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ENGROSSED SUBSTITUTE HOUSE BILL 2395

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State of Washington

55th Legislature

1998 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Sterk, Mulliken, D. Schmidt, Johnson, D. Sommers, Koster, Sherstad, Sheahan, Thompson, Mielke, Smith, Dunn, Boldt and Backlund)

Read first time 02/04/98. Referred to Committee on .

1 AN ACT Relating to limiting partial-birth abortions; amending RCW  
2 9.02.100; adding new sections to chapter 9.02 RCW; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.02 RCW  
6 to read as follows:

7 (1) It is a class C felony for a physician to perform a partial-  
8 birth abortion.

9 (2) For purposes of sections 1 and 2 of this act, "partial-birth  
10 abortion" means a procedure in which the person performing the  
11 procedure deliberately and intentionally delivers a fetus or a  
12 substantial portion of a fetus into or partially through the birth  
13 canal for the purpose of performing a procedure the physician knows  
14 will terminate the life of the fetus and then terminates the life of  
15 the fetus before the fetus has been completely removed from the birth  
16 canal.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.02 RCW  
18 to read as follows:

1 (1) Sections 1 and 2 of this act shall not apply to an abortion  
2 performed to terminate a pregnancy when the abortion is:

3 (a) Performed on a fetus that has not reached viability, as  
4 viability is defined under law; or

5 (b) Performed to preserve the physical health of a mother; or

6 (c) Performed to save the life of a mother because her life is  
7 endangered by a physical disorder, physical illness, or physical  
8 injury.

9 (2) For purposes of this act, "preserve the physical health of a  
10 mother" means a threat to the health of a mother exists that so  
11 complicates the medical condition of the mother as to require the  
12 immediate termination of the pregnancy for which a delay will create  
13 serious risk of substantial and irreversible impairment of a major  
14 bodily function of the mother.

15 **Sec. 3.** RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as  
16 follows:

17 The sovereign people hereby declare that every individual possesses  
18 a fundamental right of privacy with respect to personal reproductive  
19 decisions.

20 Accordingly, it is the public policy of the state of Washington  
21 that:

22 (1) Every individual has the fundamental right to choose or refuse  
23 birth control;

24 (2) Every woman has the fundamental right to choose or refuse to  
25 have an abortion, except as specifically limited by RCW 9.02.100  
26 through 9.02.170 (~~and~~), 9.02.900 through 9.02.902, and sections 1 and  
27 2 of this act;

28 (3) Except as specifically permitted by RCW 9.02.100 through  
29 9.02.170 (~~and~~), 9.02.900 through 9.02.902, and sections 1 and 2 of  
30 this act, the state shall not deny or interfere with a woman's  
31 fundamental right to choose or refuse to have an abortion; and

32 (4) Except as specifically permitted by RCW 9.02.100 through  
33 9.02.170, 9.02.900 through 9.02.902, and sections 1 and 2 of this act,  
34 the state shall not discriminate against the exercise of these rights  
35 in the regulation or provision of benefits, facilities, services, or  
36 information.

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