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HOUSE BILL 2935

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State of Washington

66th Legislature

2020 Regular Session

By Representative Klippert

Read first time 02/11/20. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the prohibition of direct and indirect  
2 appropriation of public funds to finance convenience abortions  
3 pursuant to the establishment clause of the First Amendment of the  
4 United States Constitution and Article I, section 11 of the  
5 Washington state Constitution, establishing of the Washington foster  
6 care and adoption initiatives fund to be administered by the  
7 department of children, youth, and families for the benefit of  
8 government and, especially, nongovernment groups, and prohibiting  
9 discrimination pursuant to the free exercise clause of the First  
10 Amendment and Article I, section 11 of the Washington state  
11 Constitution; adding a new chapter to Title 70 RCW; creating new  
12 sections; and declaring an emergency.

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

14 NEW SECTION. **Sec. 1.** (1) The state of Washington facilitates  
15 the disbursement of both state and federal public funds to qualifying  
16 entities for purposes of conducting certain activities.

17 (2) Public dollars awarded to qualifying entities may facilitate  
18 or subsidize directly or indirectly expenses or activities not  
19 directly related to those for which the funds were intended,  
20 including without limitation shared administrative costs, overhead,  
21 employee salaries, rent, utilities, and various other expenses.

1 (3) It is possible that public funds made available by or through  
2 the state of Washington may be appropriated to an entity that  
3 performs convenience abortions or subsidizes or otherwise facilitates  
4 the entity's ability to perform convenience abortions although the  
5 funds were not disbursed specifically for the purpose of performing  
6 convenience abortions.

7 (4) As elected representatives of the people of Washington, the  
8 legislature is entrusted with ensuring that all activities conducted  
9 with the aid of public funds are in accordance with the wishes of the  
10 people of Washington, the intent of the laws of this state, and the  
11 United States Constitution.

12 (5) It is within the purview of the legislature to establish  
13 criteria as the basis on which public funds are disbursed unless the  
14 appropriation is prohibited by the United States Constitution.

15 (6) The United States is a constitutional republic that the state  
16 of Washington is part of.

17 (7) The United States Constitution preempts state action that  
18 conflicts with it under the doctrine of preemption.

19 (8) As elected representatives, the legislature has a duty under  
20 Article IV of the United States Constitution to not appropriate funds  
21 in a manner that violates the establishment clause of the United  
22 States Constitution.

23 (9) The free exercise clause of the First Amendment of the United  
24 States Constitution states "Congress shall make no law... prohibiting  
25 the free exercise [of religion]" and Article I, section 11 of the  
26 Washington state Constitution states, "Absolute freedom of conscience  
27 in all matters of religious sentiment, belief and worship, shall be  
28 guaranteed to every individual, and no one shall be molested or  
29 disturbed in person or property on account of religion; but the  
30 liberty of conscience hereby secured shall not be so construed as to  
31 excuse acts of licentiousness or justify practices inconsistent with  
32 the peace and safety of the state."

33 (10) The United States supreme court found in *Cantwell v.*  
34 *Connecticut*, 310 U.S. 296 (1940) that the free exercise clause of the  
35 First Amendment applies to the states through the Fourteenth  
36 Amendment.

37 (11) The establishment clause of the First Amendment of the  
38 United States Constitution states that "Congress shall make no law  
39 respecting an establishment of religion" and Article I, section 11 of  
40 the Washington state Constitution states, "No public money or

1 property shall be appropriated for or applied to any religious  
2 worship, exercise or instruction, or the support of any religious  
3 establishment".

4 (12) The United States supreme court held in *Everson v. Bd of*  
5 *Education*, 330 U.S. 1 (1947) that the establishment clause of the  
6 First Amendment applies to the states through the Fourteenth  
7 Amendment.

8 (13) The United States supreme court held in *Hein v. Freedom From*  
9 *Religion Foundation*, 551 U.S. 587 (2007) that the establishment  
10 clause applies to the executive branch, which includes this state's  
11 executive branch.

12 (14) All religion amounts to is a set of unproven answers to the  
13 greater questions like, Why are we here? What gives us identity? What  
14 should we be doing as humans? and What happens after death?

