surrogates and children born of surrogacy arrangements are being shown to suffer because of hormone treatments, the severance of the gestational bond, and other factors.

Second, the business practices of surrogacy brokers in some states and around the world, some of which have been shown to treat women like chattel and foster human and reproductive trafficking.

Third, the fact that surrogacy arrangements do an end-run around the adoption process, which is the normal, state approved way in which people terminate parental rights, and which has extensive protections for parents, the birth mother, and the child.

Surrogacy has never been legalized in Minnesota, even though surrogacy agreements are happening. In 2016, the Legislative Commission on Surrogacy produced a report recommending a framework for surrogacy should look like precisely because one did not exist in law and does not exist now, which is why proponents have renewed their request for a law—to ensure their contracts are honored, which, at this point, courts have no duty to uphold. The commission recommended that the legal framework must, among other things: 1) Require a background check and mental health evaluation for both gestational surrogates and intended parents; 2) forbid commercial surrogacy arrangements; 3) require all surrogacy agencies to be non-profits licensed by the Department of Health; 4) clarify that the “best interests of the child” standard will be applied in custody disputes; and 5) prevent international surrogacy arrangements, ensuring that children born through surrogacy will receive the protections and rights of the laws and Constitution of the United States.

Any surrogacy legislation passed should follow these guidelines as developed through exhaustive study. The proposed legislation should be amended. Thank you for your consideration.

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