

1 **SHB 2395 - H AMD 999 ADOPTED**

2 By Representative Sterk

1 On page 1, line 5, strike all of NEW SECTION. **Sec. 1.**- and insert the
2 following:

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

4 (1) It is a class c felony for a physician to perform a partial-birth abortion.

5 (2) For purposes of this act, "Partial-birth abortion" means a procedure in which the person
6 performing the procedure deliberately and intentionally delivers a fetus or a substantial portion of a
7 fetus into or partially through the birth canal for the purpose of performing a procedure the physician
8 knows will terminate the life of the fetus and then terminates the life of the fetus before the fetus has
9 been completely removed from the birth canal.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.02 RCW to read as follows:

11 (a) This act shall not apply to an abortion performed to terminate
12 a pregnancy when the abortion is:

13 (1) Performed on a fetus that has not reached viability, as
14 viability is defined under law; or

15 (2) Performed to preserve the physical health of a mother; or

16 (3) Performed to save the life of a mother because her life is endangered by a physical
17 disorder, physical illness, or physical injury .

18 (b) For purposes of this act, Preserve the physical health of a mother- means a threat to the
19 health of a mother exists that so complicates the medical condition of the mother as to require the
20 immediate termination of the pregnancy for which a delay will create serious risk of substantial and
21 irreversible impairment of a major bodily function of the mother .

22 **Sec. 3.** RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as
23 follows:

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

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

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

3 (2) Every woman has the fundamental right to choose or refuse to
4 have an abortion, except as specifically limited by RCW 9.02.100
5 through 9.02.170 (~~and~~), 9.02.900 through 9.02.902, and sections 1 and
6 2 of this act;

7 (3) Except as specifically permitted by RCW 9.02.100 through
8 9.02.170 (~~and~~), 9.02.900 through 9.02.902, and sections 1 and 2 of
9 this act, the state shall not deny or interfere with a woman's
10 fundamental right to choose or refuse to have an abortion; and

11 (4) Except as specifically permitted by RCW 9.02.100 through
12 9.02.170, 9.02.900 through 9.02.902, and sections 1 and 2 of this act,
13 the state shall not discriminate against the exercise of these rights
14 in the regulation or provision of benefits, facilities, services, or
15 information.-

EFFECT: Sets forth penalty of class c felony (up to 5 years imprisonment and \$10,000 fine) for a physician who performs a partial-birth abortion; defines partial birth abortion; provides that the act does not apply to an abortion 1)performed on a fetus that is not viable, 2) necessary to prevent substantial and irreversible impairment of a major bodily function of the mother, and 3) necessary to save the life of the mother; and amends current law (Initiative 120) to make an exception for this act. ("Viability" is defined in law as the point in the pregnancy when, in the judgment of the physician on the particular facts of the case before such physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures. [RCW 9.02.170(1)])

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