

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



*Tammy Myers, who had her twins via surrogacy, and her lawyer Melissa Neckers celebrated when bills expanding surrogacy rules cleared the Michigan legislature on Tuesday. Myers fought for custody of her children for nearly two years after they were born in 2021.
(Anna Liz Nichols/Michigan Advance)*

Legislation that would repeal Michigan's ban on paid surrogacy contracts is on the governor's desk.

Nine surrogacy reform bills cleared the Democratic-led legislature this week despite disapproval from Republicans, [Michigan Advance](#) reported. Gov. Gretchen Whitmer, a Democrat, is expected to sign the bills into law.

Michigan is the lone state in the U.S. that punishes people for contracted surrogacy. Violations include up to one year in jail and a \$10,000 fine. Entities that help to arrange surrogacy contracts face up to five years in prison and a \$50,000 fine.

GOP lawmakers who voted against the bills voiced concerns that surrogates could be exploited and reform could turn Michigan into a “destination” for commercial surrogacy.

“How often would any of us imagine that a wealthy woman would serve as a paid surrogate for a poor family? Never,” said Republican Sen. John DaMoose. “So why are we allowing those who struggle financially to be virtually rented. ... These are the very people who deserve our protection from such indecent proposals,” he said.

Supporters of the legislation said the state’s surrogacy laws are archaic, lacking protections for parents, surrogates and children. The proposals would require surrogates to be 21 or older, have given birth before and undergo medical evaluations.

Prospective parents would have to pay for a surrogate’s lawyer under the reforms. Other [provisions](#) would protect LGBTQ+ couples from discrimination and ensure children born through surrogacy can access birth certificates and inheritance.

“If anybody has another option, if they can avoid using Michigan somehow, I send them out of Michigan all the time,” said Melissa Neckers, an assisted reproductive technology lawyer. “It happens weekly, if not daily, that I warn people as to how hard it is going to be in Michigan. And now I don’t have to do that ... It will absolutely keep people in Michigan.”

The Advance spoke to one of Neckers’ clients, [Tammy Myers](#), in November about her arduous two-year journey to obtain legal custody of her biological twin children after they were born by surrogate in 2021. Myers said the courts did not initially clear her parental rights due to surrogacy laws.

Democratic Rep. Samantha Steckloff has pushed for updates to Michigan’s surrogate statutes. A cancer survivor, Steckloff shared her infertility journey when advocating for the measures.

“These laws will not only protect the rights of patients and medical professionals, but also pave the way for countless families who rely on IVF as their path to parenthood,” she said Tuesday after the bill cleared the state Senate. “As we celebrate this victory, let’s continue to advocate for reproductive autonomy and ensure fertility treatments are accessible to all who need them.”

THE BEAT *States Newsroom coverage*

Arkansas governor’s adviser leads abortion amendment opposition group



*Supporters of a proposed abortion rights amendment that would expand abortion access in Arkansas signed petitions during a January rally. The state has a near-total ban.
(Antoinette Grajeda/Arkansas Advocate)*

Stronger Arkansas, a group opposing an abortion rights petition, is chaired by **Chris Caldwell**, Republican Gov. **Sarah Huckabee Sanders’** campaign manager. The organization’s stated goal in ethics commission [filings](#) is “the disqualification and/or defeat” of initiatives about abortion, education and marijuana, [Arkansas Advocate](#) reported.

The abortion measure would allow pregnancy termination up to 18 weeks of fertilization and in cases of rape, incest, fatal fetal anomalies or to protect a woman’s life or physical health.

Gennie Diaz, communications director for **Arkansans for Limited Government**, said nearly half a dozen groups have formed committees against the petition. “That is their right to be there and to make their voices heard,” Diaz told the Advocate. “What has surprised us is finding out that one of these groups is spearheaded by top Sanders advisers.” Stronger Arkansas’ vice chair is Vicki Deere, the mother of Sanders’ deputy chief of staff. Cathy Lanier, the group’s treasurer, was a finance director for the governor’s gubernatorial campaign.

Nebraska anti-abortion groups back petition that would enact a 13-week ban

Two retired nurses and a pharmacist have launched the “**Protect Women and Children Initiative**,” a proposed constitutional amendment that would ask voters to ban abortion after 13 weeks of pregnancy, when the **first trimester** ends, [Nebraska Examiner](#) reported.

“Unborn children shall be protected from abortion in the second and third trimesters,” the filed petition language states.

A law banning abortion after 12 weeks’ gestation in most cases took effect last year.

The state’s major anti-abortion groups — Right to Life and Family Alliance — endorsed the petition. Language for the new initiative has not been finalized, according to a spokesperson for the Nebraska secretary of state’s office.

Protect Our Rights, a ballot petition filed last year, seeks to legalize abortion up to fetal viability.

“This new effort would enshrine Nebraska’s current harmful ban in our state constitution and leave the door open for far more restrictive bans,” said Jasmine Smith, a Protect Our Rights sponsor. Smith’s campaign is supported by the regional Planned Parenthood and the state American Civil Liberties Union affiliate. Ballot initiatives require signatures of at least 10% of the state’s registered voters, including 5% of voters in 38 of 93 counties. Petitions need about [91,000 signatures](#) by July 5.