15 (15) The establishment clause of the United States Constitution  
16 was never solely designed to prohibit the government from respecting  
17 and recognizing the doctrines of institutionalized religions but of  
18 noninstitutionalized religions, like secular humanism, as well.

19 (16) The religion of secular humanism is also commonly referred  
20 to by scholars as postmodern individualistic moral relativism or  
21 expressive individualism.

22 (17) The United States supreme court found that secular humanism  
23 is a religion for the purposes of the First Amendment establishment  
24 clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961), stating "among  
25 religions in this country which do not teach what would generally be  
26 considered a belief in the existence of God are Buddhism, Taoism,  
27 Ethical Culture, Secular Humanism, and others. See *Oklahoma Ethical*  
28 *Society v. District of Columbia*, 101 U.S. App. D.C. 371, 249 F.2d  
29 127; *Fellowship of Humanity v. County of Alameda*, 153 Cal. App. 2d  
30 673, 315 P.2d 394; II Encyclopaedia of the Social Sciences 293; 4  
31 Encyclopaedia Britannica (1957 ed.) 325-327; 21 id., at 797; Archer,  
32 *Faiths Men Live By* (2d ed. revised by Purinton), 120-138, 254-313;  
33 1961 World Almanac 695, 712; Year Book of American Churches for 1961,  
34 at 29, 47."

35 (18) Most of the federal courts of appeals have found that  
36 secular humanism is a religion for the purpose of the First Amendment  
37 establishment clause in cases such as *Malnak v. Yogi*, 592 F.2d 197,  
38 200-15 (3d Cir. 1979), *Therriault v. Silber*, 547 F.2d 1279, 1281 (5th  
39 Cir. 1977), *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425,  
40 67 L.Ed.2d 624 (1981), *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th

1 Cir. 2003), *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human*  
2 *Servs.*, 150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017),  
3 and *Wells v. City and County of Denver*, 257 F.3d 1132, 1148 (10th  
4 Cir. 2001).

5 (19) The claims that "abortion is not murder," "that abortion is  
6 not immoral," and that "life does not begin at conception" are  
7 unproven faith-based assumptions and naked assertions that are  
8 implicitly religious and are inseparably linked to the religion of  
9 secular humanism.

10 (20) Convenience abortions fall directly within the exclusive  
11 jurisdiction of the free exercise and establishment clause of the  
12 First Amendment of the United States Constitution, having nothing to  
13 do with the Fourteenth Amendment.

14 (21) Attempts to shoehorn convenience abortion into a Fourteenth  
15 Amendment equal protection or substantive due process narrative by  
16 any state actor is a per se act of constitutional, political, and  
17 governmental malpractice that threatens the integrity of the  
18 Fourteenth Amendment itself.

19 (22) The supreme court's position in *INS v. Chada*, 462 U.S. 919  
20 (1983) and *Nixon v. U.S.*, 506 U.S. 224 (1993) emphasized that the  
21 legislative branch must serve as a check on the judicial and  
22 executive branch, and this state has a duty owed pursuant to Article  
23 VI of the United States Constitution to hold the other branches of  
24 government accountable in both the federal and state government.

25 (23) The federal courts have held in cases like *Holloman v.*  
26 *Harland*, 370 F.3d 1252 (11th Cir. 2004) that neither emotional  
27 appeals nor sincerity of belief can be used to usurp the  
28 establishment clause of the First Amendment.

29 (24) No emotional appeal can justify the state's direct or  
30 indirect funding of convenience abortions with public funds.

31 (25) There are taxpayers in every district who believe that  
32 convenience abortions are immoral, and they also believe that to  
33 enable acts of immorality is itself an act of immorality. Therefore,  
34 the state of Washington must always remain prohibited from  
35 appropriating public funds to convenience abortion providers because  
36 such an appropriation coercively causes many taxpayers to violate  
37 their own conscience by the simple act of paying taxes, constituting  
38 an evil that the establishment clause of the First Amendment was  
39 designed to prohibit.

1 (26) Some taxpayers in Washington consider convenience abortions  
2 to be modern-day child sacrifice conducted on the altar of  
3 convenience, which is a practice that is nonsecular and  
4 controversial.

