

1 states do not ban such agreements per se, but statutorily ban compensation to the gestational
2 mother; and

3 WHEREAS, in other states, surrogacy agreements are treated as a legal act that
4 should be approved by a court; and

5 WHEREAS, surrogacy agreements often present a variety of ethical, moral, and
6 social issues, as well as contractual issues involved in the surrogacy contract between the
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
17 potential for future advances in such medical technology.

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.

22 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
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
of the legislative instrument, were prepared by Camille Sebastien Perry.

DIGEST

Morrell

SCR No.

Requests the Louisiana State Law Institute to study and make recommendations on the
implementation of laws in Louisiana relative to surrogacy agreements and to report its
findings and recommendations to the legislature on or before March 1, 2011.