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SENATE BILL 5336

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Stevens, Becker, Holmquist Newbry, Swecker, Roach, Carrell, Zarelli, Hargrove, Honeyford, Morton, Delvin, Ericksen, Parlette, Baumgartner, and Hewitt

Read first time 01/20/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to limiting public funding for abortions; amending  
2 RCW 9.02.100, 9.02.110, and 9.02.140; adding a new section to chapter  
3 9.02 RCW; repealing RCW 9.02.160; and declaring 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) Public funds shall not be used by the state or local  
8 governments, or any political subdivision or agency thereof, to pay or  
9 otherwise reimburse, either directly or indirectly, any person, agency,  
10 organization, or facility for the performance of any induced abortion.

11 (2) Subsection (1) of this section does not apply under the  
12 following circumstances:

13 (a) Where the abortion is necessary to prevent the death of either  
14 the pregnant woman or her unborn child under circumstances where every  
15 reasonable effort is made to preserve the life of each;

16 (b) Where, on the basis of a physician's reasonable, good-faith  
17 clinical judgment, a medical emergency exists that so complicates the  
18 medical condition of a pregnant woman or her unborn child as to  
19 necessitate the immediate abortion of her pregnancy for which a delay

1 will create serious risk of substantial and irreversible impairment of  
2 a major bodily function of the pregnant woman or her unborn child under  
3 circumstances where every reasonable effort is made to preserve the  
4 life and health of each;

5 (c) Where the pregnancy is a result of any offense involving sexual  
6 intercourse as defined in RCW 9A.44.010 and where the offense has been  
7 reported to a law enforcement agency within seven days from the time  
8 the offense occurred; or

9 (d) Where it is otherwise required by federal law as determined to  
10 be binding on the state of Washington by a court of competent  
11 jurisdiction.

12 **Sec. 2.** RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as  
13 follows:

14 The sovereign people hereby declare that every individual possesses  
15 a fundamental right of privacy with respect to personal reproductive  
16 decisions.

17 Accordingly, it is the public policy of the state of Washington  
18 that:

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

21 (2) Every woman has the fundamental right to choose or refuse to  
22 have an abortion, except as specifically limited by RCW 9.02.100  
23 through 9.02.170 and 9.02.900 through 9.02.902;

24 (3) Except as specifically permitted by RCW 9.02.100 through  
25 9.02.170 and 9.02.900 through 9.02.902, the state shall not deny or  
26 interfere with a woman's fundamental right to choose or refuse to have  
27 an abortion; and

28 (4) Except under section 1 of this act, the state shall not  
29 discriminate against the exercise of these rights in the regulation or  
30 provision of benefits, facilities, services, or information.

31 **Sec. 3.** RCW 9.02.110 and 1992 c 1 s 2 are each amended to read as  
32 follows:

33 Except under section 1 of this act, the state may not deny or  
34 interfere with a woman's right to choose to have an abortion prior to  
35 viability of the fetus, or to protect her life or health.

1 A physician may terminate and a health care provider may assist a  
2 physician in terminating a pregnancy as permitted by this section.

3 **Sec. 4.** RCW 9.02.140 and 1992 c 1 s 5 are each amended to read as  
4 follows:

5 Except under section 1 of this act, any regulation promulgated by  
6 the state relating to abortion shall be valid only if:

7 (1) The regulation is medically necessary to protect the life or  
8 health of the woman terminating her pregnancy(~~(7)~~); and

9 (2) The regulation is consistent with established medical  
10 practice(~~(7) and~~

11 ~~(3) Of the available alternatives, the regulation imposes the least~~  
12 ~~restrictions on the woman's right to have an abortion as defined by RCW~~  
13 ~~9.02.100 through 9.02.170 and 9.02.900 through 9.02.902)).~~

14 NEW SECTION. **Sec. 5.** RCW 9.02.160 (State-provided benefits) and  
15 1992 c 1 s 7 are each repealed.

16 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 immediately.

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