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February 15, 2021

Senator Arthur Rusch

Chairman, Judiciary Committee

South Dakota Senate

Pierre, South Dakota 57501

Re: Senate Bill 183 – Oppose

PRESIDENT/CEO

Barbara L. Collura

Dear Chairman Rusch and Members of the Committee:

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On behalf of the millions of women and men in the U.S. with infertility and the more than 23,000 couples in South Dakota who are trying to have babies in the face of infertility, RESOLVE: The National Infertility Association objects to SB 183.

One in eight couples have trouble conceiving or carrying a pregnancy to term. Many individuals needing to conceive with the assistance of medical technology have spent years trying to conceive a child, and some of them turn to gestational carrier surrogacy to build their families. In gestational surrogacy, the woman carrying the pregnancy is not genetically linked to the offspring.

The American Congress of Obstetricians and Gynecologists (ACOG) and the American Society for Reproductive Medicine (ASRM) support gestational surrogacy as a safe family-building option. Importantly, the gestational agreement may not limit the right of a carrier to make her own healthcare decisions, including the decision to reduce or terminate her pregnancy.

SB 183 is therefore unnecessary – a woman cannot be compelled to have an abortion in a gestational carrier agreement. Yet SB 183 threatens the protections provided in such an agreement by including language that invalidates the contract altogether, placing all participants in the surrogacy process at risk: the parents, surrogates, and the children born through the surrogacy process. Such a law would make South Dakota an outlier. In the past 30 years, more than 25 states have created new laws to protect all participants in the surrogacy process with clear and necessary regulations.

RESOLVE's mission is to support people building families. We believe that SB 183 would hurt the very people who struggle to have babies and those who want to help them. It does not protect gestational carriers and places everyone involved in the gestational surrogacy process at risk. As the voice of the 1 in 8 couples who face infertility in South Dakota and across the country, RESOLVE opposes this bill and urges you to vote NO on SB 183.

We are happy to provide you additional information on this issue as RESOLVE has been providing support, information, and advocacy for the infertility community since 1974. I can be reached at bcollura@resolve.org and our website is www.resolve.org.

Sincerely,

A handwritten signature in black ink that reads "Barbara Collura". The script is fluid and cursive, with the first letters of each word being capitalized and larger than the rest of the letters.

Barbara Collura
President/CEO
RESOLVE: The National Infertility Association