Montana Supreme Court allows abortion rights petition to stand

The Montana Supreme Court ruled Monday that a proposed abortion rights amendment can move forward, reversing the attorney general’s office decision that said the initiative “logrolled” multiple subjects. **Montanans Securing Reproductive Rights** still needs its initiative finalized by Republican Attorney General **Austin Knudsen**. If Knudsen approves the petition, supporters will need more than 60,000 signatures from 40 state House districts by late June, [Daily Montanan](#) reported.

“We urge the Attorney General to approve the clear, neutral ballot statements submitted by Montanans Securing Reproductive Rights with haste to avoid more unnecessary litigation,” the group said in a joint statement. The proposal would ask voters to prohibit government interference in abortion access up until fetal viability and later in pregnancy to save a patient’s health. Providers would also be shielded from punishment in those cases.

In the 6-1 [ruling](#), justices wrote Knudsen lacked evidence to back his argument. **Associate Justice Jim Rice dissented**, agreeing with the attorney general’s assertion that the initiative contained several constitutional changes. “The dissent had it right in agreeing with the Attorney General that the proposal violates the Montana Constitution’s prohibition on logrolling multiple amendments in a single ballot issue,” said Emilee Cantrell, a spokesperson for Knudsen’s office.

THE PULL *Commentary from North Carolina*

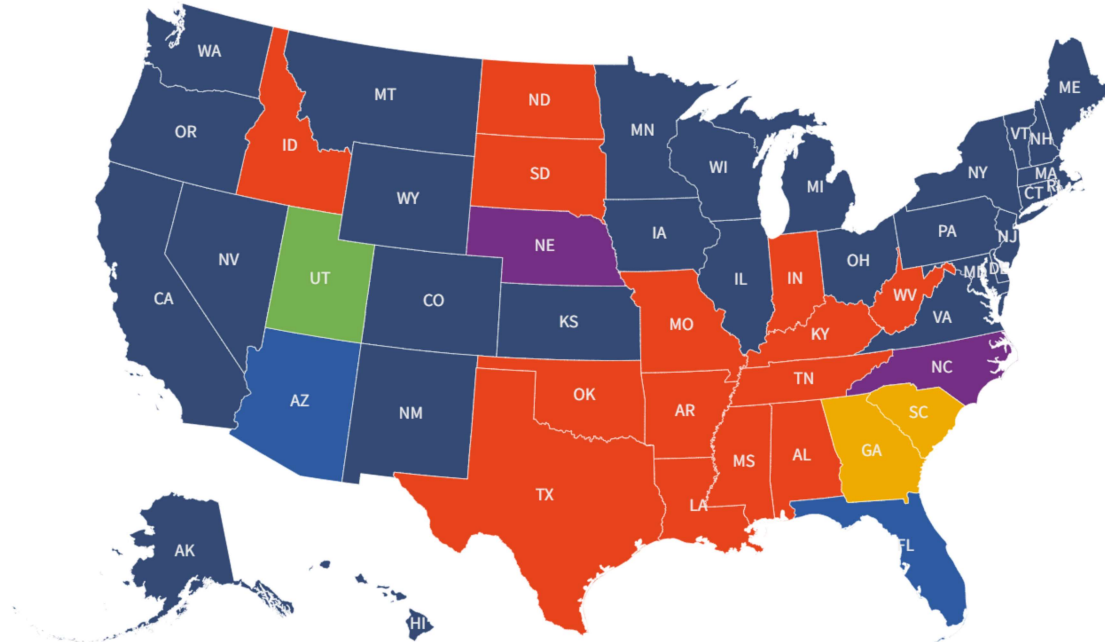
“The bottom line: The Alabama [ruling](#) sets a dangerous and frightening precedent. And as a group of [IVF moms](#) made clear last week at a Raleigh press conference, it’s imperative that

national and state elected leaders act right away to guarantee access to this life-giving procedure.” — **Rob Schofield**, editor, [NC Newline](#)

THE PULSE *Reproductive rights news across the country*

- New York pharmacists can dispense contraception — pills, vaginal rings and patches — without a prescription under a new policy. ([Gothamist](#))
- The Pennsylvania Black Maternal Health Caucus unveiled bills that would expand insurance coverage of doula care, among other pregnancy-related measures. ([Politics PA](#))
- A Wyoming district court judge asked the state Supreme Court to answer constitutional questions dealing with the state’s blocked abortion bans. ([WyoFile](#))
- Former President Donald Trump indicated support for a federal 15-week abortion ban during a radio interview where he also suggested the issue should be left to the states. ([Associated Press](#))
- Congress has agreed to extend a global HIV-AIDS program despite allegations from conservatives that it funded abortions. ([Semafor](#))

STATE BY STATE *Abortion access in the U.S.*



Open this interactive map in your browser

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