

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1851**

Chapter 65, Laws of 2022

67th Legislature  
2022 Regular Session

ABORTION CARE—ACCESS

EFFECTIVE DATE: June 9, 2022

Passed by the House March 7, 2022  
Yeas 57 Nays 41

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 1, 2022  
Yeas 28 Nays 21

DENNY HECK

**President of the Senate**

Approved March 17, 2022 9:29 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1851** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 17, 2022

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1851**

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2022 Regular Session**

**By** Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby, and Harris-Talley

Prefiled 01/07/22. Read first time 01/10/22. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to preserving a pregnant individual's ability to  
2 access abortion care; amending RCW 9.02.100, 9.02.110, 9.02.130,  
3 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new  
4 section.

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

6            NEW SECTION.    **Sec. 1.** The legislature affirms that:

7            (1) It is the longstanding public policy of this state to promote  
8 access to affordable, high quality sexual and reproductive health  
9 care, including abortion care, without unnecessary burdens or  
10 restrictions on patients or providers. In 1970 Washington was one of  
11 the first states to decriminalize abortion before Roe v. Wade; and in  
12 1991 the people of Washington passed Initiative Measure 120, the  
13 reproductive privacy act, further protecting access to abortion  
14 services;

15            (2) It has been 30 years since the passage of the reproductive  
16 privacy act. It is time that we modernize and update the language to  
17 reflect current medical practice;

18            (3) In 2004 and 2019, respectively, Washington attorneys general  
19 Christine Gregoire and Robert W. Ferguson issued opinions clarifying  
20 that Washington state law allows certain qualified advanced practice  
21 clinicians to provide early in-clinic and medication abortion care

1 and recommended that Washington statutes be updated to provide  
2 further clarity;

3 (4) Although the abortion rights movement has historically  
4 centered on women in our advocacy, that must no longer be the case  
5 and it is critical that we recognize that transgender, nonbinary, and  
6 gender expansive people also get pregnant and require abortion care.  
7 Washington's law should reflect the most inclusive understanding of  
8 who needs abortions and be updated with gender neutral language. All  
9 people deserve access to qualified providers in their community who  
10 can provide whatever method of abortion care works for them and no  
11 individual who chooses to manage their own abortion should fear  
12 arrest or prosecution because of their pregnancy decision or outcome;  
13 and

14 (5) All people deserve to make their own decisions about their  
15 pregnancies, including deciding to end a pregnancy. It is the public  
16 policy of the state of Washington to continue to protect and advance  
17 equal rights to access abortion care that meets each individual's  
18 needs, regardless of gender or gender identity, race, ethnicity,  
19 income level, or place of residence.

20 **Sec. 2.** RCW 9.02.100 and 1992 c 1 s 1 are each amended to read  
21 as follows:

22 The sovereign people hereby declare that every individual  
23 possesses a fundamental right of privacy with respect to personal  
24 reproductive decisions.

25 Accordingly, it is the public policy of the state of Washington  
26 that:

27 (1) Every individual has the fundamental right to choose or  
28 refuse birth control;

29 (2) Every (~~woman~~) pregnant individual has the fundamental right  
30 to choose or refuse to have an abortion, except as specifically  
31 limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through  
32 9.02.902;

33 (3) Except as specifically permitted by RCW 9.02.100 through  
34 9.02.170 and 9.02.900 through 9.02.902, the state shall not deny or  
35 interfere with a (~~woman's~~) pregnant individual's fundamental right  
36 to choose or refuse to have an abortion; and

37 (4) The state shall not discriminate against the exercise of  
38 these rights in the regulation or provision of benefits, facilities,  
39 services, or information.

1       **Sec. 3.** RCW 9.02.110 and 1992 c 1 s 2 are each amended to read  
2 as follows:

3       The state may not deny or interfere with a (~~woman's~~) pregnant  
4 individual's right to choose to have an abortion prior to viability  
5 of the fetus, or to protect (~~her~~) the pregnant individual's life or  
6 health.

