

TESTIMONY REGARDING SB 1052 (Hines)
(To permit Gestational Surrogacy "for valuable consideration")
HOUSE COMMITTEE ON CIVIL LAW & PROCEDURE

June 9, 2003

Mr. Chairman, Honorable Committee Members:

My name is Dr. W. A. Krotoski; I am an internist and medical scientist, living in Louisiana since 1975, now retired. My credentials include the M.D., Ph.D. and M.P.H. (Master of Public Health degrees); I have published 54 scientific papers, taught in schools of medicine and public health (primarily in Louisiana), co-authored a medical textbook, and contributed to others. I am Co-founder of *The Hippocratic Resource*, a statewide organization of life-respecting physicians, dentists, medical scientists, nurses, and other health professionals, many with multiple or advanced professional degrees, and am also a former President of the Louisiana Right to Life Federation. Finally, over the past two years, I was a regular observer/participant in Sen. Hines' Task Force on Assisted Conception and Artificial Means of Reproduction.

With this as background, I wish to address the Committee on Senator Hines' bill, SB 1052, which proposes to add gestational surrogacy agreements "for valuable consideration" to Louisiana Law, and to make some other changes to that law. I would ask you to defer this bill for the following reasons:

1. The inability of a married couple to conceive and/or bear a living child often has a profound biologic/genetic basis, such as paternal/maternal genetic incompatibilities (including, but not infrequently exceeding those of the Rh- or ABO blood group incompatibilities) or lethal gene combinations, which could create severely disabled offspring. In simple terms, love and marriage are no guarantors of children, and never have been. Yet, sometimes that could be a blessing in disguise, leaving the road open to a very desirable adoption.

2. Carrying a child to term, while far safer than a century ago, is still inherently risky to the mother, whether natural or surrogate, occasionally to the point of severe illnesses or even death. Contracts which may directly result in such outcomes should not be allowed "for valuable consideration." Life or health should not be sold.

3. Carrying a child, particularly one not genetically related, could irrevocably damage the surrogate mother physically and/or physiologically, and thus prevent any future pregnancies of her own, or their successful outcome. Theoretically, based on interaction with a genetically unrelated baby, the risk to such a surrogate mother is approximately double.

4. What happens if, during the course of her pregnancy, the surrogate mother becomes unpredictably, severely ill (for instance, with eclampsia/toxemia or a ruptured uterus), or even permanently disabled (for instance, in irreversible coma)?

5. What happens if a genetic incompatibility or other reason, e.g. trauma, infection, etc. results in a severely defective child? Who takes the responsibility? And how? Who would pay for the cost of medical care, upbringing, etc. under such circumstances?

6. While making provision for "mental health counseling" pre-natally, this bill makes no provision for post-partum psychiatric care – just when it is most likely to be needed. Severe depression, sometimes even suicide, and other emotional problems are much more likely post-partum than pre-natally.

7. Even though this law would exclude single motherhood – which is provably detrimental or, at least less advantageous to a child than a normal, bi-parental family – given current trends, it would open the road to this as a next step. Why should the added risk of surrogacy be followed by an increased risk of poor family life? The family is, after all, the basic unit of society, and dysfunctional families are not a good investment for society to make.

8. Finally, permitting surrogacy "for valuable consideration" opens the door to producing a traffic in human beings – or, at least, the provision of children for monetary gain – which, for me, approaches the basic philosophy underlying human slavery.

Therefore, Mr. Chairman and Committee members, I respectfully request that you vote to defer SB 1052. Thank you very much!

W. A. Krotoski, M.D., Ph.D., M.P.H.