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HOUSE BILL 2754

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Van Werven, Hargrove, Buys, and Griffey

Read first time 01/20/16. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to restricting the use of funds for grants to  
2 organizations that provide elective abortions; amending RCW 9.02.160  
3 and 43.70.040; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that regardless of  
6 opinions on whether abortions should be legal, taxpayer funds should  
7 not be used to subsidize facilities that provide elective abortions.  
8 The legislature further finds that notwithstanding taxpayer funding  
9 for medicaid services, additional taxpayer dollars are being directed  
10 through the Washington state department of health as grants to  
11 various organizations that provide elective abortion services. This  
12 grant funding is used for operating costs and for elective abortion  
13 services, despite growing opposition toward taxpayer funded  
14 abortions. As such, it is the intent of the legislature to prohibit  
15 the department from providing any grants to organizations that  
16 provide elective abortion services.

17 **Sec. 2.** RCW 9.02.160 and 1992 c 1 s 7 are each amended to read  
18 as follows:

19 (1) If the state provides, directly or by contract, maternity  
20 care benefits, services, or information to women through any program

1 administered or funded in whole or in part by the state, the state  
2 shall also provide women otherwise eligible for any such program with  
3 substantially equivalent benefits, services, or information to permit  
4 them to voluntarily terminate their pregnancies in any situation in  
5 which the abortion is medically necessary.

6 (2) The state may not provide benefits or services to permit a  
7 woman to voluntarily terminate her pregnancy, except when the  
8 abortion is medically necessary, as defined in RCW 43.70.040.

9 **Sec. 3.** RCW 43.70.040 and 2005 c 32 s 2 are each amended to read  
10 as follows:

11 (1) In addition to any other powers granted the secretary, and  
12 except as provided in subsection (2) of this section, the secretary  
13 may:

14 ~~((1))~~ (a) Adopt, in accordance with chapter 34.05 RCW, rules  
15 necessary to carry out the provisions of chapter 9, Laws of 1989 1st  
16 ex. sess.: PROVIDED, That for rules adopted after July 23, 1995, the  
17 secretary may not rely solely on a section of law stating a statute's  
18 intent or purpose, on the enabling provisions of the statute  
19 establishing the agency, or on any combination of such provisions,  
20 for statutory authority to adopt any rule;

21 ~~((2))~~ (b) Appoint such advisory committees as may be necessary  
22 to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.  
23 Members of such advisory committees are authorized to receive travel  
24 expenses in accordance with RCW 43.03.050 and 43.03.060. The  
25 secretary and the board of health shall review each advisory  
26 committee within their jurisdiction and each statutory advisory  
27 committee on a biennial basis to determine if such advisory committee  
28 is needed;

29 ~~((3))~~ (c) Undertake studies, research, and analysis necessary  
30 to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.  
31 in accordance with RCW 43.70.050;

32 ~~((4))~~ (d) Delegate powers, duties, and functions of the  
33 department to employees of the department as the secretary deems  
34 necessary to carry out the provisions of chapter 9, Laws of 1989 1st  
35 ex. sess.;

36 ~~((5))~~ (e) Enter into contracts and enter into and distribute  
37 grants on behalf of the department to carry out the purposes of  
38 chapter 9, Laws of 1989 1st ex. sess. The department must report to  
39 the legislature a summary of the grants distributed under this

1 authority, for each year of the first biennium after the department  
2 receives authority to distribute grants under this section, and make  
3 it electronically available;

4 ~~((6))~~ (f) Act for the state in the initiation of, or the  
5 participation in, any intergovernmental program to the purposes of  
6 chapter 9, Laws of 1989 1st ex. sess.; or

7 ~~((7))~~ (g) Solicit and accept gifts, grants, bequests, devises,  
8 or other funds from public and private sources.

9 (2)(a) The secretary may not enter into contracts, distribute  
10 grants, or direct funds to any organization that provides elective  
11 abortions; and

12 (b) For the purposes of this subsection:

13 (i) "Elective abortion" means any abortion that is voluntarily  
14 undertaken to induce the termination of a pregnancy, other than an  
15 abortion deemed medically necessary by the patient's primary care  
16 physician; and

17 (ii) "Medically necessary" means a determination, in the  
18 reasonable, good faith clinical judgment of the patient's primary  
19 care physician, that the life of the patient seeking the abortion is  
20 in imminent danger because of a serious physical disorder, illness,  
21 or injury if the abortion is not performed.

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