5 (27) The establishment clause prohibits the state of Washington  
6 from enforcing, respecting, recognizing, favoring, or endorsing  
7 policies that finance convenience abortion facilities with public  
8 funds because such an appropriation fails the three prongs of the  
9 Lemon test by constituting a nonsecular sham that cultivates an  
10 indefensible legal weapon against nonobservers of the religion of  
11 secular humanism, while having the effect of excessively entangling  
12 the government with the religion of secular humanism.

13 (28) The direct or indirect subsidization or facilitation of  
14 abortion with funds distributed by the state constitutes paying for  
15 an abortion and, therefore, must be barred by the First Amendment  
16 establishment clause of the United States Constitution and by Article  
17 I, section 11 of the Washington state Constitution.

18 (29) The state of Washington may not favor or endorse one  
19 religion over another, nor may the state of Washington favor or  
20 endorse the religion of secular humanism generally over nonreligion,  
21 especially because it is a religious worldview that tends to promote  
22 licentiousness.

23 (30) When the state creates or enforces policies that respect or  
24 fund adoption facilities or the foster care system, it is not putting  
25 religion over nonreligion because such an appropriation is neutral,  
26 natural, noncontroversial, and secular in nature, but the same cannot  
27 be said of policies that respect and finance convenience abortion  
28 practices.

29 (31) The United States supreme court has consistently held that  
30 the states have a fundamental, protected, and compelling interest to  
31 uphold contemporary community standards of decency and to discourage  
32 practices that promote licentiousness.

33 (32) The state of Washington has a compelling interest to uphold  
34 community standards of decency and to discourage licentiousness.

35 (33) Abortion facilities that provide convenience abortions tend  
36 to erode community standards of decency normalizing false permission-  
37 giving beliefs about sex.

38 (34) It is the policy of the state of Washington to:

1 (a) Favor childbirth and family planning services that do not  
2 include convenience abortions or the promotion of convenience  
3 abortions within the continuum of care or services; and

4 (b) Avoid the direct or indirect use of public funds to promote  
5 or support convenience abortions.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply  
7 throughout this chapter unless the context clearly requires  
8 otherwise.

9 (1) "Abortion referral" means the act of recommending a pregnant  
10 woman to a doctor, clinic, or other person or entity for the purpose  
11 of obtaining or learning about obtaining a convenience abortion.

12 (2) "Affiliate" means an individual or entity that, directly or  
13 indirectly, owns, controls, is controlled by, or is under the common  
14 control of another person or entity, in whole or in part, or a  
15 subsidiary, parent, or sibling entity.

16 (3) "Convenience abortion" means an elective or nontherapeutic  
17 abortion as defined in RCW 9.02.170. An act is not a convenience  
18 abortion if the act is performed with the intent to:

19 (a) Save the life of the mother or resolve a medical emergency;

20 (b) Save the life or preserve the health of the unborn child;

21 (c) Remove a dead unborn child caused by spontaneous abortion;

22 (d) Remove an ectopic pregnancy;

23 (e) Abort and remove an unborn child that is the result of rape  
24 or incest reported to a law enforcement agency; or

25 (f) Abort and remove an unborn child because of a fetal  
26 malformation that is incompatible with the baby being born alive.

27 (4) "Emotional appeal" is a method of persuasion through  
28 sentiment, not logic, that is designed to create an emotional  
29 response.

30 (5) "Infertility prevention project" means the infertility  
31 prevention project operated by the United States centers for disease  
32 control and prevention.

33 (6) "Lemon test" means:

34 (a) A three-prong test that was originally created by the United  
35 States supreme court and now adopted by this state that is used to  
36 determine if government action is unconstitutional under the  
37 establishment clause. The test requires that state action or  
38 government policy:

39 (i) Have a valid secular purpose;

1 (ii) Not have the effect of advancing, endorsing, or inhibiting  
2 religion; and

3 (iii) Not foster excessive entanglement with religion.

4 (b) Government action violates the establishment clause if it  
5 fails to satisfy any of the prongs.

6 (7) "Medical emergency" means that condition which, on the basis  
7 of the physician's good faith clinical judgment, so complicates the  
8 medical condition of a pregnant woman as to necessitate the immediate  
9 abortion of her pregnancy to avert her death or for which a delay  
10 will create serious risk of substantial and irreversible impairment  
11 of a major bodily function.

