
HOUSE BILL 2200

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Ahern, Miloscia, McCune, Klippert, Crouse, Shea, Short, Warnick, and Kristiansen

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1 AN ACT Relating to establishing the woman's right to know act of
2 2012; adding a new section to chapter 9.02 RCW; creating new sections;
3 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
6 woman's right to know act.

7 NEW SECTION. **Sec. 2.** The legislature finds that:

8 (1) Women and girls often obtain abortions without a full
9 understanding of the potential physical and mental health consequences
10 to themselves and the unborn baby they are carrying.

11 (2) It is essential to the psychological and physical well-being of
12 a woman considering an abortion that she receive complete and accurate
13 information on her alternatives.

14 (3) The knowledgeable exercise of a woman's decision to have an
15 abortion depends on the extent to which the woman receives sufficient
16 information to make an informed choice between two alternatives:
17 Giving birth or having an abortion.

1 (4) The United States supreme court has recognized that the
2 decision to abort "...is an important, and often a stressful one, and
3 it is desirable and imperative that it be made with full knowledge of
4 its nature and consequences" (*Planned Parenthood v. Danforth*, 428 U.S.
5 52, 67 (1976)) and that "The medical, emotional, and psychological
6 consequences of an abortion are serious and can be lasting..." (*H.L.*
7 *v. Matheson*, 450 U.S. 398, 411 (1981)).

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.02 RCW
9 to read as follows:

10 (1) No abortion shall be performed except with the voluntary and
11 informed consent of the woman upon whom the abortion is to be
12 performed. Except in the case of a medical emergency requiring the
13 immediate termination of a pregnancy to avert death or substantial and
14 irreversible impairment of a major bodily function, consent to an
15 abortion is voluntary and informed if and only if:

16 (a) At least twenty-four hours before the abortion, the physician
17 who is to perform the abortion, or the referring physician, has orally
18 and in person informed the woman of:

19 (i) The name of the physician who will perform the abortion;

20 (ii) Medically accurate information that a reasonable person would
21 consider material to the decision of whether or not to undergo the
22 abortion, including (A) a description of the proposed abortion
23 procedure, (B) the immediate and long-term medical risks associated
24 with the proposed abortion method, and (C) alternatives to the
25 abortion;

26 (iii) The probable gestational age of the unborn child at the time
27 the abortion is to be performed, the probable anatomical and
28 physiological characteristics of the unborn child at the time the
29 abortion is to be performed, and that the abortion will end the life of
30 the unborn child; and

31 (iv) The probable medical risks associated with carrying her unborn
32 child to term;

33 (b) At least twenty-four hours before the abortion, the physician
34 who is to perform the abortion, or the referring physician, has orally
35 and in person informed the pregnant woman that:

36 (i) There are printed materials and an informational video
37 available published by the department of health that describe abortion

1 procedures, that describe the unborn child at various stages from
2 conception to natural birth and that list agencies that provide
3 alternatives to abortion, that she has a right to review the printed
4 materials and informational video, and that a copy of the printed
5 materials and informational video will be provided to her free of
6 charge if she chooses to review them;

7 (ii) Medical assistance benefits may be available for prenatal
8 care, childbirth, and neonatal care, and that more detailed information
9 on the availability of such assistance is contained in the printed
10 materials and informational video provided her as published by the
11 department of health;

12 (iii) The father of the unborn child is liable to assist in the
13 support of her child, even in instances where he has offered to pay for
14 the abortion. In the case of rape, this information may be omitted;
15 and

16 (iv) The pregnant woman must certify in writing, before the
17 abortion can be performed, that the information required to be provided
18 under this section was provided to her, that she did or did not review
19 the printed materials or informational video, and that she understands
20 what an abortion is and the medical risks associated with the abortion,
21 or, in the event of a medical emergency requiring the immediate
22 termination of a pregnancy to avert death or to avert substantial and
23 irreversible impairment of a major bodily function, the physician
24 performing the abortion provides the woman with a certification signed
25 by the performing physician that describes the nature of the medical
26 emergency and the circumstances that necessitated the waiving of the
27 informed consent requirements of this section.

28 (2) A physician shall not require or obtain a payment, in full or
29 in part, until the twenty-four hour reflection period under this
30 section has expired.

31 (3) Within ninety days of the effective date of this section, the
32 department of health shall cause to be printed materials and an
33 informational video in English and Spanish that is easily
34 comprehensible at a sixth grade level and that describes the anatomical
35 and physiological characteristics of an unborn child at various stages
36 from conception to natural birth, describes the various methods of
37 abortion used to terminate the life of an unborn child, lists
38 alternatives to abortion, and provides a comprehensive list of the

1 addresses and phone numbers of agencies that offer alternatives to
2 abortion and services to assist a woman through pregnancy, upon
3 childbirth, and while the child is dependent, including but not limited
4 to adoption agencies. The video shall, in addition to the information
5 described in this section, show an ultrasound of the heartbeat of an
6 unborn child at four to five weeks gestational age, at six to eight
7 weeks gestational age, and each month thereafter until viability.
8 Abortion providers shall purchase copies of the printed materials and
9 informational video published by the department of health at cost.
10 Copies of the printed materials and informational video published by
11 the department of health shall be available in appropriate numbers for
12 free to others upon request.

13 (4) Any physician who violates the provisions of this section is
14 guilty of unprofessional conduct and his or her license for the
15 practice of medicine and surgery shall be subject to suspension or
16 revocation.

17 (5) Any physician who performs an abortion without first obtaining
18 the certification required by subsection (1)(b)(iv) of this section or
19 with knowledge or reason to know that the informed consent of the woman
20 has not been obtained is for the first offense guilty of a misdemeanor
21 and for each subsequent offense is guilty of a gross misdemeanor. No
22 physician is guilty of violating this section for failure to furnish
23 the information required by subsection (1)(b)(iv) of this section if he
24 or she can demonstrate, by a preponderance of the evidence, that he or
25 she reasonably believed that furnishing the information would have
26 resulted in a severely adverse effect on the physical or mental health
27 of the patient.

28 (6) Any physician who complies with the provisions of this section
29 may not be held civilly liable to his or her patient or the patient's
30 representative for failure to obtain informed consent to the abortion.

31 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
32 preservation of the public peace, health, morals, or safety, or support
33 of the state government and its existing public institutions, and takes
34 effect immediately.

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