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## **N.J. lawmakers OK bill to authorize gestational surrogacy**

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**BY SALVADOR RIZZO**

New Jersey couples struggling to conceive children would be allowed to enter legally binding agreements with “gestational carriers” under a bill that received final passage in the Legislature on Thursday.

Lawmakers said the bill aims to protect both sides – parents and surrogate mothers – on the frontier of assisted-reproduction technology.

Unlike a traditional surrogate pregnancy, with artificial insemination, a gestational carrier does not share DNA with the child. Instead, doctors take a fertilized egg from the intended mother and implant it in the surrogate’s womb.

The bill has been debated for years, raising questions about the proper way to start a family. Opponents have said that by sanctioning gestational carriers, the state would be leading women to “commercialize” their wombs.

Advocates say the practice should be regulated because couples are not likely to stop using assisted-reproduction technologies. Legally recognized agreements between parents and surrogate mothers are crucial, they say, to prevent wrenching disputes over medical care, financial responsibilities, court procedures and issues concerning the fetus or child.

“Without this legislation, intended parents and gestational surrogates will continue having children through these arrangements but without legal protections or they will be forced to move to other states that afford them more security,” said Assemblywoman Valerie Vanieri Huttel, D-Englewood, the lead sponsor.

Governor Christie vetoed an earlier version of the bill in 2012, saying the issue raised “profound” questions that the Legislature had not fully explored. A spokesman for the

governor declined to comment Thursday on the new version of the bill, citing its “pending status.”

Under the terms of the bill, surrogate mothers must be 21 years or older and must have given birth previously. The intended parents and the surrogate mother would have to undergo psychological evaluations. The parents and the carrier would have to retain independent attorneys, although the parents would be allowed to cover the cost of the surrogate mother’s lawyer.

“As science advances, and surrogacy grows in popularity, gestational carrier agreements are imperative to protect the interests of all parties involved,” said state Sen. Joseph Vitale, D-Middlesex, the Senate sponsor.

The Democratic-sponsored legislation passed the Assembly by a 46-24 margin Thursday, mostly along party lines. It passed the state Senate in February with only one Republican in support, Sen. Jennifer Beck, R-Monmouth.

Lawmakers say the bill would bring clarity and security to a complicated issue. The state Supreme Court ruled in 1988 that traditional surrogacy agreements in New Jersey were invalid because they went against established public policy.

A trial-court judge applied that ruling to invalidate a gestational-carrier agreement in 2009. If the Legislature did not act to override those court decisions, they could set a legal precedent that all gestational carrier agreements are invalid, lawmakers said.

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