

Bill to regulate surrogacy nearing final passage

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BATON ROUGE — A proposal to create the regulatory framework for surrogacy births in Louisiana edged to within one step of final legislative passage Wednesday, winning overwhelming support from the House.

Approval in an 88-4 vote came over objections from religious groups that raised ethical and moral concerns about surrogacy. Those opponents heavily lobbied lawmakers to reject the measure.

Lawmakers sided with the pleas of their colleague, Sen. Gary Smith, who has two children with his wife through surrogacy and who sponsored the legislation.

“All those notes on your desk? Forget about them,” said Rep. Joe Lopinto, R-Metairie, urging lawmakers to discard the requests to reject the bill.

Rep. Walt Leger, D-New Orleans, said surrogacy births were currently taking place in Louisiana without clear guidelines on the legal rights of the parents, the surrogate or the child.

Lopinto used his own personal story to push for passage, describing the medical treatments his wife underwent and the years of waiting before she gave birth to twins through successful in-vitro fertilization.

“This bill gives the miracle of life. Enjoy it. Embrace it. This is something that we need to be proud of,” he said.

There is opposition to surrogacy among some social conservatives. The in-vitro fertilization that’s required can cause the destruction of embryos, a problem for some anti-abortion groups.

The conservative Louisiana Family Forum, which holds significant sway in the House, opposed the bill, saying surrogacy would destroy embryos and “radically redefines the family.”

“I believe in the right to life. This gives the right to life,” Lopinto said.

No one spoke directly against the bill on the House floor. Rep. Stephen Ortego, D-Carencro, one of the four opponents, raised questions about morality.

“If a child is a gift, then we really can’t see that as something that is owed to somebody,” he said.

Leger said the bill was drawn up in consultation with judges, lawyers, experts in family law and theologians.

“At the end of the day, this bill is setting up a reasonable, responsible and appropriate regulatory scheme ... that seeks to protect the surrogates, to protect the parents and particularly to protect the child,” he said.

The bill would spell out that a surrogate only could be allowed for a married couple who can’t otherwise have a biological child.

To be a surrogate, a woman would have to be at least 25 years old, have given birth to a child and undergo mental and physical evaluations. She would have to agree to relinquish all rights to the child she would be carrying for the married couple, in a surrogacy contract.

“The intent of the bill is pro-family,” said Rep. Sherman Mack, R-Livingston.

Smith watched the debate from the side of the House chamber, often talking with lawmakers during the discussion.

Smith’s proposal returns to the Senate for approval of changes before heading to Gov. Bobby Jindal’s desk. Earlier this session, the Senate voted 30-4 for the bill, and Smith said he didn’t object to the House changes.

Online:

Senate Bill 162 can be found at www.legis.la.gov