12 (8) "Minority HIV/AIDS initiative" means the minority HIV/AIDS  
13 initiative operated by the office of minority health in the United  
14 States department of health and human services.

15 (9) "Nongovernment group" means a nonprofit organization exempt  
16 from federal income taxation under section 501(c)(3) of the internal  
17 revenue code or any other individual or group that is working to:

18 (a) Advance:

19 (i) Birth;

20 (ii) The interests, knowledge, safety, health, and welfare of  
21 expecting mothers;

22 (iii) The facilitation of quality, safe, and healthy adoption and  
23 the cultivation of strong nurturing families; and

24 (iv) The quality, strength, safeness, and effectiveness of the  
25 foster care system; and

26 (b) Provide:

27 (i) Ultrasound testing;

28 (ii) Access to employment opportunities for single mothers who  
29 are expecting;

30 (iii) Counseling and therapy for expecting or new mothers;

31 (iv) Community for expecting or new mothers.

32 (10) "Nonsecular sham" means a policy, a course, or principle of  
33 action adopted or proposed by a state actor which endorses, respects,  
34 or favors the beliefs of a particular religion where the preeminent  
35 and primary force driving the state's action is not genuine, but is a  
36 sham that ultimately has a primary religious objective. The term  
37 refers to a type of policy that is predicated on a series of unproven  
38 faith-based assumptions and naked assertions that are implicitly  
39 religious.

1 (11) "Personal responsibility education program" means the  
2 program administered by the administration for children and families  
3 in the United States department of health and human services to  
4 educate adolescents on abstinence and contraception for the  
5 prevention of pregnancy and sexually transmitted infections.

6 (12) "Physician" has the same meaning as described in RCW  
7 9.02.170(4).

8 (13) "Pregnant" or "pregnancy" means the female reproductive  
9 condition of having an unborn child in the woman's uterus.

10 (14) "Promote" means to advocate for, assist with, encourage, or  
11 popularize through advertising or publicity.

12 (15) "Public funds" means any funds received or controlled by  
13 this state or any agency or political subdivision thereof, including,  
14 but not limited to, funds derived from federal, state, or local  
15 taxes, gifts or grants from any source, public or private, federal  
16 grants or payments, or intergovernmental transfers.

17 (16) "Religion" means a set of unproven answers to the greater  
18 questions such as "Why are we here?" "What should we be doing as  
19 humans?" "How do we get our identity?" and "What happens after  
20 death?" that are predicated on an institutionalized or  
21 noninstitutionalized faith-based worldview flowing out of a community  
22 that is organized, full, and has a code by which members may guide  
23 their daily lives.

24 (17) "Secular abortion" means an abortion as defined in RCW  
25 9.02.170 carried out to:

26 (a) Save the life of the mother or resolve a medical emergency;

27 (b) Save the life or preserve the health of the unborn child;

28 (c) Remove a dead unborn child caused by spontaneous abortion;

29 (d) Remove an ectopic pregnancy;

30 (e) Abort and remove an unborn child that is the result of rape  
31 or incest reported to a law enforcement agency; or

32 (f) Abort and remove an unborn child because of a fetal  
33 malformation that is incompatible with the baby being born alive.

34 (18) "Secular humanism" means a faith-based worldview that is  
35 also referred to as postmodern western individualistic moral  
36 relativism, expressive individualism, or leftism. A belief system  
37 that is protected by the free exercise clause of the First Amendment  
38 of the United States Constitution and Article I, section 11 of the  
39 Washington state Constitution and centered on the unproven assumption  
40 that there are no moral absolutes and that one moral doctrine should



1 be used as the superior basis for law and policy. The term includes a  
2 series of unproven faith-based assumptions and naked assertions that  
3 suggest that morality and truth are man-made conventions and that at  
4 the heart of liberty is man's ability to define his own meaning of  
5 the Universe. The term refers to a religion that does not fulfill any  
6 compelling state interest but instead tends to erode community  
7 standards of decency and promote harmful licentiousness. The term  
8 refers to the unproven belief that convenience abortions are moral or  
9 plausible. The term includes sexual orientation orthodoxy and  
10 nonsecular, self-asserted, sex-based identity narratives. The term  
11 refers to the belief that man is merely a bundle of chemicals,  
12 animated pieces of meat, or accidental particles and that nature is  
13 all there is. The term refers to the unproven faith-based assumption  
14 or Nietzschean theory that man evolved from monkeys and should,  
15 therefore, love one another just because.

