

SENATE BILL REPORT

SB 6743

As of January 27, 2006

Title: An act relating to children born from embryos transferred during assisted reproduction.

Brief Description: Clarifying the legal status of children born from embryos transferred during assisted reproduction.

Sponsors: Senators Stevens, Carrell and Benton.

Brief History:

Committee Activity: Human Services & Corrections:

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: Current law provides some guidance for determining the parentage of children born of assisted reproduction. Assisted reproduction means a method of causing pregnancy other than by sexual intercourse and includes artificial insemination, egg or embryo donation, and in vitro fertilization.

The law specifies that the person who donated eggs or sperm for assisted reproduction and did not intend to be the parent of the child, is not the legal parent. Conversely, a husband who consents to assisted reproduction by his wife and intends to be the father of a child born by assisted reproduction is the legal father of the child.

The law further addresses how a father may challenge paternity if he did not intend to be the father of the child, the effect of divorce or death on eggs, sperm, or embryos donated for assisted reproduction, and the legal parentage of the mother when a child is born from a donated egg.

Summary of Bill: A child born to a woman as a result of the implantation of a donated embryo is presumed to be the adopted child of the woman and, if married, the adopted child of her husband. A child born as a result of embryo implantation is afforded all of the legal rights and protections of an adopted child.

The legal and parental rights of the embryo donor are irrevocably terminated in accordance with the terms of a written instrument executed prior to the thawing and implantation of the embryo.

Upon application, the parents may obtain a decree from the court confirming the parent-child relationship.

This section does not apply to a child born of a surrogacy arrangement.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.