



NEW JERSEY STATE BAR ASSOCIATION

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April 20, 2018

Honorable Phil Murphy
Office of the Governor
PO Box 001
Trenton, NJ 08625

RE: S482/A1704 authorizes certain gestational carrier agreements.

Dear Governor Murphy:

On behalf of the New Jersey State Bar Association, I write to urge you to sign into law the New Jersey Gestational Carrier Agreement Act (S482/A1704). This important piece of legislation codifies the process for the implementation of gestational surrogacy agreements that are based on best practices for the protection of all of the parties involved. With your signature, this law will be instrumental in establishing standards for a practice that is currently unregulated in New Jersey and often leaves parties exposed to potential legal difficulties.

Gestational surrogacy currently exists in New Jersey, but there are no statutory protections for the intended parents or the gestational carriers. This bill would apply only gestational surrogacy, where the carrier is not the genetic mother of the child she carries. It allows for the payment of reasonable expenses in connection with the agreement, mirroring what is permissible under the current adoption statute. It offers a necessary and strong legal framework so all parties involved can be educated and counseled about their rights and obligations before a contract becomes binding. These important stopgaps will help prevent any potential confusion or impending legal proceeding. Most importantly, all parties must be represented by counsel for an agreement under the Act to be enforceable.

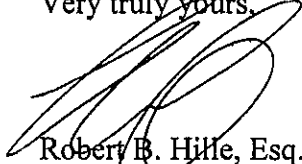
The NJSBA has worked closely with the sponsors to ensure that this legislation incorporates other important best practices, including medical and psychological evaluations.

In addition, the bill will provide an economic benefit to New Jersey's medical and health care professionals. New Jersey is home to some of the best fertility doctors and clinics in the nation, yet New Jersey attorneys routinely recommend that couples go out of the state for gestational surrogacy due to the lack of clear regulations and enforceable contracts in New Jersey. This bill allows couples to stay in New Jersey and to benefit from the state's professionals and clinics. Providing an option for these couples to remain in the state will allow groundbreaking medical research to thrive and keep medical care and hospital care dollars in New Jersey.

We respectfully urge you to sign into law S482/A1704 into law.

We would be pleased to address any questions or concerns you may have as you consider signing the Act.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert B. Hille", written over the typed name.

Robert B. Hille, Esq.
President