
HOUSE BILL 1560

State of Washington

66th Legislature

2019 Regular Session

By Representatives Klippert, Shea, and Barkis

Read first time 01/24/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to prohibition of certain types of abortions;
2 amending RCW 9.02.110 and 9.02.170; adding a new section to chapter
3 9.02 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Moral and philosophical concepts of dignity hold that a human
7 being is entitled to receive ethical and humane treatment and is to
8 be respected and valued in all phases of life;

9 (2) The declaration of independence recognizes the fundamental
10 truth that all people have been endowed by their creator with certain
11 unalienable rights, that among these are life, liberty, and the
12 pursuit of happiness;

13 (3) The Constitution guarantees that all human beings have the
14 right of enjoying and defending their lives and liberty, as well as
15 seeking and pursuing their safety and happiness;

16 (4) The United States supreme court has recognized that states
17 have a legitimate interest in protecting the life of the unborn;

18 (5) Recognizing the human rights of an unborn child does not
19 contravene prior United States supreme court jurisprudence nor
20 undermine a woman's right to self-determination or bodily autonomy,

1 but instead upholds the state's legitimate interest in protecting the
2 life of the unborn;

3 (6) The United States supreme court, in *Gonzales v. Carhart*, 550
4 U.S. 124 (2007), has further held that the states, with a rational
5 basis to act and without creating an undue burden on women, may bar
6 certain procedures for the purpose of regulating the medical
7 profession so as to promote respect for life, including the life of
8 the unborn;

9 (7) Giving the life of the unborn equal consideration as that of
10 the mother does not create an undue burden on the mother;

11 (8) It is an indisputable scientific fact that by the end of ten
12 weeks, the unborn child can be seen on an ultrasound to have fingers,
13 hands, arms, toes, feet, legs, eyelids, and ears, further confirming
14 the statutory acknowledgment that the unborn child is a human being;

15 (9) Certain abortive medical procedures resulting in
16 dismemberment, crushing, or human vivisection are brutal for unborn
17 children in contravention of their unalienable rights that replicates
18 past indiscretions of a disregard for the rights of others;

19 (10) In *Stenberg v. Carhart*, 530 U.S. 914 (2000), Justice Kennedy
20 recognized the brutality of these procedures by stating, "The fetus,
21 in many cases, dies just as a human adult or child would: It bleeds
22 to death as it is torn limb from limb.";

23 (11) Also in *Stenberg v. Carhart*, Justice Stevens, with whom
24 Justice Ginsburg concurred, reflected on the dichotomy of upholding
25 the ban on partial-birth abortions but not dilation and extraction
26 procedures by writing, "The notion that either of these two equally
27 gruesome procedures performed at this late stage of gestation is more
28 akin to infanticide than the other, or that the state furthers any
29 legitimate interest by banning one but not the other, is simply
30 irrational"; and

31 (12) Past failures to uphold and respect the unalienable rights
32 and dignity of other human beings protected by the laws of this state
33 and this great nation resulted in unfair and detrimental practices
34 that still affect the lives of so many Washingtonians and Americans
35 today.

36 **Sec. 2.** RCW 9.02.110 and 1992 c 1 s 2 are each amended to read
37 as follows:

1 Except as provided in section 3 of this act, the state may not
2 deny or interfere with a woman's right to choose to have an abortion
3 prior to viability of the fetus, or to protect her life or health.

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

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

8 (1) Except in the case of a medical emergency, no person may
9 intentionally perform, attempt to perform, or induce an abortion on a
10 pregnant woman:

11 (a) That will result in the bodily dismemberment, crushing, or
12 human vivisection of the unborn child; and

13 (b) When the probable postfertilization age of the unborn child
14 is eleven weeks or greater.

15 (2) A pregnant woman on whom an abortion is performed, attempted
16 to be performed, or induced in violation of subsection (1) of this
17 section is not guilty of violating this section or attempting to
18 commit, conspiring to commit, or complicity in committing a violation
19 of subsection (1) of this section.

20 (3) A violation of subsection (1) of this section is a class C
21 felony punishable according to chapter 9A.20 RCW.

22 **Sec. 4.** RCW 9.02.170 and 1992 c 1 s 8 are each amended to read
23 as follows:

24 For purposes of this chapter:

25 (1) "Viability" means the point in the pregnancy when, in the
26 judgment of the physician on the particular facts of the case before
27 such physician, there is a reasonable likelihood of the fetus's
28 sustained survival outside the uterus without the application of
29 extraordinary medical measures.

30 (2) "Abortion" means any medical treatment intended to induce the
31 termination of a pregnancy except for the purpose of producing a live
32 birth.

33 (3) "Pregnancy" means the reproductive process beginning with the
34 implantation of an embryo.

35 (4) "Physician" means a physician licensed to practice under
36 chapter 18.57 or 18.71 RCW in the state of Washington.

37 (5) "Health care provider" means a physician or a person acting
38 under the general direction of a physician.

1 (6) "State" means the state of Washington and counties, cities,
2 towns, municipal corporations, and quasi-municipal corporations in
3 the state of Washington.

4 (7) "Private medical facility" means any medical facility that is
5 not owned or operated by the state.

6 (8) "Bodily dismemberment, crushing, or human vivisection" means
7 a procedure in which a person, with the purpose of causing the death
8 of an unborn child, dismembers the living unborn child and extracts
9 portions, pieces, or limbs of the unborn child from the uterus
10 through the use of clamps, grasping forceps, tongs, scissors, or
11 similar instruments that, through the convergence of two rigid
12 levers, slices, crushes, grasps, or performs any combination of those
13 actions on any portion, piece, or limb of the unborn child's body to
14 cut or separate the portion, piece, or limb from the body. The term
15 includes a procedure that is used to cause the death of an unborn
16 child and in which suction is subsequently used to extract portions,
17 pieces, or limbs of the unborn child after the unborn child's death.

18 (9) "Medical emergency" means any condition which, on the basis
19 of the physician's good faith clinical judgment, so complicates the
20 medical condition of a pregnant female as to necessitate the
21 immediate abortion of her pregnancy to avert her death or for which a
22 delay will create serious risk of substantial and irreversible
23 impairment of a major bodily function.

24 (10) "Probable postfertilization age" means the age of the unborn
25 child as calculated from the fusion of a human spermatozoon with a
26 human ovum.

27 (11) "Unborn child" means an individual organism of the species
28 homo sapiens from fertilization until live birth.

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