

SENATE BILL REPORT

SI 120

Brief Description: Providing for reproductive privacy.

SPONSORS: People of the State of Washington

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BACKGROUND:

In 1970, Washington voters approved a statute which permitted the performance of an abortion if the following conditions were met: the duration of pregnancy must not be greater than four months, the pregnant woman must be a state resident for 90 days and must give her consent to an abortion, parental consent for an abortion must be obtained for pregnant women under the age of 18, and the abortion must be performed by a physician in an approved hospital.

As a result of court decisions, beginning with Roe v. Wade in 1973, abortions can be lawfully performed any time during the first six months from the time of conception. No consent is required by a spouse or parent and there is no residency requirement. Further, an abortion during the first six months of pregnancy is not required to be conducted in a hospital.

SUMMARY:

The short title of this act is the Reproductive Privacy Act.

A fundamental right to privacy with respect to personal reproductive decisions is declared. Every individual has the fundamental right to choose or refuse birth control. Every woman has the fundamental right to choose or refuse to have an abortion, within certain limitations. The state cannot deny or interfere with a woman's right to choose to have an abortion prior to viability of the fetus or to protect her life or health. The state cannot discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services or information. This act is not intended to define the state's interest in the fetus for purposes other than those specified in this act.

A physician may terminate and a health care provider may assist a physician in terminating a pregnancy prior to viability of the fetus, or to protect the mother's life or health. Any other individual who performs an abortion on another person is guilty of a class C felony.

The good faith judgment of a physician regarding fetal viability or the risk to life or health of a pregnant 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 act is an issue.

Any state regulation concerning abortion is valid only if the regulation is medically necessary to protect the life or health of the pregnant woman, consistent with established medical practice, and imposes the least restrictions possible on the woman's right to choose to have an abortion.

Persons or private medical facilities may not be required by law or contract to participate in the performance of an abortion. Persons may not be discriminated against in employment or professional privileges on the basis of their willingness to participate or refusal to participate in the termination of a pregnancy.

If the state provides maternity care benefits, services, or information through any program it administers or funds, the state must also provide women otherwise eligible for the program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

The terms viability, abortion, pregnancy, physician, health care provider, state and private medical facility are defined.

Redundant state statutes and those concerning pregnant women attempting abortion, abortifacient drugs, concealing birth, and the abortion requirements approved by Washington voters in 1970 are repealed.

This act contains a severability clause.