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**SENATE BILL 5172**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Fortunato and Short

AN ACT Relating to ensuring abortion safety by providing that only physicians may perform abortions and inform women of their right to be fully informed of the inherent risks; amending RCW 9.02.100, 9.02.110, 9.02.120, 9.02.130, 9.02.140, and 9.02.160; reenacting and amending RCW 9.02.170; and creating a new section.

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

NEW SECTION. **Sec.**  This act may be known and cited as the women's right to know act.

**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.

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

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

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.

**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 person who performs an abortion on another person 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.~~))

**Sec.**  RCW 9.02.130 and 2022 c 65 s 4 are each amended to read as follows:

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

**Sec.**  RCW 9.02.140 and 2022 c 65 s 5 are each amended to read as follows:

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

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

(2) The regulation is consistent with established medical practice((~~,~~)); and

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

**Sec.**  RCW 9.02.160 and 2022 c 65 s 6 are each amended to read as follows:

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 ((~~pregnant individuals~~)) women otherwise eligible for any such program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

**Sec.**  RCW 9.02.170 and 2022 c 65 s 7 are each reenacted and amended to read as follows:

For purposes of this chapter:

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

(2) ((~~"Advanced registered nurse practitioner" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW.~~

~~(3)~~)) "Health care provider" means a physician or a person ((~~regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law~~)) acting under the general direction of a physician.

((~~(4)~~)) (3) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

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

~~(6)~~)) (4) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

((~~(7)~~)) (5) "Private medical facility" means any medical facility that is not owned or operated by the state.

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

((~~(9)~~)) (7) "Viability" means the point in the pregnancy when, in the judgment of the physician((~~, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice~~)) on the particular facts of the case before ((~~such~~)) the physician((~~, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice~~)), there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

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