

**ESHB 2118 - S AMD 783**

By Senator Fortunato

PULLED 02/27/2024

1 On page 8, after line 18, insert the following:

2 "Sec. 2. RCW 9.02.100 and 2022 c 65 s 2 are each amended to read  
3 as follows:

4 The sovereign people hereby declare that every individual  
5 possesses a fundamental right of privacy with respect to personal  
6 reproductive decisions.

7 Accordingly, it is the public policy of the state of Washington  
8 that:

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

11 (2) Every (~~pregnant individual~~) woman has the fundamental right  
12 to choose or refuse to have an abortion, except as specifically  
13 limited by this section and RCW (~~9.02.100~~) 9.02.110 through  
14 9.02.170 (~~and~~), 9.02.900 (~~through~~), and 9.02.902;

15 (3) Except as specifically permitted by this section and RCW  
16 (~~9.02.100~~) 9.02.110 through 9.02.170 (~~and~~), 9.02.900 (~~through~~),  
17 and 9.02.902, the state shall not deny or interfere with a (~~pregnant~~  
18 ~~individual's~~) woman's fundamental right to choose or refuse to have  
19 an abortion; (~~and~~)

20 (4) A woman seeking to have an abortion in the state of  
21 Washington has a right to be fully informed about abortions and the  
22 potential risks associated with abortions. This includes the right to  
23 know about:

24 (a) Abortion methods and associated medical risks;

25 (b) Possible adverse psychological effects of abortion;

26 (c) Potential harms to the fetus child should the abortion go  
27 wrong;

28 (d) Medical benefits and risks of carrying a pregnancy to term;

29 (e) Probable gestational age of the fetus at the time the  
30 abortion is to be performed;

31 (f) Public and private agencies and services available to assist  
32 a woman through pregnancy, childbirth, and raising a child; and

1 (g) Adoption services; and

2 (5) The state shall not discriminate against the exercise of  
3 these rights in the regulation or provision of benefits, facilities,  
4 services, or information.

5 (6) Each provider of abortion services shall carry a general  
6 liability insurance policy providing at least \$1,000,000 of coverage  
7 per incident.

8 **Sec. 3.** RCW 9.02.110 and 2022 c 65 s 3 are each amended to read  
9 as follows:

10 (1) The state may not deny or interfere with a pregnant  
11 individual's right to choose to have an abortion prior to viability  
12 of the fetus, or to protect the pregnant individual's life or health.

13 (2) A physician, physician assistant, advanced registered nurse  
14 practitioner, or other health care provider acting within the  
15 provider's scope of practice may terminate and a health care provider  
16 may assist a physician, physician assistant, advanced registered  
17 nurse practitioner, or other health care provider acting within the  
18 provider's scope of practice in terminating a pregnancy as permitted  
19 by this section.

20 (3) A physician assistant, advanced registered nurse  
21 practitioner, or any other health care provider that is not a  
22 licensed physician must carry a medical malpractice insurance policy  
23 providing liability limits of at least \$1,000,000 per occurrence or  
24 claim prior to terminating a pregnancy as permitted by this section.

25 **Sec. 4.** RCW 9.02.120 and 2022 c 65 s 8 are each amended to read  
26 as follows:

27 ~~((Unless authorized by RCW 9.02.110, any))~~ (1) Any person who  
28 performs an abortion on another person in violation of this chapter  
29 shall be guilty of a class C felony punishable under chapter 9A.20  
30 RCW. ((The state shall not penalize, prosecute, or otherwise take  
31 adverse action against an individual based on their actual,  
32 potential, perceived, or alleged pregnancy outcomes. Nor shall the  
33 state penalize, prosecute, or otherwise take adverse action against  
34 someone for aiding or assisting a pregnant individual in exercising  
35 their right to reproductive freedom with their voluntary consent.))

36 (2) Any health care provider licensed under Title 18 RCW who  
37 violates this chapter commits an act of unprofessional conduct and

1 his or her license shall be suspended by the appropriate disciplining  
2 authority pursuant to chapter 18.130 RCW.

3 (3) A physician, physician assistant, advanced registered nurse  
4 practitioner, or health care provider who knowingly or intentionally  
5 delivers to the department of health any report required by law that  
6 is known by the physician to be false is subject to a civil penalty  
7 of up to \$500 per violation imposed by the department of health.

8 (4) The attorney general has the authority to bring an action in  
9 law or equity to enforce the provisions of this chapter on behalf of  
10 any disciplining authority as defined in chapter 18.130 RCW. The  
11 disciplining authorities also have the authority to bring such an  
12 action on their own."

13 Renumber the remaining sections consecutively and correct any  
14 internal references accordingly.

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15 On page 1, line 3 of the title, after "dealers" insert "and  
16 abortion providers"

17 On page 1, line 3 of the title, after "9.41.110" insert "  
18 9.02.100, 9.02.110, and 9.02.120"

EFFECT: Adds \$1,000,000 general liability insurance requirement for abortion providers. Adds abortion providers to maintain medical malpractice insurance policy providing liability limits of at least \$1,000,000 per occurrence. Adds penalties. Modifies informed consent standards for abortion services. Amends the title.

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