



## Washington

Expanded Access

**Now that the Supreme Court has overturned Roe:**

Abortion will remain legal in Washington. State law protects personal reproductive decisions and Washington has enacted policies to expand abortion access.

### Restrictions

Washington law generally prohibits abortion at viability.<sup>[1]</sup> Washington law includes reporting requirements.<sup>[2]</sup> Individuals who violate Washington's post-viability ban may face criminal penalties; however the state cannot take adverse actions against individuals based on pregnancy outcomes or against anyone who assists "a pregnant individual in exercising their right to reproductive freedom with their voluntary consent".<sup>[3]</sup>

### State Protections

Washington law includes a statutory protection for abortion as a fundamental right.<sup>[4]</sup> In 1991, voters approved a ballot initiative that provides, in part:

*The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. Accordingly, it is the public policy of the state of Washington that: (1) Every individual has the fundamental right to choose or refuse birth control; (2) Every woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited... (3) Except as specifically permitted...the state shall not deny or interfere with a woman's fundamental right to choose or refuse to have an abortion; and (4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.*<sup>[5]</sup>

Washington authorizes physicians and other health care providers acting within their scope of practice to provide abortion care<sup>[6]</sup> and prohibits health care entities from interfering in health care provided to people experiencing pregnancy complications.<sup>[7]</sup> Washington provides public funding for abortion care<sup>[8]</sup> and, when maternity care is covered, requires private insurance coverage of abortion.<sup>[9]</sup> The state protects clinic safety and access by prohibiting interference.<sup>[10]</sup> Washington prohibits the prosecution of people based on pregnancy outcomes and the prosecution of people who help pregnant individuals seeking abortion care.<sup>[11]</sup> On June 30, 2022, the governor of Washington issued a directive that the Washington State Patrol must: refrain from cooperating with out-of-state investigations and legal actions concerning reproductive health care lawful in Washington; establish a process that carefully scrutinizes requests for cooperation from states where abortion is banned; and report all requests for cooperation or assistance to the governor.<sup>[12]</sup>

In April 2023, Washington enacted statutory protections shielding providers, patients, and people who help others access abortion and gender affirming care from professional licensure consequences<sup>[13]</sup> and the reach of out-of-state investigations and legal actions.<sup>[14]</sup> Most health plans issued or renewed after January 1, 2024, are prohibited from imposing cost-sharing for abortion care.<sup>[15]</sup> The state also enacted the "Washington My Health Data Act," which regulates the collection, usage, and sharing of health data and prohibits the sale of such data without consumer consent or the use of a geofence around a facility that provides health care services.<sup>[16]</sup> To maintain accessible abortion care for low-income people who reside in Washington, the state appropriated \$6,000,000 in fiscal year 2023 to provide grants to abortion providers experiencing an increase in patients as a result of *Roe* being overturned by the Supreme Court.<sup>[17]</sup>

### Post-Roe Prohibitions

Washington repealed its pre-*Roe* statutes in 1992.<sup>[18]</sup>

# Conclusion

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Now that the Supreme Court has overturned *Roe*, abortion will remain legal in Washington.

## References

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- 1 WASH. REV. CODE § 9.02.110.
- 2 WASH. ADMIN. CODE § 246-490-100.
- 3 WASH. REV. CODE § 9.02.120.
- 4 *Id.* §§ 9.02.100, 9.02.110, 9.02.140, 9.02.160.
- 5 *Id.* § 9.02.100.
- 6 *Id.* § 9.02.110; WASH. ATT'Y GEN. OP 2004 No. 1 (2004); WASH. ATT'Y GEN. OP 2019 No. 1 (2019); WASH. REV. CODE §§ 9.02.100, 9.02.110, 9.02.130.
- 7 WASH. REV. CODE §§ 43.70.619, 70.400 *et seq.*
- 8 WASH. ADMIN. CODE § 182-532-120(7)(b).
- 9 WASH. REV. CODE § 48.43.073.
- 10 *Id.* § 9A.50.020.
- 11 WASH. REV. CODE § 9.02.120.
- 12 [Dir. of the Gov., No. 22-12](#) (Jun. 30, 2022)
- 13 Wash. Rev. Code § 18.130.450(1).
- 14 Wash. Rev. Code §§ 7.115.010, 7.115.020, 7.115.030, 7.115.040, 7.115.050.
- 15 Wash. Rev. Code §§ 48.43.073, 41.05.850.
- 16 Wash. Rev. Code § 19.373.010.
- 17 S.B. 5187 § 1219(105), 68th Leg., Reg. Sess. (Wa. 2023).
- 18 *See* Reproductive Privacy Act, 1992 Wash. Legis. Serv. Ch. 1 (*repealing* § 9.02.010 and § 9.02.060 through § 9.02.090).

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