

**ESSB 6037 - H AMD 1265**

By Representative Shea

NOT ADOPTED 02/28/2018

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. If the required medical evaluation or mental health  
4 consultation required under section 702 of this act indicates that the  
5 woman acting as a surrogate lacks the capacity to contract, any  
6 surrogacy agreement entered into by the woman acting as a surrogate is  
7 void."

8

EFFECT: Provides that a woman acting as a surrogate may not enter into a surrogacy agreement if she lacks the capacity to contract. 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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