

Bioethical Challenge In “Surrogate Motherhood Regulations, Olympia State, 2021”

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Surrogate Motherhood Regulations, Olympia State, 2021

This is a legal statute to regulate surrogacy in the state according to law and secure the parties' judicial rights involved herewith.

Short title, extent and commencement:

These regulations may be called “Surrogate Motherhood Regulations, Olympia State, 2021”. These regulations extend to the whole state as and where required to be acted upon and will come into implementation at once.

Definitions:

In these regulations:

“State” means Olympia State.

“Government” means the State government of Olympia State.

“Governor” means governor of Olympia State or the person or authority appointed by him to regulate the official matters in his place.

“Centers” means hospitals, clinics and laboratories assigned or associated with surrogacy.

“Surrogate mother” means any adult and healthy woman capable of serving as a surrogate mother.

“Surrogate child” means the child born by the surrogacy system.

“Parents” means the adult persons who are willing to acquire the services of surrogate mothers for children.

“Remuneration” means the charges paid to surrogate mothers.

Establishment of Centers: According to the governor’s instructions, the government will establish public centres and devise policies to establish private centres to promote surrogacy as and where required. Acquiring a valid license for these centres will be mandatory.

Selection of Surrogate Mother: The women selected to be surrogate mothers should be adults, medically fit and willing to serve as surrogate mothers without any force or pressure.

Eligibility for Being Parents: The parents willing to acquire a surrogate child need to be adults and legally eligible for being parents according to state law.

Documentation of Contract: The contract between surrogate mothers and parents should have a written contract with the help of legal experts.

Status of Surrogate Children: The surrogate child will be the legal heir of the parents and has no rights in the property of surrogate mothers.

Payment of Remuneration: The expenses, charges, and remuneration will be paid by the parents according to the written contract and according to expert medical opinion from time to time according to need and requirements.

Commercial Surrogacy: Commercial surrogacy is completely banned in the state.

Repeal: All the previous rules, legal policies and regulations related to surrogacy are hereby repealed with immediate effect.

Description & Explanation

The regulations are made in the best interest of the state’s general public, having the purpose of planning, developing, and executing the developed surrogacy services. The specified interests of the state government and the respective authorities are to propose and establish an integrated and comprehensive surrogacy system to improve the quality of the general public’s life. The regulations will ensure the quality of surrogacy according to modern standards and advanced facilities.

Ultimately, the state government will lead the people towards prosperity in the socio-health sector and revise the regulations from time to time according to needs and requirements.

Moreover, it has also become a necessity in the great interest of the general public to evolve such regulations and policies to secure and improve the social fabric in the state. Similarly, the increasing rate of infertility among couples needs to devise a secure system to fulfil the desire for offspring. Such couples’ mental and psychological satisfaction and their social status require the government to formulate such regulations on priority. In addition, the religious, moral and social norms have been given due consideration during the formulation of these regulations. So that the population strata

having different ethnic and religious backgrounds can equally benefit from these regulations without any hesitation.

Why are Specific Provisions Chosen?

Moreover, the specific provisions included in this legal statute have solid reasons. For example, the provision of “definitions” provides clarity about the other provisions. Legal regulations need more clarity to be implemented in the required territory. Legal statutes should be concise and clear regarding the given time and space (Duska & Radin, 2019). Similarly, provisions relating to the legal status and eligibility of surrogate mothers and parents provide more clarity and scope of this legal document. Furthermore, written documentation about the contract can resolve any conflicts arising among parties from time to time (Miceli, 2020). The contract between surrogate mothers and parents can be legal proof, and such documentary proof may serve to secure parties’ rights on a judicial basis.

Similarly, the provisions relating to charges payment to surrogate mothers can resolve any misunderstanding and confusion among parties. Such charge details are mandatory to be set by the medical expert so that both parties cannot pressure anyone. Additionally, the banning of commercial surrogacy can eliminate the misuse of the surrogacy system in the state in future.

Why have Some Provisions not been Chosen?

In contrast, various important provisions are not included in the statute to avoid unnecessary details and overcome confusion among people. For example, the provision of “Marriage of Parents is Mandatory” is not included to avoid panic among the masses. The family culture in the state bears marriage after the expectancy of couples or even after childbirth. So this provision is not included. Another provision, “Religious Similarity among Parties,” is not included to avoid the unnecessary debate on surrogacy based on religion. People of different religions reside in a state, and the choice of becoming a surrogate mother is the sole right of women. So they may choose to act according to their beliefs. Similarly, the provision “Surrogate Mothers should be the State National” is not included to avoid unnecessary restrictions on the people.

References

Duska, R., & Radin, T. (2019). Contemporary Laws and Regulation: An Argument for Less Law, More Justice. In *Business Ethics After The Global Financial Crisis* (pp. 57-69). Routledge.

Miceli, T. J. (2020). 2. The Elements of a Valid Contract. In *The Economic Approach to Law, Third Edition* (pp. 92-94). Stanford University Press.