



AP / HANS PENNING

The surrogacy bill was passed by the State Senate but faces opposition in the Assembly.

## State weighs legalizing paid childbirth surrogacy

BY YANCEY ROY  
yancey.roy@newsday.com

ALBANY — New York is one of three states that prohibit a woman being paid to carry someone else's baby to term.

That status hangs in the balance, though, as Gov. Andrew M. Cuomo and lawmakers move to the final days of the 2019 session of the State Legislature. A proposal to overturn the ban has sparked a battle ahead of the scheduled June 19 adjournment.

The Senate approved the bill Tuesday, but it faces opposition in the Assembly.

Here are some things to know about the legislation:

**The bill at hand would legalize "compensated gestational surrogacy," as supporters call it, and "commercial surrogacy" as opponents tag it.**

In short, it would lift the ban on a woman being paid to carry someone else's baby.

**New York's surrogacy ban stems from an infamous case and action by then-Gov. Mario Cuomo, the current governor's father.**

In 1985, a New Jersey couple paid a woman \$10,000 to be inseminated with the husband's sperm and carry their child to term. But when the baby, a girl, was born, the woman had a change of heart and said she wanted to keep the child and forgo the money. A lengthy court battle ensued — it became known as the "Baby M" case.

Eventually New Jersey's top court ruled the contract illegal, though the father ultimately

won custody of "Baby M."

Fast forward to 1992: Then-Gov. Mario Cuomo signed a law banning surrogacy contracts.

**Since Baby M, most states have made paid surrogacy legal.**

The federal government hasn't really touched the issue, leaving it up to the states. In that vacuum, 47 other states have enacted laws establishing surrogacy rights and rules.

Meanwhile, infertile or gay couples in New York say they've had to travel out of state to go through surrogacy.

"I'm the proud parent of two daughters born through gestational surrogacy. Unfortunately, under the current law, my husband and I had to travel 3,000 miles to California to build our family because New York makes surrogate agreements illegal," said Sen. Brad Hoylman (D-Manhattan), one of the lead sponsors of the repeal legislation and the only openly gay state senator.

**It's not completely a Republican-Democrat divide and each side features heavy hitters.**

Cuomo, a Democrat, the Senate and some celebrity activists are pushing for a bill that would legalize the practice. They say it is a pathway to parenthood for infertile or gay couples.

They say the New York prohibition, signed in 1992, is outdated and hasn't kept pace with medical and legal advances.

Andy Cohen, a talk show host and producer, has appeared with Cuomo and other supporters at news conferences to tout the measure. Like Hoylman, he and his husband journeyed to Califor-

nia to contract with a surrogate.

"It's about freedom to form a family," Cohen said at a news conference with Senate Majority Leader Andrea Stewart-Cousins (D-Yonkers).

Rallying on the other side are the Catholic Church, anti-trafficking groups and feminist leaders, such as Gloria Steinem, who said the proposal "undermines women's control over their bodies, jeopardizes women's reproductive rights, renders women vulnerable to reproductive trafficking and exploitation, and further subordinates women as second-class citizens, all with a third-party profit motive that is unregulated."

The Catholic Church has said the practice "treats children like commodities, to be manufactured, bought and sold."

Notably, one of the most liberal lawmakers, Sen. Liz Krueger (D-Manhattan), said the proposal needs work because "in the end, you're buying and selling eggs and renting wombs for commercial purposes."

Hoylman said the bill has been amended to safeguard against exploitation.

**The argument turned personal.**

On Tuesday, Cuomo singled out three female Assembly Democrats for holding up the legislation: Didi Barrett (D-Poughkeepsie), Deborah Glick (D-Manhattan) and Helene Weinstein (D-Brooklyn).

That brought a sharp response from Glick, who called it an "unfortunate lack of respect."

"It seems to me that attacking women is not necessarily the way to get the bill passed," she said.

# LAW: 'SAY

## Curran signs county measure to ban use of plastic foam products

BY TITUS WU  
titus.wu@newsday.com

Nassau County Executive Laura Curran signed a Styrofoam ban into law Tuesday, joining a national movement away from plastic packaging materials and toward more biodegradable products.

The County Legislature voted unanimously last month to make it illegal to sell or distribute products made of polystyrene, commonly known as Styrofoam. Suffolk County and New York City enacted similar measures this year.

Environmentalists and Nassau legislators marked the occasion Tuesday with a mock funeral: An open coffin was set for people to pay their respects. And a display was marked with well wishes.

"It's a sad day," Curran said, referring to the mock funeral, "but in another way, it's a great day for our island, our planet and Nassau County."

Attendees laughed at and took pictures of the body inside the coffin — a figurine

with Styrofoam cups and boxes as its limbs and head.

"He's supported me for so many years," Jeremy Holin, owner of Jeremy's Ale House in Freeport, known for its Styrofoam cups, said in his eulogy. "He's kept beers cold on a hot summer day ... I want everybody to say goodbye to Mr. Styrofoam."

Polystyrene products are not recycled and are known to pollute air and waterways. Restaurants, cafeterias and food trucks have been using the containers because of their low cost and ability to maintain the temperature of food and drink.

Already, McDonald's has phased out polystyrene sandwich boxes. Dunkin' Donuts has pledged to eliminate polystyrene cups by 2020, replacing them with double-walled paper cups.

