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**SENATE BILL 5713**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator Fortunato

1 AN ACT Relating to chemical abortion; amending RCW 9.02.120;  
2 reenacting and amending RCW 9.02.170; adding new sections 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.** A new section is added to chapter 9.02 RCW  
6 to read as follows:

7 (1) In every civil, criminal, or administrative proceeding or  
8 action brought under this act, the court shall rule whether the  
9 anonymity of any patient upon whom an abortion has been performed or  
10 attempted shall be preserved from public disclosure if the patient  
11 does not consent to such disclosure. The court, upon motion or sua  
12 sponte, shall make such a ruling and, upon determining that the  
13 patient's anonymity should be preserved, shall issue orders to the  
14 parties, witnesses, and counsel and shall direct the sealing of the  
15 record and exclusion of individuals from courtrooms or hearing rooms  
16 to the extent necessary to safeguard the patient's identity from  
17 public disclosure.

18 (2) Each such order shall be accompanied by specific written  
19 findings explaining why the anonymity of the patient should be  
20 preserved from public disclosure, why the order is essential to that

1 end, how the order is narrowly tailored to serve that interest, and  
2 why no reasonable less restrictive alternative exists.

3 (3) In the absence of written consent of the patient upon whom an  
4 abortion has been performed or attempted, anyone other than the  
5 public official who brings an action under this act shall do so under  
6 a pseudonym.

7 (4) This section may not be construed to conceal the identity of  
8 the plaintiff or of witnesses from the defendant or from attorneys  
9 for the defendant.

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

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

21 (2) A cause of action for civil damages against a person who has  
22 performed or prescribed a chemical abortion in violation of section 4  
23 of this act may be maintained by:

24 (a) Any patient upon whom a chemical abortion has been performed  
25 or prescribed in violation of section 4 of this act;

26 (b) The spouse of the patient, if married to the patient at the  
27 time the chemical abortion was performed or prescribed;

28 (c) If the patient had not attained the age of 18 when the  
29 chemical abortion was performed or prescribed or has died as a result  
30 of the abortion, then the maternal grandparents of the unborn child;  
31 or

32 (d) If the patient has died from the complications, then the  
33 patient's next of kin.

34 (3) No damages may be awarded to a plaintiff if the pregnancy  
35 resulted from the plaintiff's criminal conduct.

36 (4) Damages awarded in such action shall include:

37 (a) Money damages for all injuries, psychological and physical,  
38 caused by the chemical abortion; and

1 (b) Statutory damages equal to three times the cost of the  
2 chemical abortion.

3 (5) No criminal or civil penalty may be assessed against the  
4 patient upon whom the abortion is performed, induced, or attempted.

5 (6) The attorney general or a district attorney with appropriate  
6 jurisdiction may investigate the alleged violation of section 4 of  
7 this act and initiate a civil action on behalf of the state to assess  
8 civil penalties.

9 (7) Prior to asserting a cause of action, the attorney general or  
10 a district attorney with appropriate jurisdiction shall provide the  
11 abortion pill provider, physician, physician assistant, advanced  
12 practice registered nurse, or other health care provider with at  
13 least 30 days to comply with section 4 of this act.

14 (8) Any abortion pill provider, physician, physician assistant,  
15 advanced practice registered nurse, or other health care provider  
16 that violates section 4 of this act may be liable for a civil  
17 penalty, to be assessed by the court, of not more than \$5,000 for  
18 each day in violation to be paid to the state to fund pregnancy  
19 resource centers that do not perform or refer for abortions.

20 (9) In addition to the remedies provided in this section, the  
21 attorney general or a district attorney with appropriate jurisdiction  
22 may request, and the court may impose, an additional civil penalty  
23 not to exceed \$10,000 for each violation of section 4 of this act  
24 against any abortion pill provider, physician, physician assistant,  
25 advanced practice registered nurse, or other health care professional  
26 found by the court to have knowingly failed to conduct reasonable  
27 informed consent prior to a chemical abortion. The civil penalty  
28 shall be paid to the state to fund pregnancy resource centers that do  
29 not perform or refer for abortions.

30 (10) Each violation may be treated as a separate violation or may  
31 be combined into one violation at the option of the attorney general  
32 or a district attorney with appropriate jurisdiction.

33 (11) Any commercial entity that violates this section may be  
34 liable to the attorney general or a district attorney with  
35 appropriate jurisdiction for all costs, expenses, and fees related to  
36 investigations and proceedings associated with the violation,  
37 including attorneys' fees.

38 (12) If the court assesses a civil penalty pursuant to this  
39 section, the state shall be entitled to the statutory legal interest  
40 from the date of imposition of the penalty until paid in full.

1 (13) If judgment is rendered in favor of the plaintiff, the court  
2 shall also render judgment for reasonable attorneys' fees in favor of  
3 the plaintiff.

4 (14) If judgment is rendered in favor of the defendant and the  
5 court finds that the plaintiff's suit was frivolous and brought in  
6 bad faith, the court shall render judgment for reasonable attorneys'  
7 fees in favor of the defendant.

8 (15) No attorneys' fees may be assessed against the patient upon  
9 whom an abortion was performed or attempted except in accordance with  
10 subsection (14) of this section.

11 (16) Any person who violates section 4 of this act shall be fined  
12 \$10,000 or is guilty of a class B misdemeanor. No criminal or civil  
13 penalty may be assessed against the patient upon whom the abortion is  
14 performed or attempted.

15 **Sec. 3.** RCW 9.02.170 and 2022 c 65 s 7 are each reenacted and  
16 amended to read as follows:

17 For purposes of this chapter:

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

21 (2) "Abortion-inducing drug" means a medicine, drug, or substance  
22 prescribed or dispensed with the intent of terminating a clinically  
23 diagnosable pregnancy with the knowledge that the termination will,  
24 with reasonable likelihood, cause the death of the fetus. The term  
25 includes the off-label use of a drug known to have abortion-inducing  
26 properties if the drug is prescribed with the intent of causing an  
27 abortion.

28 (3) "Abortion pill provider" means any person, regardless of  
29 whether they are authorized or licensed by the state, who provides in  
30 any capacity the means to deliver, arrange, offer, or give the  
31 abortion pill to a woman with the intention of terminating the  
32 woman's pregnancy.

33 (4) "Advanced practice registered nurse ((practitioner))" means  
34 an advanced practice registered nurse ((practitioner)) licensed under  
35 chapter 18.79 RCW.

36 ~~((3))~~ (5) "Agent" means any person who acts for another at the  
37 request or with the knowledge of the other in dealing with third  
38 parties.

1 (6) "Attempt to perform an abortion" means to do anything that,  
2 under the circumstances as the actor believes them to be, is an act  
3 constituting a substantial step in a course of conduct planned to  
4 culminate in performing an abortion. Such substantial steps include,  
5 but are not limited to:

6 (a) Agreeing with an individual to perform an abortion on that  
7 individual or on another individual, regardless of whether the term  
8 "abortion" is used in the agreement and whether the agreement is  
9 contingent on another factor such as receipt of payment or a  
10 determination of pregnancy; and

11 (b) Scheduling or planning a time to perform an abortion on an  
12 individual, regardless of whether the term "abortion" is used and  
13 whether the performance is contingent on another factor such as  
14 receipt of payment or a determination of pregnancy.

15 (7) "Chemical abortion" means the use or prescription of an  
16 abortion-inducing drug dispensed with the intent to cause the death  
17 of the unborn child.

18 (8) "Complication" means any harmful event or adverse outcome  
19 with respect to a patient related to chemical abortion that is  
20 performed on the patient and that is diagnosed or treated by a health  
21 care practitioner or at a health care facility. "Complications"  
22 include, but are not limited to:

23 (a) Shock;

24 (b) Hemorrhage;

25 (c) Aspiration or allergic response;

26 (d) Infection;

27 (e) Sepsis;

28 (f) Death of the patient;

29 (g) Incomplete chemical abortion requiring additional treatment;

30 (h) Incomplete chemical abortion requiring further surgical  
31 procedures that include risks such as uterine perforation, cervical  
32 laceration, or scarring;

33 (i) Damage to the uterus;

34 (j) The continuation of the pregnancy;

35 (k) Psychological or emotional trauma; and

36 (l) Excessive pain, discomfort, or nausea.

37 (9) "Health care provider" means a person regulated under Title  
38 18 RCW to practice health or health-related services or otherwise  
39 practicing health care services in this state consistent with state  
40 law.

