

RCW 19.380.010 Regulation of surrogacy brokers. (1) This section applies to surrogacy brokers arranging or facilitating transactions contemplated by a surrogacy agreement under RCW 26.26A.700 through 26.26A.785 if: (a) A surrogacy broker does business in Washington state; (b) a surrogate who is party to a surrogacy agreement resides in Washington state during the term of the surrogacy agreement; or (c) any medical procedures under the surrogacy agreement are performed in Washington state.

(2) A surrogacy broker to which this section applies:

(a) Must keep all funds paid by or on behalf of the intended parents in a separate, licensed escrow account;

(b) May not be owned or managed, in any part, directly or indirectly by any lawyer representing a party to the surrogacy agreement;

(c) May not pay or receive payment, directly or indirectly, to or from any person licensed to practice law and representing a party to the surrogacy agreement in connection with the referral of any person or party for the purpose of a surrogacy agreement;

(d) May not pay or receive payment, directly or indirectly, to or from any health care provider providing any health services, including assisted reproduction, to a party to the surrogacy agreement; and

(e) May not be owned or managed, in any part, directly or indirectly, by any health care provider providing any health services, including assisted reproduction, to a party to the surrogacy agreement.

(3) For purposes of this section:

(a) The definitions in RCW 26.26A.010 and 26.26A.700 apply.

(b) "Payment" means any type of monetary compensation or other valuable consideration including but not limited to a rebate, refund, commission, unearned discount, or profit by means of credit or other valuable consideration.

(c) "Surrogacy broker" includes but is not limited to any agency, agent, business, or individual engaged in, arranging, or facilitating transactions contemplated by a surrogacy agreement, regardless of whether that surrogacy agreement ultimately comports with the requirements of chapter 26.26A RCW. [2018 c 6 s 905.]

Short title—Uniformity of application and construction—Effective date—2018 c 6: See RCW 26.26A.005, 26.26A.900, and 26.26A.903.