16 (19) "Secular policy" means a course or principle of action  
17 adopted or proposed by a state actor that is natural, neutral, and  
18 noncontroversial that is based on self-evident morality and objective  
19 truth from the reasonable observer perspective. The term includes  
20 government procedure or state action that generally accomplishes its  
21 goals and does not tend to put religion over nonreligion or one  
22 religion over another or does not convey to a reasonable observer  
23 that the state favors one religion. The term includes a course of  
24 government action where the preeminent and primary force driving the  
25 policy is genuine, not a sham, and not merely secondary to a  
26 religious objective.

27 (20) "The fund" means the Washington foster care and adoption  
28 initiatives fund.

29 (21) "Unborn child" means the offspring of human beings from  
30 fertilization until birth.

31 NEW SECTION. **Sec. 3.** (1) An agency or instrumentality of the  
32 state is prohibited from appropriating or awarding a grant of public  
33 funds to pay the direct or indirect costs of performing, inducing,  
34 referring individuals for, or counseling in favor of convenience  
35 abortions because such state action fails the Lemon test and violates  
36 the First Amendment establishment clause of the United States  
37 Constitution and Article I, section 11 of the Washington state  
38 Constitution for:

39 (a) Constituting a nonsecular sham;

1 (b) Cultivating indefensible legal weapons against nonobservers  
2 of the religion of secular humanism; and

3 (c) Having the effect of excessively entangling the government  
4 with the religion of secular humanism.

5 (2) Because such appropriations have the effect of endorsing  
6 nonsecular practices that excessively entangles the government with  
7 the religion of secular humanism, pursuant to the First Amendment  
8 establishment clause of the United States Constitution, Article I,  
9 section 11 of the Washington state Constitution, and the state's  
10 compelling interest to discourage licentiousness, an agency or  
11 instrumentality of the state shall not grant, appropriate, or  
12 distribute a grant of public funds to an individual or entity that:

13 (a) Performs convenience abortions, induces convenience  
14 abortions, provides convenience abortion referrals, or counsels in  
15 favor of convenience abortions; and

16 (b) Is an affiliate of an individual or entity that performs  
17 abortions, induces abortions, provides abortion referrals, or  
18 counsels in favor of convenience abortions.

19 (3) Pursuant to the First Amendment establishment clause of the  
20 United States Constitution, Article I, section 11 of the Washington  
21 state Constitution, and the state's compelling interest to uphold  
22 community standards of decency, an agency or instrumentality of the  
23 state shall not appropriate or award a grant of public funds to pay  
24 the direct or indirect costs of performing, inducing, referring  
25 individuals for, or counseling in favor of convenience abortions  
26 including without limitation:

27 (a) Administrative costs and expenses;

28 (b) Overhead costs;

29 (c) Employee salaries;

30 (d) Rent and mortgage payments; and

31 (e) Telephone and other utility payments.

32 (4) Because such appropriations have the effect of endorsing  
33 nonsecular practices that excessively entangles the government with  
34 the religion of secular humanism, pursuant to the First Amendment  
35 establishment clause of the United States Constitution, the  
36 Washington state Constitution, and the state's compelling interest to  
37 discourage licentiousness, the department of health and all other  
38 state agencies shall ensure that public funds received through the  
39 federal violence against women act, the breast and cervical cancer  
40 mortality prevention act, the infertility prevention project, the

1 minority HIV/AIDS initiative, the infant mortality reduction or  
2 infant vitality initiative, the personal responsibility education  
3 program, or any other similar federal program shall not be used to do  
4 any of the following:

5 (a) Perform convenience abortions;

6 (b) Promote convenience abortions;

7 (c) Contract with any entity that performs or promotes  
8 convenience abortions;

9 (d) Be used to affiliate with any entity that performs or  
10 promotes convenience abortions.

