
HOUSE BILL 1086

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Appelwick, Paris and R. Johnson.

Read first time January 18, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to the uniform status of children of assisted
2 conception act; adding a new chapter to Title 26 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** DEFINITIONS. As used in this chapter:

6 (1) "Assisted conception" means a pregnancy resulting from
7 insemination of an egg of a woman with sperm of a man: (a) By means
8 other than sexual intercourse; or (b) by removal and implantation of an
9 embryo after sexual intercourse; but does not include the pregnancy of
10 a wife resulting from the insemination of her egg using her husband's
11 sperm.

12 (2) "Donor" means an individual whose body produces sperm or egg
13 used for the purpose of assisted conception, whether or not a payment

1 is made for the sperm or egg used, but does not include a woman who
2 gives birth to a resulting child.

3 (3) "Surrogate" means an adult woman who enters into an agreement
4 to bear a child conceived through assisted conception for intended
5 parents.

6 (4) "Child" includes children.

7 NEW SECTION. **Sec. 2.** MATERNITY. A woman who gives birth to a
8 child is the child's mother.

9 NEW SECTION. **Sec. 3.** ASSISTED CONCEPTION BY MARRIED WOMAN. The
10 husband of a woman who bears a child through assisted conception is the
11 father of the child, notwithstanding any declaration of invalidity or
12 annulment of the marriage obtained after the assisted conception,
13 unless within two years after learning of the child's birth he
14 commences an action in which the mother and child are parties and in
15 which it is determined that he did not consent to the assisted
16 conception.

17 NEW SECTION. **Sec. 4.** PARENTAL STATUS OF DONORS AND DECEASED
18 PERSONS. (1) A donor is not the parent of a child conceived through
19 assisted conception.

20 (2) A person who dies before a conception using his sperm or her
21 egg is not a parent of any resulting child born of the conception.

22 NEW SECTION. **Sec. 5.** SURROGATE AGREEMENTS. Any agreement in
23 which a woman agrees to become a surrogate or to relinquish her rights
24 and duties as parent of a child conceived through assisted conception
25 is void. The surrogate, however, is the mother of a resulting child
26 and the surrogate's husband, if a party to the agreement, is the father

1 of the child. If the surrogate's husband is not a party to the
2 agreement or the surrogate is unmarried, paternity of the child is
3 governed by chapter 26.26 RCW, the uniform parentage act.

4 NEW SECTION. **Sec. 6.** RELATION OF PARENT AND CHILD. A child whose
5 status as a child is declared or negated by this chapter is the child
6 only of his or her parent or parents as determined under this chapter
7 for all purposes including but not limited to succession and gift
8 rights in section 7 of this act.

9 NEW SECTION. **Sec. 7.** SUCCESSION AND GIFT RIGHTS. Unless
10 superseded by later events forming or terminating a parent and child
11 relationship, the status of parent and child declared or negated by
12 this chapter as to a given individual and a child born alive controls
13 for purposes of:

14 (1) Intestate succession;

15 (2) Probate law exemptions, allowances, or other protections for
16 children in a parent's estate; and

17 (3) Determining eligibility of the child or the child's descendants
18 to share in a donative transfer from any person as a member of a class
19 determined by reference to the relationship.

20 NEW SECTION. **Sec. 8.** UNIFORMITY OF APPLICATION AND CONSTRUCTION.
21 This chapter shall be applied and construed to effectuate its general
22 purpose to make uniform the law with respect to the subject of this
23 chapter among states enacting it.

24 NEW SECTION. **Sec. 9.** PROSPECTIVE APPLICATION. This chapter
25 applies prospectively only and not retroactively.

1 NEW SECTION. **Sec. 10.** SHORT TITLE. This chapter may be cited as
2 the uniform status of children of assisted conception act.

3 NEW SECTION. **Sec. 11.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 12.** Section headings as used in this act do not
8 constitute any part of the law.

9 NEW SECTION. **Sec. 13.** Sections 1 through 10 of this act shall
10 constitute a new chapter in Title 26 RCW.