For Nassau businesses, Jan. 1 is when the ban on polystyrene will take effect, so restaurants and other businesses have enough time to use up their supplies and find alternatives. Fines will range from \$500 to \$2,500. The

## Bill aimed at

BY MICHAEL GORMLEY  
michael.gormley@newsday.com

belt."

New York's bill would require every passenger 16 years of age or older to wear a safety belt. Children under 16 are already required to use safety belts in the rear seat.

ALBANY — New York State is poised to join 19 other states in requiring safety belt use in the rear seat of automobiles, which long has been thought to be the safest place for riders in crashes.

"More than 1,500 people, as many of us know, have lost their lives for failure to wear their seat belt in the backseat since 1985," said Assemb. Walter Mosley (D-Brooklyn), co-sponsor of the bill. "The propensity to survive an accident exceeds triplefold if you were to be wearing your seat

"Safety experts believe that the use of a rear seat belt could prevent over two-thirds of fatalities and serious injuries resulting from motor vehicle crashes," the bill says.

The bill passed the Senate May 15 and has moved through committees in the Assembly to the point that it could be added to the calendar for a floor vote before the scheduled end of the session

# GOODBYE TO MR. STYROFOAM'



Nassau County Executive Laura Curran signed into law a ban on the use of polystyrene foam containers. ■ Video: [newsday.com/nassau](http://newsday.com/nassau)

county Department of Consumer Affairs will handle enforcement.

Fines collected by the county will go to a special revenue fund dedicated to environmental investigations and cleanup of county properties. The money will be earmarked to cover the cost of county contracts for the remediation, according to the legislation.

Curran, along with the ban's co-sponsors, Debra Mulé (D-Freeport) and Denise Ford (D-

Long Beach), highlighted the negatives of polystyrene. It's all part of a trend toward eco-friendliness, Curran said.

Some small businesses have expressed opposition to the ban over increased costs. For Holin, while he supports the ban, it will definitely cost his business a bit more.

Holin said it costs "three times the amount."

"It's fifty dollars, roughly, for a case of plastic, 240 a case, while Styrofoam is 80 dollars

for 500 a case," he said.

There's also the cost of hiring dishwashers or dishwashing machines if switching to something more reusable, whereas polystyrene can easily be thrown away.

Mulé dismissed such concerns.

"No, this will not" affect small businesses, Mulé said. "There are alternatives that are useful, will work really well and are cost effective."

The legislation contains some exemptions.

Stores would not be fined if a product's packaging had loose polystyrene fill inside before it was sent to the store. Also, containers with fresh produce, uncooked eggs, raw meat, fish, seafood, and pork or poultry sold from a butcher case can have polystyrene foam.

Legislators pointed to Holin's business as a sign that eliminating polystyrene is possible: His Manhattan location is transitioning out of Styrofoam, using plastic and Mason jars. The Freeport location plans to end polystyrene use by summer's end, Holin said.

Holin's business has been using Styrofoam for 47 years. But now, it's coming to an end.

"It's the way things are going," he said. "Why fight it?"

## WHERE THEY STAND ON PLASTIC, PAPER

Plastic bags will be banned statewide, starting March 1. Counties and cities will have the option of charging consumers 5 cents per paper bag. Here's where Suffolk, Nassau and New York City stand on plastic and paper:

**SUFFOLK:** A ban on plastic straws and Styrofoam containers goes into effect Jan. 1. Nassau's Styrofoam ban also goes into effect Jan. 1. Suffolk already charges 5 cents for plastic and paper bags, but that law will be replaced by the state plastic bag ban, according to the governor's office. Suffolk lawmakers are expected to pass a 5-cent fee on paper. Stores now provide free bags for produce and meat, and that will carry over even when the plastic ban goes into effect.

**NASSAU:** The county's legislative leader said he won't pass the 5-cent fee on paper. Consumers currently don't have to pay for plastic or paper bags in the county.

**NEW YORK CITY COUNCIL:** Approved a 5-cent fee on paper bags, effective March 1.

SOURCES: COUNTIES, CITY, GOVERNOR'S OFFICE

## belt use in backseat

on June 19. Gov. Andrew M. Cuomo would have to sign a passed bill into law. He proposed a similar bill in his state budget, but it was adopted April 1 without the safety belt measure.

"Research shows us passengers who do not fasten their seat belt in the backseat are eight times more likely to suffer injury or death," said Sen. David Carlucci (D-Nanuet), the bill's co-sponsor. "It does not matter whether you sit in the front or the back seat, the safest choice is to buckle up. This bill is about preventing tragedies and saving lives."

Several studies back up the

bill, including 2015 research by the Children's Hospital of Philadelphia and the federal Insurance Institute of Highway Safety. The latter's study found backseat riders not using safety belts were nearly eight times as likely to be severely injured in a crash than a rear-seat rider wearing a seat belt.

Similarly, the National Highway Traffic Safety Administration's data of accidents from 2000 to 2003 showed backseat passengers who wore safety belts were two to three times more likely to survive a crash than those who didn't use them, according to a Univer-

sity at Buffalo study.

The Buffalo research also showed 34.6 percent of backseat passengers not wearing safety belts were fatally injured in crashes, compared with 14.9 percent who wore safety belts and survived.

"This study reinforces the importance of using seat belts in the back seat, as well as demonstrating that the rear middle seat is the safest," said Dietrich Jehle, associate professor of emergency medicine who was the lead author of the study. "Legislation to require rear-seat belt use by all passengers should be strongly supported."

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