11 (5) Any taxpayer of this state or its political subdivisions  
12 shall have standing to bring suit in a court of competent  
13 jurisdiction to enforce the provisions of this section. The  
14 prevailing party may seek attorney fees, costs, and other forms of  
15 equitable relief.

16 (6) Any officer or employee of the state who knowingly authorizes  
17 the use of public funds prohibited by this section may have their  
18 employment immediately terminated.

19 (7) This section does not affect the funding of a hospital,  
20 medical school, or university.

21 (8) The restrictions under this section do not apply to funding  
22 available through the state's plan for medical assistance as required  
23 by Title XIX of the federal social security act, if and only if the  
24 Hyde Amendment applies and blocks public funds from being  
25 appropriated to convenience abortion providers in the state of  
26 Washington because:

27 (a) The underlying legal basis for the Hyde Amendment is the  
28 First Amendment establishment clause of the United States  
29 Constitution; and

30 (b) The First Amendment establishment clause of the United States  
31 Constitution mirrors the restrictions under Article I, section 11 of  
32 the Washington state Constitution.

33 NEW SECTION. **Sec. 4.** (1) The Washington foster care and  
34 adoption initiatives fund is created in the custody of the state  
35 treasurer.

36 (2) The fund shall consist of:

37 (a) Moneys collected from any fines imposed on convenience  
38 abortion providers for cultivating secondary harmful effects or  
39 eroding community standards of decency;

1 (b) Any fines or monetary penalties awarded to the state against  
2 convenience abortion providers, physicians, or facilities for  
3 violating state law under:

4 (i) RCW 9.02.100 through 9.02.170; and

5 (ii) RCW 9.02.900 and 9.02.902; and

6 (c) Any other appropriations, gifts, grants, donations, and  
7 bequests.

8 (3) Public funds that would have otherwise been appropriated in  
9 the past to facilities providing convenience abortions may be  
10 appropriated to the fund.

11 (4) All interest earned on the fund shall be credited to the  
12 fund.

13 (5) The purpose of the fund is to provide grant funding for  
14 foster care and adoption services and initiatives for both government  
15 and, especially, nongovernment groups and individuals.

16 (6) The department of children, youth, and families or its  
17 designee shall administer the fund and adopt rules to administer the  
18 fund. The department of children, youth, and families shall allocate  
19 moneys from the fund according to the following distribution:

20 (a) Fifty percent of the moneys in the fund shall be used for  
21 foster care services and initiatives; and

22 (b) Fifty percent of the moneys in the fund shall be used for  
23 adoption services and initiatives or to care for unborn children and  
24 their mothers.

25 (7) The department of children, youth, and families or its  
26 designee shall evaluate activities conducted under this section  
27 annually and, on or before February 15th, submit an annual report  
28 containing the evaluation to the secretary of the senate and the  
29 chief clerk of the house of representatives and notify the  
30 legislature that the report is available. The report must include the  
31 manner in which the funds in the account were maintained and  
32 distributed.

33 NEW SECTION. **Sec. 5.** (1) Pursuant to the free exercise clause  
34 of the First Amendment of the United States Constitution and Article  
35 I, section 11 of the Washington state Constitution:

36 (a) No hospital or any other state actor shall discriminate  
37 against or discipline a person because of the person's moral  
38 religious beliefs in favor or against convenience abortion or secular  
39 abortion ideology and practices;

1 (b) No private or denominational hospital shall be required to  
2 permit its facilities to be utilized for the performance of  
3 convenience abortions; and

4 (c) No person shall be required, as a condition of training,  
5 employment, pay, promotion, or privileges, to agree to perform or  
6 participate in the performing of convenience abortions.

7 (2) A civil action for damages or reinstatement of employment, or  
8 both, may be brought for any violation of this subsection. The  
9 prevailing party may seek attorneys' fees, costs, and other forms of  
10 equitable relief.

11 NEW SECTION. **Sec. 6.** (1) This chapter does not create or  
12 recognize:

13 (a) A right to experience or provide a convenience abortion;

14 (b) A right to public funds, a contract, or a grant.

