

SENATE BILL REPORT

ESHB 2115

As Passed Senate - Amended, February 23, 2024

Title: An act relating to prescription labels for medications used for abortion.

Brief Description: Concerning prescription labels for medications used for abortion.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Thai, Slatter, Senn, Chapman, Reed, Ramel, Macri, Gregerson, Doglio, Fosse, Riccelli, Wylie and Reeves).

Brief History: Passed House: 2/9/24, 82-15.

Committee Activity: Health & Long Term Care: 2/15/24, 2/16/24 [DPA, DNP].

Floor Activity: Passed Senate - Amended: 2/23/24, 33-14.

Brief Summary of Bill (As Amended by Senate)

- Allows a health care provider who has prescribed an abortion medication to request that the prescription label for the medication include the prescribing and dispensing health care facility name, instead of the practitioner's name.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Conway, Dhingra, Randall and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Muzzall, Assistant Ranking Member; Holy and Padden.

Staff: Julie Tran (786-7283)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: When a prescription drug is dispensed, its container must have a label containing specific information. The information includes the name and address of the dispensing pharmacy, the prescription number, the name of the prescribing health care provider, the prescriber's directions for use, the name and strength of the medication, the name of the patient, the date, and the expiration date. A prescribing health care provider may request that the name and strength of the medication not be shown.

Summary of Amended Bill: A health care provider prescribing abortion medication may request that the prescription label for the medication include the prescribing and dispensing health care facility name, instead of the practitioner's name.

The term "abortion medications" is defined as substances used in the course of medical treatment intended to induce the termination of a pregnancy.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The bill allows providers to have the option of replacing the provider's name with the name of the healthcare facility on abortion medication prescription labels. This bill is one small but important step at ensuring safety for providers and patients in the state. This legislation stems from an increase in harassment and intimidation as people have information about these providers. By not including the provider's name, this will help keep providers safe during a time when there is fear that providers may lose their medical license or see adverse action for providing safe health care. There have been some changes to the bill to narrow the scope to only abortion medication that is prescribed and dispensed in health care facilities, which addresses where the medication is currently accessible and aligns the bill with other regulations. There was another change to the bill that limits the protections of providers and there is a request to have this language removed.

CON: There are patient safety concerns. Having a prescriber's name on the prescription label maintains continuity of care. In emergency situations, anyone caring for a patient needs to determine who is involved in the patient's care. This information is important and needs to be readily accessible. The state is endangering the health of women by permitting the omission of the prescriber's name. Withholding critical medical information is dangerous. This bill puts women at risk by adding unnecessary steps to accessing emergency care and it puts the provider's needs over those needs of the patient. If there are incidents of harassment, they are very isolated. There should be more data to support this

additional effort to shield abortion providers. This bill does not address violence against abortion clinics or providers. Prescription bottles are the most difficult way to find out who provides the medications. This bill may open the door for similar legislation for other types of medications.

Persons Testifying: PRO: Nicole Kern, Planned Parenthood Alliance Advocates; Dr. Sarah Prager, American College of Obstetricians and Gynecologists (ACOG).

CON: Theresa Schrempp; Julie Barrett, Conservative Ladies of Washington; Jean Hill, Washington State Catholic Conference; Brad Payne, Family Policy Institute of Washington.

Persons Signed In To Testify But Not Testifying: No one.