AN ACT Relating to restricting the use of funds for grants to organizations that provide elective abortions; amending RCW 9.02.160 and 43.70.040; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that regardless of opinions on whether abortions should be legal, taxpayer funds should not be used to subsidize facilities that provide elective abortions. The legislature further finds that notwithstanding taxpayer funding for medicaid services, additional taxpayer dollars are being directed through the Washington state department of health as grants to various organizations that provide elective abortion services. This grant funding is used for operating costs and for elective abortion services, despite growing opposition toward taxpayer funded abortions. As such, it is the intent of the legislature to prohibit the department from providing any grants to organizations that provide elective abortion services.

Sec. 2. RCW 9.02.160 and 1992 c 1 s 7 are each amended to read as follows:

(1) If the state provides, directly or by contract, maternity care benefits, services, or information to women through any program...
administered or funded in whole or in part by the state, the state shall also provide women otherwise eligible for any such program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies in any situation in which the abortion is medically necessary.

(2) The state may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, as defined in RCW 43.70.040.

Sec. 3. RCW 43.70.040 and 2005 c 32 s 2 are each amended to read as follows:

(1) In addition to any other powers granted the secretary, and except as provided in subsection (2) of this section, the secretary may:

((1)) (a) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.: PROVIDED, That for rules adopted after July 23, 1995, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

((2)) (b) Appoint such advisory committees as may be necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed;

((3)) (c) Undertake studies, research, and analysis necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

((4)) (d) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.;

((5)) (e) Enter into contracts and enter into and distribute grants on behalf of the department to carry out the purposes of chapter 9, Laws of 1989 1st ex. sess. The department must report to the legislature a summary of the grants distributed under this
authority, for each year of the first biennium after the department receives authority to distribute grants under this section, and make it electronically available;

((++) (f) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of chapter 9, Laws of 1989 1st ex. sess.; or

((++) (g) Solicit and accept gifts, grants, bequests, devises, or other funds from public and private sources.

(2)(a) The secretary may not enter into contracts, distribute grants, or direct funds to any organization that provides elective abortions; and

(b) For the purposes of this subsection:

(i) "Elective abortion" means any abortion that is voluntarily undertaken to induce the termination of a pregnancy, other than an abortion deemed medically necessary by the patient's primary care physician; and

(ii) "Medically necessary" means a determination, in the reasonable, good faith clinical judgment of the patient's primary care physician, that the life of the patient seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed.