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HOUSE BILL 2500

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State of Washington

68th Legislature

2024 Regular Session

By Representative Rule

1 AN ACT Relating to protecting access to assisted reproductive  
2 services; adding a new section to chapter 1.12 RCW; adding a new  
3 chapter to Title 70 RCW; creating a new section; and declaring an  
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that it is the  
7 public policy of this state to provide the maximum access to  
8 reproductive health care for all people in Washington. Reproductive  
9 health care is the care necessary to support the reproductive system,  
10 the capability to reproduce, and the freedom and services necessary  
11 to decide if, when, and how often to do so. In 2022, the Dobbs  
12 decision removed federal protections for reproductive freedom,  
13 opening the doors for states to enact draconian laws that would limit  
14 an individual's access to reproductive services, including not only  
15 the ability to terminate a pregnancy but also the ability to access  
16 assisted reproductive services such as in-vitro fertilization.  
17 Therefore, it is the intent of the legislature to preserve and  
18 protect these services in Washington.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 1.12 RCW  
20 to read as follows:

1 For the purposes of this code and any legislation hereafter  
2 enacted by the legislature or by the people, any fertilized human egg  
3 or human embryo that exists in any form outside of the uterus of a  
4 human body shall not, under any circumstances, be considered an  
5 unborn child, a minor child, a natural person, or any other term that  
6 connotes a human being for any purpose under state law.

7 NEW SECTION. **Sec. 3.** (1)(a) Every individual has a statutory  
8 right under this act, including without prohibition or unreasonable  
9 limitation or interference, to access assisted reproduction  
10 treatments or procedures and to continue or complete an ongoing  
11 assisted reproduction treatment or procedure pursuant to a written  
12 plan or agreement with a health care provider.

13 (b) A health care provider licensed under Title 18 RCW has a  
14 statutory right under this act to perform or assist with the  
15 performance of assisted reproduction treatments or procedures that  
16 are within the health care provider's authorized scope of practice.

17 (c) An insurer has a statutory right under this act to cover  
18 assisted reproduction treatments or procedures.

19 (2)(a) The office of the attorney general may bring an action in  
20 the name of the state against any political subdivision, individual,  
21 or entity that enacts, implements, or enforces a limitation or  
22 requirement that prohibits, unreasonably limits, or interferes with  
23 subsection (1) of this section.

24 (b) An individual or entity adversely affected by a limitation or  
25 requirement that prohibits, unreasonably limits, or interferes with  
26 subsection (1) of this section may commence a civil action against a  
27 state or local government official that enacts, implements, or  
28 enforces such limitation or requirement.

29 (c) A health care provider may commence an action for relief on  
30 its own behalf, on behalf of the provider's staff, or on behalf of  
31 the provider's patients who are or may be adversely affected by a  
32 limitation or requirement that prohibits, unreasonably limits, or  
33 interferes with subsection (1) of this section.

34 (3)(a) In any action under this section, the court shall hold  
35 unlawful a limitation or requirement if it prohibits, unreasonably  
36 limits, or interferes with subsection (1) of this section, and the  
37 court may award appropriate equitable relief, including temporary,  
38 preliminary, or permanent injunctive relief.

1 (b) In any action under this section, the court shall award the  
2 costs of litigation, as well as reasonable attorneys' fees, to any  
3 prevailing plaintiff. A plaintiff shall not be liable to a defendant  
4 for costs or attorneys' fees in any nonfrivolous action under this  
5 section.

6 (4) Nothing in this section shall be construed to prohibit  
7 enforcement of health and safety laws and regulations under state  
8 law, if such laws and regulations advance the safety of health care  
9 services or the health of patients and if the safety objective of  
10 such laws and regulations cannot be advanced by a less restrictive  
11 alternative measure or action.

12 (5) Nothing in this section shall be construed to modify or  
13 otherwise affect any state law regarding insurance coverage of  
14 assisted reproduction treatments or procedures.

15 (6) For the purposes of this section, the following definitions  
16 apply:

17 (a) "Assisted reproduction" means any method of causing pregnancy  
18 other than sexual intercourse, including:

19 (i) Intrauterine or intracervical insemination;

20 (ii) Donation of gametes;

21 (iii) Donation of embryos;

22 (iv) In-vitro fertilization and transfer of embryos; and

23 (v) Intracytoplasmic sperm injection.

24 (b) "Insurer" has the same meaning as in RCW 48.01.050.

25 NEW SECTION. **Sec. 4.** Section 3 of this act constitutes a new  
26 chapter in Title 70 RCW.

27 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of  
29 the state government and its existing public institutions, and takes  
30 effect immediately.

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