
HOUSE BILL 1366

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Clibborn, Walsh, Appleton, Goodman, Darneille, Moeller, Green, Carlyle, Fitzgibbon, Frockt, Reykdal, Roberts, Jinkins, Pettigrew, Cody, Pedersen, Van De Wege, Liias, Jacks, Maxwell, Dickerson, Ryu, Lytton, Ormsby, Seaquist, Hasegawa, Upthegrove, McCoy, Eddy, Sells, Haigh, Springer, Hunt, Tharinger, Kenney, and Santos

Read first time 01/19/11. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to limited service pregnancy centers; adding a new
2 chapter to Title 70 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** This chapter may be known and cited as the
5 limited service pregnancy center accountability act.

6 NEW SECTION. **Sec. 2.** (1) The legislature finds that:

7 (a) Seeking or obtaining health care is fundamental to public
8 health and safety;

9 (b) Health care information is personal and sensitive information
10 that if improperly used, released, or withheld from a patient may do
11 significant harm to a patient's interests in privacy, health care, or
12 other interests; and

13 (c) Some limited service pregnancy centers have misled people about
14 the nature of their services, and have withheld health care records,
15 including the results of pregnancy tests, from individuals seeking
16 services.

17 (2) It is the intent of the legislature that limited service

1 pregnancy centers operating in Washington state provide truthful
2 information about the services they offer, and maintain the privacy of
3 and respect a person's right to his or her health care information.

4 NEW SECTION. **Sec. 3.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Comprehensive birth control services" means the medical
7 evaluation and care related to the prescription or provision of
8 contraceptive drugs or devices, and includes the provision of
9 nondirective counseling on methods and efficacy of contraception, and
10 the prescription or provision of contraceptive drugs or devices.

11 (2) "Health care information" has the same meaning as in RCW
12 70.02.010.

13 (3) "Limited service pregnancy center" means an organization that
14 advertises, offers, or provides pregnancy tests or ultrasounds, and
15 information about adoption or abortion, whether for a fee or as a free
16 service, but does not provide any of the following: Prenatal medical
17 care, comprehensive birth control services, and abortion or referrals
18 for abortion. "Limited service pregnancy center" does not include
19 health care entities licensed under Title 18 RCW, hospitals and
20 entities licensed under Title 70 RCW, or health care providers licensed
21 under Title 18 RCW. A limited service pregnancy center remains subject
22 to the provisions of this chapter notwithstanding the presence of a
23 licensed health care provider in the governance of, on the staff of, or
24 acting as a volunteer with the limited service pregnancy center.

25 (4) "Primary languages" means the most frequently spoken languages
26 in the county in which the limited service pregnancy center is located,
27 and includes at a minimum English, Spanish, Vietnamese, Cambodian,
28 Laotian, and Chinese.

29 NEW SECTION. **Sec. 4.** (1) A limited service pregnancy center shall
30 make the following disclosures to a person seeking services:

31 (a) That the center does not provide abortion or comprehensive
32 birth control services;

33 (b) That the center does not provide referrals to individuals or
34 organizations that provide abortion or comprehensive birth control
35 services; and

1 (c) That the center does not provide medical care for pregnant
2 women.

3 (2) The disclosure required by subsection (1) of this section must
4 be provided as follows:

5 (a) Verbally, in such a manner as to be reasonably understandable
6 to the person seeking services, upon first communication or first
7 contact with a person seeking services, whether by telephone,
8 electronic communication, or in person; and

9 (b) In writing, as follows:

10 (i) In all primary languages, in thirty-point font size or larger,
11 on eight and one-half inch by eleven inch paper or larger, posted (A)
12 on the main entry door of the organization and (B) inside the building
13 housing the organization in such a manner as to be clearly visible from
14 the area at which the organization conducts intakes; and

15 (ii) In all primary languages, clearly visible on the home page of
16 the organization's web site, in the primary font size used on the web
17 site; and

18 (iii) In all primary languages, in any advertisement or notice
19 promoting the center's services.

20 (3) A limited service pregnancy center shall, before providing a
21 pregnancy test that uses an over-the-counter product to perform the
22 pregnancy test, inform the person seeking to be tested, in such a
23 manner as to be reasonably understandable to the person seeking
24 services, that the pregnancy test is an over-the-counter product and
25 shall offer the person seeking to be tested the opportunity to self-
26 administer.

27 NEW SECTION. **Sec. 5.** (1) A limited service pregnancy center that
28 collects health care information from a person seeking or receiving its
29 services may not disclose health care information about that person to
30 any other person, entity, or organization without the service
31 recipient's written authorization. A disclosure made under a service
32 recipient's written authorization must conform to the authorization.

33 (2) To be valid, a service recipient's authorization must conform
34 to the requirements of RCW 70.02.030(3).

35 (3) A limited service pregnancy center that provides or assists in
36 the provision of pregnancy testing, whether for a fee or without
37 charge, whether those tests are over-the-counter or laboratory tests,

1 shall provide the person tested with a free written statement of the
2 results of the pregnancy test, in English and in the person's primary
3 language, immediately after the test is completed. For the purpose of
4 this subsection, "primary language" means the language primarily spoken
5 by the tested person.

6 (4) Upon receipt of a written request from a service recipient to
7 examine or copy all or part of the recipient's recorded health care
8 information, a limited service pregnancy center, as promptly as
9 required under the circumstances, but no later than fifteen working
10 days after receiving the request shall:

11 (a) Make the information available for examination during regular
12 business hours and provide a free copy to the service recipient, if
13 requested;

14 (b) Inform the service recipient if the information does not exist
15 or cannot be found; and

16 (c) If the limited service pregnancy center does not maintain a
17 record of the information, inform the service recipient and provide the
18 name and address, if known, of the entity that maintains the record.

19 NEW SECTION. **Sec. 6.** (1) Any person who is aggrieved by a
20 violation of this chapter may bring a civil action against a limited
21 service pregnancy center in superior court to enjoin further
22 violations, to recover the actual damages sustained by him or her, or
23 both, together with the costs of the suit, including reasonable
24 attorneys' fees. The court may, in its discretion, increase the award
25 of damages to an amount not to exceed three times the actual damages
26 sustained. A party seeking civil damages under this section may
27 recover upon proof of a violation by a preponderance of the evidence.
28 For the purpose of this section, "person" includes counties or other
29 municipalities.

30 (2) If damages are awarded under this section, the court may, in
31 addition to damages, impose on a liable party a civil fine of not more
32 than one thousand dollars to be paid to the plaintiff.

33 (3) The remedy provided by this section is in addition to any
34 common law remedy or other remedy that may be available to a person
35 aggrieved by a violation of this chapter.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
6 a new chapter in Title 70 RCW.

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