7       A physician, physician assistant, advanced registered nurse  
8 practitioner, or other health care provider acting within the  
9 provider's scope of practice may terminate and a health care provider  
10 may assist a physician, physician assistant, advanced registered  
11 nurse practitioner, or other health care provider acting within the  
12 provider's scope of practice in terminating a pregnancy as permitted  
13 by this section.

14       **Sec. 4.** RCW 9.02.130 and 1992 c 1 s 4 are each amended to read  
15 as follows:

16       The good faith judgment of a physician, physician assistant,  
17 advanced registered nurse practitioner, or other health care provider  
18 acting within the provider's scope of practice as to viability of the  
19 fetus or as to the risk to life or health of a (~~woman~~) pregnant  
20 individual and the good faith judgment of a health care provider as  
21 to the duration of pregnancy shall be a defense in any proceeding in  
22 which a violation of this chapter is an issue.

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

25       Any regulation promulgated by the state relating to abortion  
26 shall be valid only if:

27       (1) The regulation is medically necessary to protect the life or  
28 health of the (~~woman~~) pregnant individual who is terminating  
29 (~~her~~) the pregnancy,

30       (2) The regulation is consistent with established medical  
31 practice, and

32       (3) Of the available alternatives, the regulation imposes the  
33 least restrictions on the (~~woman's~~) pregnant individual's right to  
34 have an abortion as defined by RCW 9.02.100 through 9.02.170 and  
35 9.02.900 through 9.02.902.

36       **Sec. 6.** RCW 9.02.160 and 1992 c 1 s 7 are each amended to read  
37 as follows:

1 If the state provides, directly or by contract, maternity care  
2 benefits, services, or information (~~(to women)~~) through any program  
3 administered or funded in whole or in part by the state, the state  
4 shall also provide (~~(women)~~) pregnant individuals otherwise eligible  
5 for any such program with substantially equivalent benefits,  
6 services, or information to permit them to voluntarily terminate  
7 their pregnancies.

8 **Sec. 7.** RCW 9.02.170 and 1992 c 1 s 8 are each amended to read  
9 as follows:

10 For purposes of this chapter:

11 (1) "Viability" means the point in the pregnancy when, in the  
12 judgment of the physician, physician assistant, advanced registered  
13 nurse practitioner, or other health care provider acting within the  
14 provider's scope of practice on the particular facts of the case  
15 before such physician, physician assistant, advanced registered nurse  
16 practitioner, or other health care provider acting within the  
17 provider's scope of practice, there is a reasonable likelihood of the  
18 fetus's sustained survival outside the uterus without the application  
19 of extraordinary medical measures.

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

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

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

27 (5) "Physician assistant" means a physician assistant licensed to  
28 practice under chapter 18.71A RCW in the state of Washington.

29 (6) "Advanced registered nurse practitioner" means an advanced  
30 registered nurse practitioner licensed under chapter 18.79 RCW.

31 (7) "Health care provider" means a (~~(physician or a)~~) person  
32 (~~(acting under the general direction of a physician)~~) regulated under  
33 Title 18 RCW to practice health or health-related services or  
34 otherwise practicing health care services in this state consistent  
35 with state law.

36 (~~(+6)~~) (8) "State" means the state of Washington and counties,  
37 cities, towns, municipal corporations, and quasi-municipal  
38 corporations in the state of Washington.

1        (~~(7)~~) (9) "Private medical facility" means any medical facility  
2 that is not owned or operated by the state.

3        **Sec. 8.** RCW 9.02.120 and 1992 c 1 s 3 are each amended to read  
4 as follows:

5        Unless authorized by RCW 9.02.110, any person who performs an  
6 abortion on another person shall be guilty of a class C felony  
7 punishable under chapter 9A.20 RCW. The state shall not penalize,  
8 prosecute, or otherwise take adverse action against an individual  
9 based on their actual, potential, perceived, or alleged pregnancy  
10 outcomes. Nor shall the state penalize, prosecute, or otherwise take  
11 adverse action against someone for aiding or assisting a pregnant  
12 individual in exercising their right to reproductive freedom with  
13 their voluntary consent.

Passed by the House March 7, 2022.

Passed by the Senate March 1, 2022.

Approved by the Governor March 17, 2022.

Filed in Office of Secretary of State March 17, 2022.

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