

E2SHB 1267 - S AMD 355

By Senators Benton, Stevens, Swecker, Roach

OUT OF ORDER 04/12/2011

1 On page 36, line 28, after "contract" insert "providing for a
2 gestational surrogacy and"

3 On page 40, line 32, after "(iii)" strike "Surrender" and insert
4 "Only in the case of a gestational surrogacy, surrender"

5 On page 41, line 1, after "(ii)" strike "Surrender" and insert
6 "Only in the case of a gestational surrogacy, surrender"

7 On page 41, line 5, after "pregnancy;" strike "and"

8 On page 41, line 6, after "(d)" insert "The right of a surrogate
9 participating in a traditional surrogacy to rescind the contract and
10 limiting damages for recession to repayment of compensation and expense
11 paid by the intended parent or parents relating to the surrogacy; and
12 (e)"

13 Correct any internal references accordingly.

14 On page 41, line 8, after "child" strike "immediately upon his or
15 her birth" and insert "as provided in the surrogacy contract"

16 On page 41, at the beginning of line 10, strike "immediately upon
17 his or her birth" and insert "as provided in the surrogacy contract"

18 On page 41, after line 33, insert the following:

19 "NEW SECTION. **Sec. 59.** A surrogate participating in a traditional
20 surrogacy shall always have the right to rescind the surrogacy
21 contract, and any contract provision to the contrary shall be void and
22 unenforceable in the state of Washington as contrary to public policy.

1 A surrogate who rescinds a surrogate contract pursuant to this section
2 shall only be liable for repayment of compensation and expenses paid by
3 the intended parents."

4 Renumber the remaining sections consecutively and correct any
5 internal references accordingly.

6 On page 42, beginning on line 10, after "(1)" strike all material
7 through "chapter, the" on line 13 and insert "The"

8 On page 42, line 15, after "parents" insert "shall"

9 On page 42, line 30, after "child;" insert "and"

10 Beginning on page 42, line 32, after "surrogate" strike all
11 material through "child" on page 43, line 7

EFFECT: In the case of a traditional surrogacy, removes the requirement in law and in contract that parentage of a child transfers take place at birth. Allows the surrogate to rescind the contract at any time. Damages for breach of contract are limited to repayment of compensation and expenses related to the surrogacy.

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