
HOUSE JOINT MEMORIAL 4025

State of Washington 52nd Legislature 1991 1st Special Session

By Representatives Belcher, Cole, Miller, R. Fisher, Locke, Prince, Wang, Wynne, Fraser, Brough, Rayburn, Dellwo, Valle, May, Jones, Anderson, Sheldon, Inslee, Prentice, Spanel, Orr, McLean, Wilson, Bray, Mitchell, Jacobsen, Franklin, Appelwick, H. Myers, R. King, Ferguson, Riley, Morris, Roland, G. Fisher, R. Johnson, Ogden, Pruitt, Ludwig, Edmondson, Schmidt, Neher, Winsley, Brekke, Leonard, Heavey, Nelson and Wineberry.

Read first time 6/28/91.

1 TO THE HONORABLE GEORGE BUSH, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

8 WHEREAS, Family planning programs play a vital role in assuring
9 low-income women's access to reproductive health services; and

10 WHEREAS, Federal Title X family planning funds provide 2.5 million
11 dollars annually in Washington, financial assistance critical to the
12 ability of over sixty clinics and mobile family planning facilities
13 state-wide to provide reproductive health services to low-income women;
14 and

15 WHEREAS, Washington law on informed consent requires physicians to
16 advise their patients of the risks, benefits, and alternatives related

1 to any medical procedure, and any limits on the ability of a physician
2 to obtain informed consent expose physicians to significant civil
3 liability; and

4 WHEREAS, Physicians have a professional and ethical obligation to
5 inform their patients of all treatment alternatives, and any limits on
6 this obligation jeopardize the physician-patient relationship; and

7 WHEREAS, The United States Supreme Court ruling of May 23, 1991, in
8 *Rust v. Sullivan*, upholds regulations adopted by the federal Department
9 of Health and Human Services that prohibit family planning programs
10 that receive Title X funds from providing nondirective pregnancy
11 counseling or abortion referral to women; and

12 WHEREAS, The federal Title X regulations upheld by the United
13 States Supreme Court wrongly control information that an individual can
14 receive, where exercise of fundamental constitutional rights is at
15 issue; and

16 WHEREAS, As a result of the *Rust v. Sullivan* ruling, family
17 planning providers in the State of Washington may be forced to turn
18 down Title X funding, and thereby reduce the availability of essential
19 family planning services to low-income women, in order to provide
20 information necessary to obtain informed consent and exercise their
21 right to freedom of speech;

22 NOW, THEREFORE, BE IT RESOLVED, That the Legislature of the State
23 of Washington express its deep concern regarding the impact on the
24 exercise of fundamental constitutional rights of the United States
25 Supreme Court ruling in *Rust v. Sullivan*; and

26 BE IT FURTHER RESOLVED, That the Legislature of the State of
27 Washington strongly urge that the United States Congress enact federal
28 legislation expressing clear Congressional intent that Title X funding
29 be used to provide unbiased and accurate information on reproductive

1 health care for low-income women, and that the President of the United
2 States sign the legislation into law; and

3 BE IT RESOLVED, That copies of this Memorial be immediately
4 transmitted to the Honorable George Bush, President of the United
5 States, the President of the United States Senate, the Speaker of the
6 House of Representatives, and each member of Congress from the State of
7 Washington.