

RCW 26.26A.715 Requirements of gestational or genetic surrogacy agreement—Content. (1) A surrogacy agreement must comply with the following requirements:

(a) A woman acting as a surrogate agrees to attempt to become pregnant by means of assisted reproduction.

(b) Except as otherwise provided in RCW 26.26A.750, 26.26A.765, and 26.26A.770, the woman acting as a surrogate and the spouse or former spouse of the woman acting as a surrogate, if any, have no claim to parentage of a child conceived by assisted reproduction under the agreement.

(c) The spouse of the woman acting as a surrogate, if any, must acknowledge and agree to comply with the obligations imposed on the woman acting as a surrogate by the agreement.

(d) Except as otherwise provided in RCW 26.26A.750, 26.26A.765, and 26.26A.770, the intended parent or, if there are two intended parents, each one jointly and severally, immediately on birth will be the exclusive parent or parents of the child, regardless of number of children born or gender or mental or physical condition of each child.

(e) Except as otherwise provided in RCW 26.26A.750, 26.26A.765, and 26.26A.770, the intended parent or, if there are two intended parents, each parent jointly and severally, immediately on birth will assume responsibility for the financial support of the child, regardless of number of children born or gender or mental or physical condition of each child.

(f) The agreement must include information disclosing how each intended parent will cover the surrogacy-related expenses of the surrogate and the medical expenses of the child. If health care coverage is used to cover the medical expenses, the disclosure must include a summary of the health care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the woman acting as a surrogate, third-party liability liens, other insurance coverage, and any notice requirement that could affect coverage or liability of the woman acting as a surrogate. Unless the agreement expressly provides otherwise, the review and disclosure do not constitute legal advice. If the extent of coverage is uncertain, a statement of that fact is sufficient to comply with this subsection (1) (f).

(g) The agreement must permit the woman acting as a surrogate to make all health and welfare decisions regarding herself and her pregnancy and, notwithstanding any other provisions in this chapter, provisions in the agreement to the contrary are void and unenforceable. This chapter does not diminish the right of the woman acting as a surrogate to terminate her pregnancy.

(h) The agreement must include information about each party's right under RCW 26.26A.700 through 26.26A.785 to terminate the surrogacy agreement.

(2) A surrogacy agreement may provide for:

(a) Payment of consideration and reasonable expenses; and

(b) Reimbursement of specific expenses if the agreement is terminated under RCW 26.26A.700 through 26.26A.785.

(3) A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the child. [2018 c 6 s 704.]