



D.C. Council passes bill to end 25-year ban on surrogacy agreements

by MIKE CARTER-CONNEN/ABC7

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D.C. Council passes bill to end 25-year ban on surrogacy agreements. (ABC7)

WASHINGTON (ABC7) — The D.C. Council this week unanimously passed legislation that could end the District's 25-year ban on surrogacy agreements. These contracts are legal in nearly all other states, but only in D.C. is making such an agreement a criminal offense.

Many local gay couples and infertile straight couples are celebrating with the pending legalization of surrogacy agreements.

Gay and Lesbian Activists Alliance President Rick Rosendall said, "We are talking about loving, respectful, life-affirming collaborations to create new families."

Like many other jurisdictions, D.C. banned such contracts soon after the so-called Baby M custody case in the late 1980s, when New Jersey's Supreme Court invalidated a surrogate agreement.

Opponents of surrogacy argue it exploits and endangers women, especially low income women. In their words, they believe it's wrong to take the miracle of child birth and transform it into a commercial transaction.

Center for Bioethics and Culture President Jennifer Lahl may be the most outspoken opponent of surrogacy in the nation. The organization is based in California.

"We don't pay organ donors because we want organ donors to make decisions in their own best health interest or best interest in general," Lahl said.

Lahl favors D.C.'s current law, which bans and criminalizes surrogacy agreements. Violators could face up to a year in prison and/or a \$10,000 fine.

The pending legislation establishes parental rights and procedures; it requires surrogates be 21 years old and already have a child.

"We just think we can regulate and write a piece of legislation that there won't be problems but that's nothing farther from the truth," Lahl said.

But Rosendall defends the legislation. "The bill as drafted is carefully written to protect the interests of all parties in such an agreement," he said.

The bill now goes to Mayor Muriel Bowser for her consideration, but it already has a veto-proof Council majority.

“The Mayor has not had an opportunity to review this bill specifically. She plans to do so in the coming weeks and will make a final determination on whether or not she is in support,” said her spokesperson Susana Castillo.

If signed, the law would still face congressional review for 60 legislative days. Supporters said they don't know what to expect from the new Congress and President.