

For example, the term "surrogate parentage contract" is not defined in the bill. Therefore, a question may arise as to the validity of an agreement that a man signs to relinquish his parental rights upon donating sperm (for a fee) to a sperm bank, an agreement by a woman who donates an egg to be fertilized by sperm and implanted into another woman who is unable to conceive but able to carry a fetus to term, or any number of agreements that may be entered into as part of fertility and infertility research. Furthermore, the bill is silent with regard to a surrogate parent agreement that was entered into prior to the bill's effective date.

Again, this year I have received numerous letters from proponents of the bill who believe that surrogacy and surrogate parent agreements are morally wrong. However, many people, including infertile couples and parents through surrogacy, have written to ask me not to allow the State to interfere with one of the few options an infertile couple has to create a family.

There has been no evidence of abuse in Maryland and it is my understanding that the vast majority of surrogacy arrangements work without the necessity of litigation. And as I stated in my veto message two years ago, if a controversy does arise and a contract is held unenforceable, the court will still face the issue of custody of the child, to be determined on the basis of the best interest of the child.

Other than to discourage infertile couples from pursuing the option that surrogacy provides, I do not believe the bill will accomplish anything. Furthermore, I am very uncomfortable with the State declaring policy on such a personal and private decision, particularly one upon which so many have the right to and do disagree.

For these reasons, I have vetoed Senate Bill 171.

Sincerely,
William Donald Schaefer
Governor

Senate Bill No. 171

AN ACT concerning

~~Commercial~~ Surrogate Parentage Contracts

FOR the purpose of establishing that a ~~commercial~~ surrogate parentage contract is void and unenforceable as against State policy.

BY adding to

Article - Family Law

Section 5-2A-01 to be under the new subtitle "Subtitle 2A. ~~Commercial~~ Surrogate Parentage Contracts"

Annotated Code of Maryland

(1991 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: