S-3256.1

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**SENATE BILL 5516**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Fortunato, McCune, and Padden

AN ACT Relating to requiring informed consent before performing an abortion; adding a new section to chapter 9.02 RCW; creating a new section; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that every person who seeks an abortion in Washington should have sufficient information to make an informed decision as to whether to move forward with the procedure. According to the American college of obstetricians and gynecologists, one in four women in the United States will obtain an abortion by age 45. The majority of abortion patients in the United States identify as Black, Hispanic, Asian, or Pacific Islander. Additionally, 75 percent of individuals seeking an abortion are living at or below 200 percent of the federal poverty level.

In 2016, the abortion ratio in Washington was 188.9 abortions per 1,000 live births. In 2019, 60 out of 17,087 abortion procedures in Washington reported a failed abortion as a complication of the procedure. The legislature intends to require that abortion providers in Washington must inform patients considering an abortion of the potential health risks and potential outcomes of the procedure at the first consultation between the provider and patient. In doing so, the legislature intends to empower patients seeking abortions in Washington with the information necessary to make an informed decision about whether to undergo the procedure.

NEW SECTION. **Sec.**  A new section is added to chapter 9.02 RCW to read as follows:

(1) No abortion shall be performed or induced except with the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if at least 24 hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman in writing of:

(a) The nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision of whether or not to undergo the abortion;

(b) The probable gestational age of the unborn child at the time the abortion is to be performed;

(c) The medical risks associated with carrying her child to term;

(d) The possible availability of medical assistance benefits for prenatal care, childbirth, and neonatal care; and

(e) The legal requirements for the father of the unborn child to assist in the support of her child, even in instances where he has offered to pay for the abortion.

(2) The woman seeking the abortion must certify in writing, before the abortion, that the information required to be provided under this section has been provided and that she consents to the procedure.

(3) If a medical emergency compels the performance of an abortion, the physician shall inform the woman, before the abortion if possible, of the medical indications supporting the judgment that an abortion is necessary to avert her death or to avert substantial and irreversible impairment of major bodily function.

(4) Any physician who violates the provisions of this section is guilty of unprofessional conduct and may be subject to penalties pursuant to chapter 18.130 RCW.

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