
HOUSE BILL 1774

State of Washington 59th Legislature 2005 Regular Session

By Representatives Ahern, Hinkle, Sump, Holmquist, Miloscia,
Schindler, Condotta, Ericksen, Kristiansen and Dunn

Read first time 02/04/2005. Referred to Committee on Health Care.

1 AN ACT Relating to prohibiting nonphysicians from performing
2 abortions; amending RCW 9.02.110 and 9.02.170; creating a new section;
3 and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the medical risks
6 to the health of women as a result of obtaining an abortion makes it
7 necessary to clarify that only qualified health care personnel may
8 perform abortions or assist in performing abortions.

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

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

14 ~~((A physician may terminate and a health care provider may assist~~
15 ~~a physician in terminating a pregnancy as permitted by this section.))~~
16 A person who is not a health care provider may not perform an abortion.

1 **Sec. 3.** RCW 9.02.170 and 1992 c 1 s 8 are each amended to read as
2 follows:

3 For purposes of this chapter:

4 (1) "Viability" means the point in the pregnancy when, in the
5 judgment of the physician on the particular facts of the case before
6 such physician, there is a reasonable likelihood of the fetus's
7 sustained survival outside the uterus without the application of
8 extraordinary medical measures.

9 (2) "Abortion" means any medical treatment intended to induce the
10 termination of a pregnancy except for the purpose of producing a live
11 birth.

12 (3) "Pregnancy" means the reproductive process beginning with the
13 implantation of an embryo.

14 (4) "Physician" means a physician licensed to practice under
15 chapter 18.57 or 18.71 RCW in the state of Washington.

16 (5) "Health care provider" means a physician or ((a)) another
17 person ((acting under the general direction of a physician)) licensed
18 by this state under Title 18 RCW to provide health care services.

19 (6) "State" means the state of Washington and counties, cities,
20 towns, municipal corporations, and quasi-municipal corporations in the
21 state of Washington.

22 (7) "Private medical facility" means any medical facility that is
23 not owned or operated by the state.

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

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