1       ~~((4))~~ (10) "Medical emergency" means a condition which, in  
2 reasonable medical judgment, so complicates the medical condition of  
3 the patient as to necessitate the immediate abortion of the pregnancy  
4 to avert the patient's death or for which a delay will create serious  
5 risk of substantial and irreversible physical impairment of a major  
6 bodily function of the patient, not including psychological or  
7 emotional conditions. If, based on a claim by the patient or a  
8 diagnosis by a medical provider, the patient will engage in conduct  
9 the patient intends to result in the patient's death or in  
10 substantial and irreversible physical impairment of a major bodily  
11 function of the patient, then this shall not be deemed a medical  
12 emergency.

13       (11) "Physician" means a physician licensed to practice under  
14 chapter 18.57 or 18.71 RCW in the state of Washington.

15       ~~((5))~~ (12) "Physician assistant" means a physician assistant  
16 licensed to practice under chapter 18.71A RCW in the state of  
17 Washington.

18       ~~((6))~~ (13) "Pregnancy" means the reproductive process beginning  
19 with the implantation of an embryo.

20       ~~((7))~~ (14) "Private medical facility" means any medical  
21 facility that is not owned or operated by the state.

22       ~~((8))~~ (15) "State" means the state of Washington and counties,  
23 cities, towns, municipal corporations, and quasi-municipal  
24 corporations in the state of Washington.

25       ~~((9))~~ (16) "Viability" means the point in the pregnancy when,  
26 in the judgment of the physician, physician assistant, advanced  
27 practice registered nurse (~~(practitioner)~~), or other health care  
28 provider acting within the provider's scope of practice on the  
29 particular facts of the case before such physician, physician  
30 assistant, advanced practice registered nurse (~~(practitioner)~~), or  
31 other health care provider acting within the provider's scope of  
32 practice, there is a reasonable likelihood of the fetus's sustained  
33 survival outside the uterus without the application of extraordinary  
34 medical measures.

35       NEW SECTION.   **Sec. 4.** A new section is added to chapter 9.02 RCW  
36 to read as follows:

37       (1) Except in the case of a medical emergency, a chemical  
38 abortion may not be provided, performed, induced, or attempted, and  
39 an abortion-inducing drug may not be prescribed with the intent to

1 terminate a pregnancy, unless, prior to any chemical abortion  
2 provided, performed, or attempted using any abortion-inducing drug  
3 with the intent to terminate a pregnancy, the abortion pill provider,  
4 physician, physician assistant, advanced practice registered nurse,  
5 other health care provider, or their agents shall provide written  
6 information to accompany any instructions along with a list of  
7 complications given to the patient, which must include the following  
8 statement:

9 "If you decide to take any abortion-inducing drug to end your  
10 pregnancy, the state of Washington informs you that either you or  
11 your family may hold the manufacturer, distributor, or your  
12 prescriber financially liable should you die, suffer injury or  
13 complication, or any debilitating side effects (e.g. infection,  
14 excessive bleeding, the rupture of a previously undiscovered ectopic  
15 pregnancy, etc.) from the chemical abortion. Additionally, should the  
16 manufacturer, distributor, or your prescriber fail to address side  
17 effects or if the abortion-inducing drug fails and the pregnancy  
18 continues so that you have an incomplete abortion or require surgical  
19 intervention, you may hold them financially liable. You or your  
20 family may also hold the abortion pill provider, physician, physician  
21 assistant, advanced practice registered nurse, other health care  
22 provider, or their agents financially liable for failing to inform  
23 you of complications.

24 If you experience complications and are in need of emergency care  
25 or a hospital visit, then you have the right to inform the health  
26 care provider treating the complications that you have had a chemical  
27 abortion. Providing this information will not subject you to any  
28 criminal or civil penalty and will further help save your life."

29 (2) Certification of the statement in subsection (1) of this  
30 section is required. The patient shall certify in writing, prior to  
31 the chemical abortion, that the information described in subsection  
32 (1) of this section has been provided to the patient and that the  
33 patient has been informed of the opportunity to review the  
34 information referred to in subsection (1) of this section.

35 (3) Prior to performance of the chemical abortion, the abortion  
36 pill provider, physician, physician assistant, advanced practice  
37 registered nurse, other health care provider performing the chemical  
38 abortion, or their agents shall receive a copy of the written  
39 certification outlined in subsection (2) of this section.

