

2SHB 1267 - H AMD 190

By Representative Miloscia

WITHDRAWN 02/28/2011

1 On page 2, at the beginning of line 30, strike "services" and
2 insert "delivery of a child under a surrogacy contract"

3

4 On page 36, after line 17, insert the following:

5

6 "NEW SECTION. Sec. 55. (1) A fertility clinic shall make the
7 following disclosures to a person seeking services:

8 (a) That the clinic does not provide abortion or comprehensive
9 birth control services;

10 (b) That the clinic does not provide referrals to individuals or
11 organizations that provide abortion or comprehensive birth control
12 services; and

13 (c) That the clinic does not provide medical care for pregnant
14 women.

15 (2) The disclosure required by subsection (1) of this section must
16 be provided as follows:

17 (a) Orally, in such a manner as to be reasonably understandable to
18 the person seeking services, upon first communication or first contact
19 with a person seeking services, whether by telephone, electronic
20 communication, or in person; and

21 (b) In writing, as follows:

22 (i) In at least all primary languages, posted (A) on the main
23 entry door of the organization prominently, clearly, and conspicuously
24 and (B) inside the building housing the organization in such a manner
25 as to be clearly visible from the area at which the organization
26 conducts intakes;

27

1 (ii) In at least all primary languages, clearly and conspicuously
2 on the home page of the organization's web site, in the primary font
3 size used on the web site; and

4 (iii) In any advertisement or notice promoting the clinic's
5 services.

6 (3) A fertility clinic shall, before providing any pregnancy test
7 that uses an over-the-counter product:

8 (a) Inform the person seeking to be tested, in such a manner as to
9 be reasonably understandable to the person seeking services, that the
10 pregnancy test is an over-the-counter product; and

11 (b) Offer the person seeking to be tested the opportunity to self-
12 administer.

13
14 NEW SECTION. **Sec. 56.** (1)(a) A fertility clinic violating this
15 chapter may be enjoined from continuing the violation. Any person
16 aggrieved by a violation of this chapter may bring an action to enjoin
17 the violation in the superior court in the county where such violation
18 is alleged to have occurred. The superior court shall have authority
19 to grant temporary, preliminary, and permanent injunctive relief to
20 enjoin violations of this chapter. Due to the nature of the harm
21 involved, injunctive relief may be issued without bond in the
22 discretion of the court, notwithstanding any other requirement imposed
23 by statute.

24 (b) Injunctive relief pursuant to this section shall be granted
25 upon proof of a violation by a preponderance of the evidence

26 (2)(a) Any person who is aggrieved by a second or subsequent
27 violation of this chapter alleged to have been committed by a
28 fertility clinic subject to an injunction under this chapter may seek
29 enforcement of the injunction in the superior court at least thirty
30 days after issuance of such injunction, whether or not the injunction
31 is being appealed. A party seeking to enforce the injunction shall
32 prevail upon proof of a violation by a preponderance of the evidence.

33 (b) If a second or subsequent violation is proved, the superior
34 courts of this state shall have authority to impose appropriate

1 remedies for violation of the injunction as permitted by law and shall
2 impose a civil penalty of up to one thousand dollars per violation.
3 The superior court may also award the party seeking to enforce the
4 injunction the costs of the suit, including reasonable attorneys'
5 fees.

6 (3) The remedies provided by this chapter are cumulative, not
7 exclusive. This chapter may not be construed to limit the right to
8 seek other available civil or criminal remedies."

9
10 Renumber the remaining sections consecutively and correct any
11 internal references accordingly. Correct the title.

12
13 On page 47, line 7, after "through" strike "66" and insert "68"
14

EFFECT: Requires fertility clinics to disclose orally and in writing information relating to abortion or comprehensive birth control services, including that the clinic does not perform or provide referrals for those services, does not provide medical care for pregnant women, and uses over-the-counter products when performing pregnancy tests. Allows the courts to grant temporary, preliminary, and permanent injunctive relief to enjoin fertility clinics from violating the provisions in chapter 26.26 RCW relating to fertility clinics.

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