H-3497.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2500**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Rule, Stearns, Slatter, Ramos, Simmons, Santos, Ryu, Nance, Callan, and Bergquist

AN ACT Relating to protecting access to assisted reproductive services; adding a new section to chapter 1.12 RCW; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that it is the public policy of this state to provide the maximum access to reproductive health care for all people in Washington. Reproductive health care is the care necessary to support the reproductive system, the capability to reproduce, and the freedom and services necessary to decide if, when, and how often to do so. In 2022, the Dobbs decision removed federal protections for reproductive freedom, opening the doors for states to enact draconian laws that would limit an individual's access to reproductive services, including not only the ability to terminate a pregnancy but also the ability to access assisted reproductive services such as in-vitro fertilization. Therefore, it is the intent of the legislature to preserve and protect these services in Washington.

NEW SECTION. **Sec.**  A new section is added to chapter 1.12 RCW to read as follows:

For the purposes of this code and any legislation hereafter enacted by the legislature or by the people, any fertilized human egg or human embryo that exists in any form outside of the uterus of a human body shall not, under any circumstances, be considered an unborn child, a minor child, a natural person, or any other term that connotes a human being for any purpose under state law.

NEW SECTION. **Sec.**  (1)(a) Every individual has a statutory right under this act, including without prohibition or unreasonable limitation or interference, to access assisted reproduction treatments or procedures and to continue or complete an ongoing assisted reproduction treatment or procedure pursuant to a written plan or agreement with a health care provider.

(b) A health care provider licensed under Title 18 RCW has a statutory right under this act to perform or assist with the performance of assisted reproduction treatments or procedures that are within the health care provider's authorized scope of practice.

(c) An insurer has a statutory right under this act to cover assisted reproduction treatments or procedures.

(2)(a) The office of the attorney general may bring an action in the name of the state against any political subdivision, individual, or entity that enacts, implements, or enforces a limitation or requirement that prohibits, unreasonably limits, or interferes with subsection (1) of this section.

(b) An individual or entity adversely affected by a limitation or requirement that prohibits, unreasonably limits, or interferes with subsection (1) of this section may commence a civil action against a state or local government official that enacts, implements, or enforces such limitation or requirement.

(c) A health care provider may commence an action for relief on its own behalf, on behalf of the provider's staff, or on behalf of the provider's patients who are or may be adversely affected by a limitation or requirement that prohibits, unreasonably limits, or interferes with subsection (1) of this section.

(3)(a) In any action under this section, the court shall hold unlawful a limitation or requirement if it prohibits, unreasonably limits, or interferes with subsection (1) of this section, and the court may award appropriate equitable relief, including temporary, preliminary, or permanent injunctive relief.

(b) In any action under this section, the court shall award the costs of litigation, as well as reasonable attorneys' fees, to any prevailing plaintiff. A plaintiff shall not be liable to a defendant for costs or attorneys' fees in any nonfrivolous action under this section.

(4) Nothing in this section shall be construed to prohibit enforcement of health and safety laws and regulations under state law, if such laws and regulations advance the safety of health care services or the health of patients and if the safety objective of such laws and regulations cannot be advanced by a less restrictive alternative measure or action.

(5) Nothing in this section shall be construed to modify or otherwise affect any state law regarding insurance coverage of assisted reproduction treatments or procedures.

(6) For the purposes of this section, the following definitions apply:

(a) "Assisted reproduction" means any method of causing pregnancy other than sexual intercourse, including:

(i) Intrauterine or intracervical insemination;

(ii) Donation of gametes;

(iii) Donation of embryos;

(iv) In-vitro fertilization and transfer of embryos; and

(v) Intracytoplasmic sperm injection.

(b) "Insurer" has the same meaning as in RCW 48.01.050.

NEW SECTION. **Sec.**  Section 3 of this act constitutes a new chapter in Title 70 RCW.

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

**--- END ---**