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HOUSE BILL 1929

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State of Washington

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By Representatives Mulliken, Campbell, O'Brien, Miloscia, Cox, Schindler, Boldt, Talcott, Bush, DeBolt, Mielke, Dunn, Sump, Benson, Pennington and D. Schmidt

Read first time 02/08/2001. Referred to Committee on Health Care.

1 AN ACT Relating to protecting children born alive; amending RCW  
2 18.71.240; adding new sections to chapter 18.71 RCW; creating new  
3 sections; prescribing penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the "Born  
6 Alive Infants Protection Act of 2001."

7 **Sec. 2.** RCW 18.71.240 and 1981 c 328 s 1 are each amended to read  
8 as follows:

9 The right of medical treatment of an infant who is born alive in  
10 the course of an abortion (~~procedure shall be~~) is the same as the  
11 right of an infant who is born prematurely of equal gestational age.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.71 RCW  
13 to read as follows:

14 In determining the meaning or application of any state law, the  
15 words "child," "person," "individual," and "human being" shall include  
16 every infant who is born alive at any stage of development.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 18.71 RCW  
2 to read as follows:

3        For purposes of this act, the following definitions apply:

4        (1) "Abortion" means the use or prescription of any instrument,  
5 medicine, drug, or other substance or device to terminate the pregnancy  
6 of a woman for any other purpose than producing a live birth.

7        (2) "Born alive" means the complete expulsion or extraction of an  
8 infant at any stage of development from his or her mother, who after  
9 such expulsion or extraction breathes or has a beating heart, pulsation  
10 of the umbilical cord, or definite movement of voluntary muscles,  
11 regardless of whether or not the umbilical cord has been cut, and  
12 regardless of whether or not the expulsion or extraction occurs as a  
13 result of natural or induced labor, cesarean section, or induced labor.

14        (3) "Infant" means any member of the species homo sapiens who is  
15 born alive at any stage of development.

16        (4) "Law" means the state Constitution, any state statute or  
17 ordinance adopted by a legislative body, and any state rule or  
18 regulation adopted by any executive agency.

19        (5) "State" means state and local government, and any political  
20 subdivision thereof, and any officer, employee, agent, or volunteer  
21 thereof.

22        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 18.71 RCW  
23 to read as follows:

24        (1) Every facility where births occur shall conspicuously post, in  
25 a prominent location where births occur so that all employees and  
26 patrons of the facility may take notice, the following warning sign, to  
27 be provided by the department of health, in block letters at least one  
28 inch in height:

29        "AN INFANT WHO IS BORN ALIVE HAS THE SAME RIGHTS AS ANY OTHER  
30 PERSON AND IS EQUALLY PROTECTED BY THE LAW."

31        (2) Every facility where abortions occur shall conspicuously post,  
32 in a prominent location where abortions occur so that all employees and  
33 patrons of the facility may take notice, the following warning sign, to  
34 be provided by the department of health, in block letters at least one  
35 inch in height:

1 "THE RIGHT OF MEDICAL TREATMENT OF AN INFANT WHO IS BORN ALIVE IN  
2 THE COURSE OF AN ABORTION IS THE SAME AS THE RIGHT OF AN INFANT WHO  
3 IS BORN PREMATURELY OF EQUAL GESTATIONAL AGE."

4 (3) Every facility that violates subsection (1) or (2) of this  
5 section is guilty of a class 3 civil infraction under chapter 7.80 RCW  
6 and may be fined up to fifty dollars. However, no such fines may be  
7 levied until thirty days have expired from the time warning signs are  
8 distributed by the department of health.

9 NEW SECTION. **Sec. 6.** The provisions of this act are to be  
10 liberally construed to effectuate the policies and purposes of this  
11 act. In the event of conflict between this act and any other provision  
12 of law, the provisions of this act shall govern.

13 NEW SECTION. **Sec. 7.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
18 preservation of the public peace, health, morals, or safety, or support  
19 of the state government and its existing public institutions, and takes  
20 effect immediately.

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