

S. Crockin suggested modifications from WA STATE REV CODE 26.26.750

Identifying information—Requirement to provide—Disclosure.

(1) A person who donates gametes to a fertility clinic or gamete bank¹ in [Washington] to be used in assisted reproduction shall provide, at a minimum, his or her identifying information and medical history to the fertility clinic or gamete bank. Any gamete bank shall transmit a donor's identifying information and medical history to the fertility clinic to which it transfers any donated gametes. The fertility clinic and any gamete bank shall keep the identifying information and medical history of its donors and shall disclose the information as provided under subsection (2) of this section.

(2)(a) A donor shall be provided written information regarding identity disclosure by a fertility clinic or gamete bank to which the donor provides gametes, and shall be provided the opportunity to sign either: 1) an affidavit agreeing to disclose his or her identity to the child upon request once the child is at least eighteen years of age; or 2) an affidavit that he or she does not presently agree to disclose his or her identity to the child.

(b) A donor who has signed an affidavit of nondisclosure may withdraw his or her affidavit at any time.

(c) A child conceived through assisted reproduction who is at least eighteen years old shall be provided, upon his or her request, access to identifying information of the donor who provided gametes for the assisted reproduction that resulted in the birth of the child, unless the donor has signed an affidavit of nondisclosure with the fertility clinic that provided the gamete for assisted reproduction. In the event a donor has signed, and not withdrawn, such an affidavit, a fertility clinic or gamete bank which receives such a request for identifying information by a child who is at least eighteen years old shall make good faith efforts to notify the donor, who may elect to withdraw his or her affidavit.

(d) Regardless of whether the donor signed an affidavit of nondisclosure, a child conceived through assisted reproduction who is at least eighteen years old shall be provided, upon his or her request, access to the nonidentifying medical history of the donor who provided gametes for the assisted reproduction that resulted in the birth of the child.

(e) Record keeping: Donor medical and identifying information must be maintained in accordance with federal and applicable state law, and permanent records of screening, testing, and any updated medical history or information are recommended as a future medical resource for the child. In the event a national donor registry is established or recognized by a governmental agency or national professional medical organization, with the consent of a donor which may be obtained at the time of donation, a fertility clinic or gamete bank holding such information may, or if required shall, and a donor may, place such medical history and any agreed to identifying information into such registry.

[Note: this provision does not address any medical updates by donors, which while laudable may be unenforceable.]

¹ "Gamete bank" will need to be a defined term.