
HOUSE BILL 2599

State of Washington

58th Legislature

2004 Regular Session

By Representatives Holmquist, Miloscia, Mielke, Boldt, Cox, McMorris, Benson, Kristiansen, Bush, Ahern, Campbell, McMahan and Talcott

Read first time 01/16/2004. Referred to Committee on Health Care.

1 AN ACT Relating to requiring informed consent for abortion; adding
2 a new section to chapter 9.02 RCW; prescribing penalties; and declaring
3 an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.02 RCW
6 to read as follows:

7 (1) No abortion shall be performed or induced except with the
8 voluntary and informed consent of the woman upon whom the abortion is
9 to be performed or induced. Except in the case of a medical emergency,
10 consent to an abortion is voluntary and informed if and only if:

11 (a) At least twenty-four hours before the abortion, the physician
12 who is to perform the abortion or the referring physician has orally
13 informed the woman of:

14 (i) The nature of the proposed procedure or treatment and of those
15 risks and alternatives to the procedure or treatment that a reasonable
16 patient would consider material to the decision of whether or not to
17 undergo the abortion;

18 (ii) The probable gestational age of the unborn child at the time
19 the abortion is to be performed; and

1 (iii) The medical risks associated with carrying her child to term;
2 (b) At least twenty-four hours before the abortion, the physician
3 who is to perform the abortion or the referring physician, or a
4 qualified physician assistant, health care practitioner, technician, or
5 social worker to whom the responsibility has been delegated by either
6 physician, has informed the pregnant woman that:

7 (i) The department of health publishes printed materials that
8 describe the unborn child and list agencies that offer alternatives to
9 abortion and she has a right to review the printed materials and a copy
10 will be provided to her free of charge if she chooses to review it;

11 (ii) Medical assistance benefits may be available for prenatal
12 care, childbirth, and neonatal care, and that more detailed information
13 on the availability of such assistance is contained in the printed
14 materials published by the department of health; and

15 (iii) The father of the unborn child is liable to assist in the
16 support of her child, even in instances where he has offered to pay for
17 the abortion. In the case of rape, this information may be omitted;

18 (c) A copy of the printed materials has been provided to the
19 pregnant woman if she chooses to view these materials; and

20 (d) The pregnant woman certifies in writing, before the abortion,
21 that the information required to be provided under this subsection has
22 been provided.

23 (2) If a medical emergency compels the performance of an abortion,
24 the physician shall inform the woman, before the abortion if possible,
25 of the medical indications supporting the judgment that an abortion is
26 necessary to avert her death or to avert substantial and irreversible
27 impairment of major bodily function.

28 (3) Any physician who violates the provisions of this section is
29 guilty of unprofessional conduct and his or her license for the
30 practice of medicine and surgery shall be subject to suspension or
31 revocation. Any physician who performs or induces an abortion without
32 first obtaining the certification required by subsection (1)(d) of this
33 section or with knowledge or reason to know that the informed consent
34 of the woman has not been obtained is for the first offense guilty of
35 a misdemeanor and for each subsequent offense is guilty of a gross
36 misdemeanor. No physician is guilty of violating this section for
37 failure to furnish the information required by subsection (1) of this
38 section if he or she can demonstrate, by a preponderance of the

1 evidence, that he or she reasonably believed that furnishing the
2 information would have resulted in a severely adverse effect on the
3 physical or mental health of the patient.

4 (4) Any physician who complies with the provisions of this section
5 may not be held civilly liable to his or her patient for failure to
6 obtain informed consent to the abortion.

7 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
8 preservation of the public peace, health, morals, or safety, or support
9 of the state government and its existing public institutions, and takes
10 effect immediately.

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