**2118-S.E AMS FORT S5545.1 - NOT FOR FLOOR USE**

**ESHB 2118** - S AMD **783**

By Senator Fortunato

**PULLED 02/27/2024**

On page 8, after line 18, insert the following:

"**Sec.**  RCW 9.02.100 and 2022 c 65 s 2 are each amended to read as follows:

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

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

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

(2) Every ((~~pregnant individual~~)) woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited by this section and RCW ((~~9.02.100~~)) 9.02.110 through 9.02.170 ((~~and~~)), 9.02.900 ((~~through~~)), and 9.02.902;

(3) Except as specifically permitted by this section and RCW ((~~9.02.100~~)) 9.02.110 through 9.02.170 ((~~and~~)), 9.02.900 ((~~through~~)), and 9.02.902, the state shall not deny or interfere with a ((~~pregnant individual's~~)) woman's fundamental right to choose or refuse to have an abortion; ((~~and~~))

(4) A woman seeking to have an abortion in the state of Washington has a right to be fully informed about abortions and the potential risks associated with abortions. This includes the right to know about:

(a) Abortion methods and associated medical risks;

(b) Possible adverse psychological effects of abortion;

(c) Potential harms to the fetus child should the abortion go wrong;

(d) Medical benefits and risks of carrying a pregnancy to term;

(e) Probable gestational age of the fetus at the time the abortion is to be performed;

(f) Public and private agencies and services available to assist a woman through pregnancy, childbirth, and raising a child; and

(g) Adoption services; and

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

(6) Each provider of abortion services shall carry a general liability insurance policy providing at least $1,000,000 of coverage per incident.

**Sec.**  RCW 9.02.110 and 2022 c 65 s 3 are each amended to read as follows:

(1) The state may not deny or interfere with a pregnant individual's right to choose to have an abortion prior to viability of the fetus, or to protect the pregnant individual's life or health.

(2) A physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may terminate and a health care provider may assist a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice in terminating a pregnancy as permitted by this section.

(3) A physician assistant, advanced registered nurse practitioner, or any other health care provider that is not a licensed physician must carry a medical malpractice insurance policy providing liability limits of at least $1,000,000 per occurrence or claim prior to terminating a pregnancy as permitted by this section.

**Sec.**  RCW 9.02.120 and 2022 c 65 s 8 are each amended to read as follows:

((~~Unless authorized by RCW 9.02.110, any~~)) (1) Any person who performs an abortion on another person in violation of this chapter shall be guilty of a class C felony punishable under chapter 9A.20 RCW. ((~~The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.~~))

(2) Any health care provider licensed under Title 18 RCW who violates this chapter commits an act of unprofessional conduct and his or her license shall be suspended by the appropriate disciplining authority pursuant to chapter 18.130 RCW.

(3) A physician, physician assistant, advanced registered nurse practitioner, or health care provider who knowingly or intentionally delivers to the department of health any report required by law that is known by the physician to be false is subject to a civil penalty of up to $500 per violation imposed by the department of health.

(4) The attorney general has the authority to bring an action in law or equity to enforce the provisions of this chapter on behalf of any disciplining authority as defined in chapter 18.130 RCW. The disciplining authorities also have the authority to bring such an action on their own."

Renumber the remaining sections consecutively and correct any internal references accordingly.

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On page 1, line 3 of the title, after "dealers" insert "and abortion providers"

On page 1, line 3 of the title, after "9.41.110" insert ", 9.02.100, 9.02.110, and 9.02.120"

EFFECT: Adds $1,000,000 general liability insurance requirement for abortion providers. Adds abortion providers to maintain medical malpractice insurance policy providing liability limits of at least $1,000,000 per occurrence. Adds penalties. Modifies informed consent standards for abortion services. Amends the title.