

---

**SENATE BILL 5172**

---

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Fortunato

Prefiled 01/05/23.

1 AN ACT Relating to ensuring abortion safety by providing that  
2 only physicians may perform abortions and inform women of their right  
3 to be fully informed of the inherent risks; amending RCW 9.02.100,  
4 9.02.110, 9.02.120, 9.02.130, 9.02.140, and 9.02.160; reenacting and  
5 amending RCW 9.02.170; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
8 women's right to know act.

9 **Sec. 2.** RCW 9.02.100 and 2022 c 65 s 2 are each amended to read  
10 as follows:

11 The sovereign people hereby declare that every individual  
12 possesses a fundamental right of privacy with respect to personal  
13 reproductive decisions.

14 Accordingly, it is the public policy of the state of Washington  
15 that:

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

18 (2) Every (~~pregnant individual~~) woman has the fundamental right  
19 to choose or refuse to have an abortion, except as specifically

1 limited by this section and RCW ~~((9.02.100))~~ 9.02.110 through  
2 9.02.170 ~~((and))~~, 9.02.900 ~~((through))~~, and 9.02.902;

3 (3) Except as specifically permitted by this section and RCW  
4 ~~((9.02.100))~~ 9.02.110 through 9.02.170 ~~((and))~~, 9.02.900 ~~((through))~~,  
5 and 9.02.902, the state shall not deny or interfere with a ~~((pregnant~~  
6 ~~individual's))~~ woman's fundamental right to choose or refuse to have  
7 an abortion; ~~((and))~~

8 (4) A woman seeking to have an abortion in the state of  
9 Washington has a right to be fully informed about abortions and the  
10 potential risks associated with abortions. This includes the right to  
11 know about:

12 (a) Abortion methods and associated medical risks;

13 (b) Possible adverse psychological effects of abortion;

14 (c) Potential harms to the fetus child should the abortion go  
15 wrong;

16 (d) Medical benefits and risks of carrying a pregnancy to term;

17 (e) Probable gestational age of the fetus at the time the  
18 abortion is to be performed;

19 (f) Public and private agencies and services available to assist  
20 a woman through pregnancy, childbirth, and raising a child; and

21 (g) Adoption services; and

22 (5) The state shall not discriminate against the exercise of  
23 these rights in the regulation or provision of benefits, facilities,  
24 services, or information.

25 **Sec. 3.** RCW 9.02.110 and 2022 c 65 s 3 are each amended to read  
26 as follows:

27 The state may not deny or interfere with a ~~((pregnant~~  
28 ~~individual's))~~ woman's right to choose to have an abortion prior to  
29 viability of the fetus, or to protect ~~((the pregnant individual's))~~  
30 her life or health.

31 A physician ~~((, physician assistant, advanced registered nurse~~  
32 ~~practitioner, or other health care provider acting within the~~  
33 ~~provider's scope of practice))~~ may terminate and a health care  
34 provider may assist a physician ~~((, physician assistant, advanced~~  
35 ~~registered nurse practitioner, or other health care provider acting~~  
36 ~~within the provider's scope of practice))~~ in terminating a pregnancy  
37 as permitted by this section.

1       **Sec. 4.** RCW 9.02.120 and 2022 c 65 s 8 are each amended to read  
2 as follows:

3       Unless authorized by RCW 9.02.110, any person who performs an  
4 abortion on another person shall be guilty of a class C felony  
5 punishable under chapter 9A.20 RCW. (~~The state shall not penalize,~~  
6 ~~prosecute, or otherwise take adverse action against an individual~~  
7 ~~based on their actual, potential, perceived, or alleged pregnancy~~  
8 ~~outcomes. Nor shall the state penalize, prosecute, or otherwise take~~  
9 ~~adverse action against someone for aiding or assisting a pregnant~~  
10 ~~individual in exercising their right to reproductive freedom with~~  
11 ~~their voluntary consent.))~~

12       **Sec. 5.** RCW 9.02.130 and 2022 c 65 s 4 are each amended to read  
13 as follows:

14       The good faith judgment of a physician(~~, physician assistant,~~  
15 ~~advanced registered nurse practitioner, or other health care provider~~  
16 ~~acting within the provider's scope of practice)) as to viability of  
17 the fetus or as to the risk to life or health of a (~~pregnant~~  
18 ~~individual~~) woman and the good faith judgment of a health care  
19 provider as to the duration of pregnancy shall be a defense in any  
20 proceeding in which a violation of this chapter is an issue.~~

21       **Sec. 6.** RCW 9.02.140 and 2022 c 65 s 5 are each amended to read  
22 as follows:

23       Any regulation promulgated by the state relating to abortion  
24 shall be valid only if:

25       (1) The regulation is medically necessary to protect the life or  
26 health of the (~~pregnant individual~~) woman who is terminating  
27 (~~the~~) her pregnancy(~~(~~τ~~)~~);

28       (2) The regulation is consistent with established medical  
29 practice(~~(~~τ~~)~~); and

30       (3) Of the available alternatives, the regulation imposes the  
31 least restrictions on the (~~pregnant individual's~~) woman's right to  
32 have an abortion as defined by RCW 9.02.100 through 9.02.170 (~~and~~),  
33 9.02.900 (~~through~~), and 9.02.902.

34       **Sec. 7.** RCW 9.02.160 and 2022 c 65 s 6 are each amended to read  
35 as follows:

36       If the state provides, directly or by contract, maternity care  
37 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 (~~(pregnant individuals)~~) women otherwise eligible  
3 for any such program with substantially equivalent benefits,  
4 services, or information to permit them to voluntarily terminate  
5 their pregnancies.

6 **Sec. 8.** RCW 9.02.170 and 2022 c 65 s 7 are each reenacted and  
7 amended to read as follows:

8 For purposes of this chapter:

9 (1) "Abortion" means any medical treatment intended to induce the  
10 termination of a pregnancy except for the purpose of producing a live  
11 birth.

12 (~~(2) ("Advanced registered nurse practitioner" means an advanced  
13 registered nurse practitioner licensed under chapter 18.79 RCW.~~

14 ~~(3))~~ "Health care provider" means a physician or a person  
15 (~~(regulated under Title 18 RCW to practice health or health-related  
16 services or otherwise practicing health care services in this state  
17 consistent with state law)~~) acting under the general direction of a  
18 physician.

19 (~~(4))~~ (3) "Physician" means a physician licensed to practice  
20 under chapter 18.57 or 18.71 RCW in the state of Washington.

21 (~~(5) "Physician assistant" means a physician assistant licensed  
22 to practice under chapter 18.71A RCW in the state of Washington.~~

23 ~~(6))~~ (4) "Pregnancy" means the reproductive process beginning  
24 with the implantation of an embryo.

25 (~~(7))~~ (5) "Private medical facility" means any medical facility  
26 that is not owned or operated by the state.

27 (~~(8))~~ (6) "State" means the state of Washington and counties,  
28 cities, towns, municipal corporations, and quasi-municipal  
29 corporations in the state of Washington.

30 (~~(9))~~ (7) "Viability" means the point in the pregnancy when, in  
31 the judgment of the physician(~~(, physician assistant, advanced  
32 registered nurse practitioner, or other health care provider acting  
33 within the provider's scope of practice)~~) on the particular facts of  
34 the case before (~~(such))~~ the physician(~~(, physician assistant,  
35 advanced registered nurse practitioner, or other health care provider  
36 acting within the provider's scope of practice))~~), there is a

1 reasonable likelihood of the fetus's sustained survival outside the  
2 uterus without the application of extraordinary medical measures.

--- **END** ---