



Gestational Surrogates' Bill of Rights

Health and welfare decisions:

A gestational surrogate has the right to make all health and welfare decisions regarding themselves and their pregnancy. This includes:

- consent to a cesarean delivery,
- consent to a multiple embryo transfer,
- use of the services of a health care practitioner of their choosing,
- decision to continue or end the pregnancy,
- decision to keep or reduce the number of fetuses or embryos they are carrying, and
- decisions about other related health and welfare issues.

Independent legal counsel:

A gestational surrogate has the right to legal counsel of their choice, paid for by the intended parent(s).

- The legal counsel must be licensed to practice law in the state of New York, and should have experience with surrogacy.
- The legal counsel represents the surrogate during development and execution of the surrogacy agreement.
- The legal counsel represents the surrogate and their interests throughout the surrogacy process.
- The legal counsel must not also represent the intended parent(s).

Health insurance and medical costs:

A gestational surrogate has the right to a comprehensive health insurance policy that covers preconception care, prenatal care, major medical treatments, hospitalization and behavioral health care.



- The insurance plan will provide coverage for the entire surrogacy period, the entire pregnancy, and for twelve months after childbirth or the end of the pregnancy.
- The policy will cover medication to prepare for in vitro fertilization and embryo transfer.
- This insurance plan shall cover the cost of psychological counseling to address issues related to the surrogacy.
- The insurance plan is paid for by the intended parent(s).
- The intended parents will also pay for or reimburse the gestational surrogate for any co-payments, deductibles, or other out-of-pocket expenses associated with the pregnancy, childbirth, and postnatal care for 12 months after childbirth or after the end of the pregnancy.
- A gestational surrogate who is not receiving compensation can decide that the intended parent(s) do not have to pay for co-payments, deductibles, or other out-of-pocket expenses of the pregnancy.

Life Insurance:

A gestational surrogate must be provided a life insurance policy that takes effect before they use any medication or begin any treatment for embryo transfer.

- The policy must cover a minimum benefit at least equal to:
 - o \$750,000, or
 - o the maximum amount that the gestational surrogate qualifies for, if this amount is less than \$750,000.
- The policy term must cover the duration of the expected pregnancy and the twelve months after the birth of the child, a stillbirth, a miscarriage, or termination of the pregnancy.
- The surrogate has the right to choose the beneficiary or beneficiaries of the policy.
- The policy must be paid for by the intended parent(s).

Termination of surrogacy agreement:

A gestational surrogate has the right to end a surrogacy agreement before becoming pregnant by means of assisted reproduction^[1].

Notes

1. Pursuant to Section 581-405 of Article 5-C of the Family Court Act.