1 (4) The abortion pill provider, physician, physician assistant,  
2 advanced practice registered nurse, other health care provider, or  
3 their agents shall retain a copy of the written certification  
4 outlined in subsection (2) of this section.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.02 RCW  
6 to read as follows:

7 (1) Within 90 days after the effective date of this section, the  
8 department of health shall prepare a reporting form for all abortion  
9 pill providers and facilities providing, performing, or prescribing  
10 chemical abortions containing a copy of this chapter and providing  
11 for the listing of the following:

12 (a) The number of individuals to whom the abortion pill provider  
13 gave the information described in section 4(1) of this act; of that  
14 number, the number provided by telephone, electronically, and in-  
15 person; and, of each of those numbers, the number provided  
16 specifically by abortion pill providers, physicians, physicians  
17 assistants, advanced practice registered nurses, or other health care  
18 providers by provider type, and their agents.

19 (b) The number of chemical abortions performed by the abortion  
20 pill provider, physician, physician assistant, advanced practice  
21 registered nurse, other health care provider, or their agents whereby  
22 information otherwise required to be provided before the chemical  
23 abortion was not provided because an immediate abortion was necessary  
24 to avert the patient's death or injury, along with the number of  
25 chemical abortions in which such information was not provided because  
26 a delay would create a medical emergency.

27 (2) Within 90 days after the effective date of this section, the  
28 department of health shall prepare a reporting form for all  
29 physicians or facilities that treat any adverse event or complication  
30 arising from a known chemical abortion that has been performed,  
31 attempted, or prescribed containing a copy of this chapter and  
32 providing a listing of the following:

33 (a) The date the patient presented for treatment for the chemical  
34 abortion complication;

35 (b) The age of the patient;

36 (c) The race of the patient;

37 (d) The county and state of the patient's residence;

38 (e) The name of the abortion-inducing drug obtained by the  
39 patient;



1 (f) The date of the abortion;

2 (g) The name of the physician or health care facility where the  
3 procedures were performed;

4 (h) Whether the patient obtained the abortion-inducing medication  
5 via mail order or a website, including information identifying the  
6 online source of the medication;

7 (i) Whether the complication was previously managed by the  
8 abortion pill provider or the abortion pill provider's relief health  
9 care provider;

10 (j) A list of each diagnosed complication;

11 (k) A description of the treatment provided for each complication  
12 requiring treatment;

13 (l) Whether the patient's visit to treat the complications was  
14 the original visit or a follow-up visit;

15 (m) The date of each follow-up visit, if any; and

16 (n) A list of each complication diagnosed or treated at a follow-  
17 up visit, if any.

18 (3) The reporting requirements of subsection (2) of this section  
19 apply only to:

20 (a) A physician, physician assistant, advanced practice  
21 registered nurse, or other health care provider who:

22 (i) Provides, performs, or induces a chemical abortion that  
23 results in an abortion complication diagnosed or treated by that  
24 physician, physician assistant, advanced practice registered nurse,  
25 or other health care provider; or

26 (ii) Diagnoses or treats an abortion complication arising from an  
27 abortion-inducing drug that is the result of an abortion performed by  
28 another physician, physician assistant, advanced practice registered  
29 nurse, or other health care provider; and

30 (b) A hospital, clinic, or health care facility providing  
31 emergency services as defined in RCW 48.43.005.

32 (4) An abortion pill provider, physician, physician assistant,  
33 advanced practice registered nurse, or other health care provider  
34 shall electronically submit to the department of health a report on  
35 each abortion complication diagnosed or treated by the abortion pill  
36 provider, physician, physician assistant, advanced practice  
37 registered nurse, or other health care provider no later than the end  
38 of the third business day after the date the abortion complication  
39 was diagnosed or treated.

1 (5) The department of health shall ensure that no personally  
2 identifiable health information of any patient is included in the  
3 report.

4 (6) No later than July 1st of each year, the department of health  
5 shall issue a public annual abortion report on its website providing  
6 statistics for the previous calendar year compiled from all the  
7 reports covering that year submitted in accordance with subsections  
8 (1) and (2) of this section.

9 (7) Any abortion pill provider, physician, physician assistant,  
10 advanced practice registered nurse, or other health care provider  
11 that knowingly violates this section and fails to complete a report  
12 detailed in subsections (1) or (2) of this section is subject to a  
13 civil penalty of \$500 for each violation.

14 NEW SECTION. **Sec. 6.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 7.** This act may be known and cited as the  
19 abortion pill provider liability education (APPLE) act.

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