

RCW 26.26A.785 Genetic surrogacy agreement—Breach. (1) Subject to RCW 26.26A.715(1)(g) and 26.26A.765(2), if a genetic surrogacy agreement is breached by a woman acting as a genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(2) Specific performance is not a remedy available for breach by a woman acting as a genetic surrogate of a requirement of a validated or nonvalidated genetic surrogacy agreement that the surrogate be impregnated.

(3) Except as otherwise provided in subsection (2) of this section, specific performance is a remedy available for:

(a) Breach of a validated genetic surrogacy agreement by a woman acting as a genetic surrogate of a requirement which prevents an intended parent from exercising the full rights of parentage forty-eight hours after the birth of the child; or

(b) Breach by an intended parent which prevents the intended parent's acceptance of duties of parentage forty-eight hours after the birth of the child. [2018 c 6 § 718.]