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HOUSE BILL 2749

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Ahern, Benson, Bush, McDonald, Crouse, Holmquist, Schindler, Roach, Nixon, Pearson and Talcott

Read first time 01/20/2004. Referred to Committee on Health Care.

1 AN ACT Relating to the right of a woman to refuse to have an  
2 abortion; amending RCW 9.02.110, 9.02.140, and 9.02.160; and creating  
3 a new section.

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

5 NEW SECTION. **Sec. 1.** RCW 9.02.100 provides that every woman has  
6 the fundamental right to choose or refuse to have an abortion. The  
7 legislature finds that the right to refuse to have an abortion should  
8 receive more emphasis in state law. The legislature intends by this  
9 act to ensure that the right of a woman to refuse to have an abortion  
10 and to continue her pregnancy are given equal emphasis in state law.

11 **Sec. 2.** RCW 9.02.110 and 1992 c 1 s 2 are each amended to read as  
12 follows:

13 The state may not deny or interfere with a woman's right to choose  
14 or refuse to have an abortion prior to viability of the fetus, or to  
15 protect her life or health.

16 A physician may terminate and a health care provider may assist a  
17 physician in terminating a pregnancy as permitted by this section.

1       **Sec. 3.** RCW 9.02.140 and 1992 c 1 s 5 are each amended to read as  
2 follows:

3       Any regulation promulgated by the state relating to abortion shall  
4 be valid only if:

5       (1) The regulation is medically necessary to protect the life or  
6 health of the woman terminating her pregnancy,

7       (2) The regulation is consistent with established medical practice,  
8 and

9       (3) Of the available alternatives, the regulation imposes the least  
10 restrictions on the woman's right to have or to not have an abortion as  
11 defined by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902.

12       **Sec. 4.** RCW 9.02.160 and 1992 c 1 s 7 are each amended to read as  
13 follows:

14       If the state provides, directly or by contract, maternity care  
15 benefits, services, or information to women through any program  
16 administered or funded in whole or in part by the state, the state  
17 shall also provide women otherwise eligible for any such program with  
18 substantially equivalent benefits, services, or information to permit  
19 them to voluntarily terminate or continue their pregnancies.

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