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**SENATE BILL 5516**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senator Fortunato

Prefiled 12/08/21.

1 AN ACT Relating to requiring informed consent before performing  
2 an abortion; adding a new section to chapter 9.02 RCW; creating a new  
3 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 every person  
6 who seeks an abortion in Washington should have sufficient  
7 information to make an informed decision as to whether to move  
8 forward with the procedure. According to the American college of  
9 obstetricians and gynecologists, one in four women in the United  
10 States will obtain an abortion by age 45. The majority of abortion  
11 patients in the United States identify as Black, Hispanic, Asian, or  
12 Pacific Islander. Additionally, 75 percent of individuals seeking an  
13 abortion are living at or below 200 percent of the federal poverty  
14 level.

15 In 2016, the abortion ratio in Washington was 188.9 abortions per  
16 1,000 live births. In 2019, 60 out of 17,087 abortion procedures in  
17 Washington reported a failed abortion as a complication of the  
18 procedure. The legislature intends to require that abortion providers  
19 in Washington must inform patients considering an abortion of the  
20 potential health risks and potential outcomes of the procedure at the  
21 first consultation between the provider and patient. In doing so, the

1 legislature intends to empower patients seeking abortions in  
2 Washington with the information necessary to make an informed  
3 decision about whether to undergo the procedure.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.02 RCW  
5 to read as follows:

6 (1) No abortion shall be performed or induced except with the  
7 voluntary and informed consent of the woman upon whom the abortion is  
8 to be performed or induced. Except in the case of a medical  
9 emergency, consent to an abortion is voluntary and informed only if  
10 at least 24 hours before the abortion, the physician who is to  
11 perform the abortion or the referring physician has informed the  
12 woman in writing of:

13 (a) The nature of the proposed procedure or treatment and of  
14 those risks and alternatives to the procedure or treatment that a  
15 reasonable patient would consider material to the decision of whether  
16 or not to undergo the abortion;

17 (b) The probable gestational age of the unborn child at the time  
18 the abortion is to be performed;

19 (c) The medical risks associated with carrying her child to term;

20 (d) The possible availability of medical assistance benefits for  
21 prenatal care, childbirth, and neonatal care; and

22 (e) The legal requirements for the father of the unborn child to  
23 assist in the support of her child, even in instances where he has  
24 offered to pay for the abortion.

25 (2) The woman seeking the abortion must certify in writing,  
26 before the abortion, that the information required to be provided  
27 under this section has been provided and that she consents to the  
28 procedure.

29 (3) If a medical emergency compels the performance of an  
30 abortion, the physician shall inform the woman, before the abortion  
31 if possible, of the medical indications supporting the judgment that  
32 an abortion is necessary to avert her death or to avert substantial  
33 and irreversible impairment of major bodily function.

34 (4) Any physician who violates the provisions of this section is  
35 guilty of unprofessional conduct and may be subject to penalties  
36 pursuant to chapter 18.130 RCW.

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