15 (2) The purpose of this chapter is not to:

16 (a) Prove or disprove that life begins at conception;

17 (b) Abolish or criminalize convenience abortion practices or  
18 ideology or other secular humanist practices or ideology;

19 (c) Limit convenience abortion practice to a certain time.

20 (3) The purpose of this chapter is to:

21 (a) Distinguish secular abortion from convenience abortion;

22 (b) Reinforce that all members of the legislature and all  
23 executive and judicial officers are bound by oath or affirmation  
24 pursuant to Article VI of the United States Constitution to not  
25 create or enforce policies that violate the establishment clause or  
26 free exercise clause of the First Amendment of the United States  
27 Constitution regardless of the members' or officers' party  
28 affiliation or personal religious beliefs;

29 (c) Codify the well-established jurisprudence that emotional  
30 appeals, even good ones, cannot be used to usurp the establishment  
31 clause of the First Amendment of the United States Constitution or  
32 Article I, section 11 of the Washington state Constitution in an  
33 effort to justify appropriating public funds to convenience abortion  
34 providers;

35 (d) Restore the integrity of the Fourteenth Amendment equal  
36 protection and substantive due process clauses that the judicial  
37 branch has misused because there is no right of privacy mentioned or  
38 implied in the United States Constitution and because the substantive  
39 due process and the equal protection clauses of the Fourteenth

1 Amendment have nothing to do with convenience abortions and do not  
2 require the state to endorse, respect, promote, or fund convenience  
3 abortion practices that are inherently nonsecular procedures;

4 (e) Establish that:

5 (i) Convenience abortion ideology is inseparably linked to the  
6 religion of secular humanism;

7 (ii) While secular humanism is a religion for the purposes of the  
8 First Amendment establishment clause as the United States supreme  
9 court already resolved, secular humanism is a disfavored religion  
10 because it involves indecent speech that tends to erode community  
11 standards of decency and promote licentiousness;

12 (iii) This state has a protected and compelling interest to  
13 uphold community standards of decency and to discourage  
14 licentiousness;

15 (iv) It is the policy of this state to favor childbirth and  
16 family planning services that do not include convenience abortions or  
17 the promotion of convenience abortions within the continuum of care  
18 or services;

19 (v) The state of Washington has a compelling interest to not only  
20 help unborn children flourish but also born children who are subject  
21 to adoption or who are placed in the foster care system; and

22 (vi) Public funds that might have been appropriated to  
23 convenience abortion providers in the past could be redirected to  
24 adoption and foster care services to better enable human flourishing  
25 without violating the Constitution of the United States or of this  
26 state because such an appropriation amounts to a secular policy and a  
27 secular use of public funds.

28 (4) This chapter is constructed on the premise that:

29 (a) The state of Washington is part of a constitutional republic;

30 (b) The United States Constitution is the supreme sovereign law  
31 of this country that preempts all state and federal law;

32 (c) The First Amendment of the United States Constitution applies  
33 to the state of Washington through the Fourteenth Amendment of the  
34 United States Constitution;

35 (d) The establishment clause of the First Amendment of the United  
36 States Constitution and Article I, section 11 of the Washington state  
37 Constitution prohibits the appropriation of public funds to  
38 convenience abortion providers because such an appropriation  
39 constitutes state action that fails the prongs of the Lemon test  
40 established by the United States supreme court for:

1 (i) Constituting a nonsecular sham;  
2 (ii) Cultivating an indefensible legal weapon against  
3 nonobservers of the religion of secular humanism; and  
4 (iii) Having the effect of excessively entangling the government  
5 with the religion of secular humanism;  
6 (e) The free exercise clause of the First Amendment of the United  
7 States Constitution affords a person the right to hold nonsecular  
8 moral beliefs in favor or against convenience abortion practices  
9 without fear of discrimination by a state actor;  
10 (f) The right to form and express a religious belief is distinct  
11 from the right to practice it;  
12 (g) Nonsecular practices that excuse acts of licentiousness or  
13 justify practices inconsistent with the peace or safety of the state  
14 can be restricted by the state because the freedom of religion is not  
15 absolute.

16 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act  
17 constitute a new chapter in Title 70 RCW.

18 NEW SECTION. **Sec. 8.** This act may be known and cited as the  
19 life appropriations act.

20 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and takes  
23 effect immediately.

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