

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5433

57th Legislature
2002 Regular Session

Passed by the Senate January 30, 2002
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 5, 2002
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5433** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5433

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Regala, Winsley and Thibaudeau)

READ FIRST TIME 02/16/01.

1 AN ACT Relating to establishment of parent and child relationship
2 for children born through alternative reproductive medical technology;
3 and 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 having
9 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 or
12 under the provisions of chapter 26.33 RCW;

13 (4) a mother or father may be established under this chapter by an
14 affidavit and physician's certificate in a form prescribed by the
15 department of health wherein the sperm donor, donor of ovum, or
16 surrogate gestation carrier sets forth his or her intent to be legally
17 bound as the parent of a child or children born through alternative
18 reproductive medical technology by filing the affidavit and physician's

1 certificate with the registrar of vital statistics within ten days
2 after the date of the child's birth pursuant to RCW 26.26.050.

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

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

14 (2) The donor of semen provided to a licensed physician for use in
15 artificial insemination of a woman other than the donor's wife is
16 treated in law as if he were not the natural father of a child thereby
17 conceived unless the donor and the woman agree in writing that said
18 donor shall be the father. The agreement must be in writing and signed
19 by the donor and the woman. The physician shall certify their
20 signatures and the date of the insemination and file the agreement,
21 including the affidavit and certification referenced in RCW 26.26.030,
22 with the registrar of vital statistics, where it shall be kept
23 confidential and in a sealed file.

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

1 signatures and the date of the ovum harvest, identify the subsequent
2 medical procedures undertaken, and identify the intended parents. The
3 agreement, including the affidavit and certification referenced in RCW
4 26.26.030, must be filed with the registrar of vital statistics, where
5 it must be kept confidential and in a sealed file.

6 (4) The department of health shall, upon request, issue a birth
7 certificate for any child born as a result of an alternative
8 reproductive medical technology procedure indicating the legal
9 parentage of such child as intended by any agreement filed with the
10 registrar of vital statistics pursuant to subsection (1), (2), or (3)
11 of this section.

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

--- END ---