

SENATE BILL REPORT

SB 5433

As Reported By Senate Committee On:
Health & Long-Term Care, February 14, 2001

Title: An act relating to establishment of parent and child relationship for children born through assisted conception.

Brief Description: Providing for establishment of parent and child relationship for children born through assisted conception.

Sponsors: Senators Regala, Winsley and Thibaudeau.

Brief History:

Committee Activity: Health & Long-Term Care: 2/7/01, 2/14/01 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5433 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Staff: Joan K. Mell (786-7447)

Background: In 1975 the Legislature passed the uniform parentage act, which contained a provision regarding artificial insemination, unless a contract specifies that he is to be the father. A sperm donor is not treated as the father in cases of artificial insemination. The past legislation did not address egg donors, as that technology was not yet as well developed or utilized.

Under current law, the legal status of a child born from assisted reproductive technology may not be determined at the time of the child's birth. The egg donor, surrogate mother, or spouse of either may need to file a legal action to establish a legal relationship with his or her child. These proceedings typically require legal assistance and are costly. In addition, adoption and other similar petitions toll parents emotionally.

The Department of Health issues birth certificates through vital statistics.

Summary of Substitute Bill: A parent may be established by an affidavit and a physician's certificate in cases where a child is born through alternative medical reproductive technology pursuant to the terms of a contractual agreement. The affidavit is filed with the registrar of vital statistics at the Department of Health. The affidavit and physician's certificate must be filed within ten days of the date of the child's birth.

An egg donor is treated in law as if she were not the natural mother, unless a contract specifies that she intended to be a parent. The contract must be in writing and a physician

must certify the parties' signatures and other procedural matters. The contract must be filed with the registrar of vital statistics at the Department of Health. The department must keep the agreement confidential.

The Department of Health is authorized to issue a birth certificate based upon the filed agreement.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is needed to bring the law into conformance with technological changes related to reproductive technology. Provisions in law exist for sperm donors, but not egg donors. The bill is needed to enable parents to have a legally recognized relationship with their child.

Testimony Against: None.

Testified: Mark Demaray, Attorney, WA State Adoption Council (pro); Pamela Crone, Northwest Women's Law Center (pro).