

ESSB 6037 - H AMD 2000

By Representative Young

1 On page 35, after line 33, insert the following:

2 "(10) The woman acting as a surrogate must have the capacity to
3 contract, meaning that she possesses sufficient mind or reason to
4 understand the nature, terms, and effect of the agreement. If the
5 required medical evaluation or mental health consultation required
6 under section 702 of this act indicates that the woman acting as a
7 surrogate lacks the capacity to contract, any surrogacy agreement
8 entered into by the woman acting as a surrogate is void."

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EFFECT: Provides that a woman acting as a surrogate may not enter into a surrogacy agreement if she lacks the capacity to contract, which means having sufficient mind or reason to understand the nature, terms, and effect of the agreement. Provides that a surrogacy agreement is void if the results of the medical evaluation or mental health consultation indicate that the woman acting as a surrogate lacks capacity to contract.

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