
SENATE BILL 5433

State of Washington

57th Legislature

2001 Regular Session

By Senators Regala, Winsley and Thibaudeau

Read first time 01/23/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to establishment of parent and child
2 relationship for children born through assisted conception; and
3 amending RCW 26.26.030 and 26.26.050.

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

5 **Sec. 1.** RCW 26.26.030 and 1985 c 7 s 86 are each amended to read
6 as follows:

7 The parent and child relationship between a child and

8 (1) the natural mother may be established by proof of her
9 having given birth to the child, or under this chapter;

10 (2) the natural father may be established under this chapter;

11 (3) an adoptive parent may be established by proof of adoption
12 or under the provisions of chapter 26.33 RCW;

13 (4) a mother or father may be established by an affidavit
14 wherein the sperm donor, egg donor, or surrogate gestation carrier
15 sets forth his or her intent to be legally bound as the parent of
16 a child or children born through assisted conception by filing the
17 affidavit with the registrar of vital statistics within ten days
18 of the date of the child's birth.

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Sec. 2. RCW 26.26.050 and 1975-'76 2nd ex.s. c 42 s 6 are each amended to read as follows:

(1) If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(2) The donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived unless the donor and the woman agree in writing that said donor shall be the father. The agreement must be in writing and signed by the donor and the woman. The physician shall certify their signatures and the date of the insemination and file the agreement with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(3) The donor of ovum provided to a licensed physician or medical clinic for use in the alternative reproductive medical technology process of attempting to achieve a pregnancy in a woman other than the donor is treated in law as if she were not the natural mother of a child thereafter conceived and born unless the donor and the woman who gives birth to a child as a result of the alternative reproductive medical technology procedures agree in writing that the donor is to be a parent. A woman who gives birth to a child conceived through alternative reproductive medical technology procedures under the supervision and with the assistance of a licensed physician or medical clinic is treated in law as if she were the natural mother of the child unless an agreement in writing signed by an ovum donor and the woman giving birth to the child states otherwise. An agreement pursuant to this section must be in writing and signed by the ovum donor and the woman who gives birth to the child and any other intended parent of the child. The physician shall certify the parties' signatures

1 and the date of the ovum harvest, outline the subsequent medical
2 procedures undertaken, and identify the intended parents. The
3 agreement must be filed with the registrar of vital statistics,
4 where it must be kept confidential and in a sealed file.

5 (4) The department of health shall, upon request, issue a birth
6 certificate for any child born as a result of an alternative
7 reproductive medical technology procedure indicating the legal
8 parentage of such child as intended by any agreement filed with
9 the registrar of vital statistics pursuant to subsection (2) or
10 (3) of this section.

11 (5) The failure of the licensed physician or medical clinic to
12 perform any administrative act required by this section shall not
13 affect the father and child or mother and child relationship. All
14 papers and records pertaining to the insemination, whether part of
15 the permanent record of a court or of a file held by the
16 supervising physician or elsewhere, are subject to inspection only
17 in exceptional cases upon an order of the court for good cause
18 shown.

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