SLS 10RS-1081

ORIGINAL

Regular Session, 2010

SENATE CONCURRENT RESOLUTION NO. 81

BY SENATOR MORRELL

LEGISLATIVE AGENCIES. Requests the Louisiana State Law Institute to study and make recommendations on the implementation of laws in Louisiana relative to surrogacy agreements.

1	A CONCURRENT RESOLUTION
2	To urge and request the Louisiana State Law Institute to study and make recommendations
3	on the implementation of laws in Louisiana relative to surrogacy agreements and to
4	report its findings to the legislature.
5	WHEREAS, pursuant to R.S. 9:2713, enacted in 1987, surrogacy agreements are
6	considered absolutely null and shall be void and unenforceable as contrary to public policy
7	in Louisiana; and
8	WHEREAS, the issue of surrogacy agreements was addressed by the National
9	Conference of Commissioners on Uniform State Laws in 1988 with the adoption of the
10	Uniform Status of Children of Assisted Conception Act (USCACA); and
11	WHEREAS, the states were offered two alternatives in the USCACA, either to
12	regulate such activities through a judicial review process or to void such contracts and only
13	two states decided to enact the USCACA; and
14	WHEREAS, the USCACA has now been incorporated into the Uniform Parentage
15	Act, but the enactment of the Article on surrogacy agreements or gestational agreements in
16	the Uniform Parentage Act is optional as these agreements are invalid in some states; and
17	WHEREAS, some states allow such surrogacy agreements by statute or case law and
18	some states provide that such agreements are void and contrary to public policy, while other

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1 states do not ban such agreements per se, but statutorily ban compensation to the gestational mother; and 2 3 WHEREAS, in other states, surrogacy agreements are treated as a legal act that 4 should be approved by a court; and WHEREAS, surrogacy agreements often present a variety of ethical, moral, and 5 social issues, as well as contractual issues involved in the surrogacy contract between the 6 7 relevant parties; and 8 WHEREAS, surrogacy agreements will present a variety of legal issues involving 9 legal status of the children born to such agreements and the various parental rights and 10 responsibilities of those involved in artificial reproduction; and 11 WHEREAS, despite the difficult issues presented by surrogacy agreements, the 12 surrogacy arrangement has become an increasingly popular vehicle for those couples facing 13 infertility, and the regulation of these agreements will lead to better protection of the legal 14 right of the parties involved, especially the best interest of the child; and 15 WHEREAS, there is a need for a comprehensive consideration of all issues involved 16 in this area, given the current medical technology involved in artificial reproduction and the potential for future advances in such medical technology. 17 18 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 19 urge and request the Louisiana State Law Institute to study and make recommendations on 20 the implementation of laws in Louisiana relative to surrogacy agreements, and to report its 21 findings to the legislature. BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 22 23 Louisiana State Law Institute, and that the Louisiana State Law Institute report its findings 24 and recommendations to the Legislature of Louisiana on or before March 1, 2011. The original instrument and the following digest, which constitutes no part

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DIGEST

of the legislative instrument, were prepared by Camille Sebastien Perry.

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