

## Is abortion legal?



Yes. A woman has a legal right to decide for herself whether or not to have an abortion until the fetus is viable. Fetal viability is a medical determination that the fetus can survive outside the woman's body. Today, viability usually occurs at the end of the second trimester of pregnancy. After fetal viability, as the United State Supreme Court held in 1973 in *Roe v. Wade*, a woman has the right to have an abortion if her doctor determines that continuing the pregnancy places her life or health in danger.

## Is abortion available to women who receive state medical care?



Yes. Low-income women who are eligible for state-paid medical services can obtain both maternity and abortion services.

State law declares that if the state provides maternity services for low-income women, it must offer them the full range of pregnancy health care options, including abortion. With this provision, the family-making decision stays in the hands of the woman, the state stays neutral, and low-income women make their own reproductive choices just as other women do.

Even though the state pays for abortions for low-income women, Washington's abortion rights law does not involve increased state costs. In fact, it is more costly for the state to provide maternity care or to raise a child that is unwanted than it is to pay for an abortion.

## Who can perform an abortion?



Doctors licensed in Washington are the only health care providers who may perform abortions on another person in this state. For anyone else to do so or for a doctor to do so contrary to the provisions of the law is a felony, punishable by up to five years in jail.

## Can a doctor or hospital refuse my request to have an abortion?



Yes. State law gives health providers the right to refuse to perform abortions on moral and ethical grounds. Hospitals and clinics which are owned by churches may also refuse to perform abortions. If a doctor or hospital turns down your request for an abortion, find a Planned Parenthood clinic or other family planning clinic in your area to advise you. The family planning or women's health care clinic in your area can also give you advice about obtaining financial assistance.

*“A woman has a legal right to decide for herself whether or not to have an abortion until the fetus is viable.”*

A note of caution: Groups known as “crisis pregnancy centers” have been set up by abortion opponents. In the guise of providing information, some of these groups are devoted to discouraging women from considering abortion as an option. Family planning clinics, on the other hand, provide information about the full range of options.

## Are there waiting periods before an abortion can be performed?



No. There are no set waiting periods in Washington law. The timing of an abortion is the decision of the woman and her health care provider. Waiting periods do not protect a woman's health; rather, waiting periods place a burden on women who must sometimes travel long distances for an abortion. And they tend to push the procedure later into the pregnancy to a time when it is more dangerous to the woman's health.

## Is informed consent required before an abortion is performed?



Yes. All medical procedures require the informed consent of the patient. Abortion is no different. Even though informed consent is already required, opponents of reproductive choice promote so-called “Informed Consent” laws as additional barriers to abortion. Typically these proposals require the physician to recite to the pregnant woman medically unsound and unscientific information. Because a patient's informed consent to any medical treatment is already required, it is clear that the purpose of these proposals is to scare or shame a woman into not having an abortion.

## Will my doctor tell my parents? My husband?



No. Washington law prohibits doctors from disclosing certain sensitive information about their patients to other persons, including parents or spouses, without the written consent of the patient.

## Can my husband stop me from getting an abortion?



No. A husband cannot prevent a wife from having an abortion in Washington. Most women discuss childbearing decisions with their spouses. Unfortunately, some women are afraid to do so because of the threat of violence. Others have personal, private reasons for deciding not to tell their spouses. The vast majority of women make appropriate and thoughtful decisions given the facts of their situations. Trusting women to decide is far preferable to allowing the state to scrutinize and reject a woman's reasons for not informing her husband.

## Do I need my parent's permission to get an abortion?



No. Young women do not need parental permission to obtain an abortion in Washington. In 1975 the Washington Supreme Court overturned a parental consent requirement as an unconstitutional violation of a young woman's privacy.

## Shouldn't parents be involved when minors seek abortion?



In the best of circumstances, a young woman would be able to talk to her parents about an abortion decision. For some young women, however, doing so would expose them to abuse from parents angered by the fact they have become sexually active. We cannot know the circumstances every young woman faces regarding an unwanted pregnancy, and thus, we cannot legislate what she should do.

Abortion is not the only area where state law allows a minor to be treated without parental consent. For example, minors over the age of 13 years can obtain outpatient treatment without parental consent for drug and alcohol dependency, mental health problems, and sexually transmitted diseases. In these areas, the disclosure to some parents could harm the minor, and the minor might not seek treatment if parental disclosure were required. The abortion decision raises similar issues for some young women.

In Indiana, a young woman named Becky Bell died after having a back alley abortion to avoid the shame of telling her parents she was pregnant. As Mrs. Bell discovered, the law requiring daughters to inform parents before having an abortion resulted in the death of her daughter.

## What about the ethical issues of abortion?



For some people, abortion is contrary to their religious or moral beliefs. They have every right to their viewpoint. Certainly no one should be forced to undergo an abortion.

For most people, abortion is a very private matter. Even most Americans who would not choose to have an abortion themselves do not wish to make that decision for someone else. That is because in America we cherish freedom of conscience.

Some anti-choice advocates, however, are doing their best to force their religious convictions on the entire country. Not only do they disapprove of abortion for themselves, they seek to decide this very personal decision for everybody else. Neither a church nor a government has the right to force a citizen to follow a particular religious or moral path.

Nobody thinks abortion is easy and pleasant. Nobody plans on it. Most women who have abortions were using birth control when they got pregnant. Birth control isn't perfect and accidents do happen.

## Are abortion rights safe in Washington?



Not necessarily. Anti-choice advocates continue to work hard to limit reproductive freedom. They are promoting a variety of new restrictions designed to make it harder for women who choose abortion, and they are working to elect legislators who support their views. A number of anti-choice legislators have been elected to the Washington Legislature. The legislature has the authority to rewrite our abortion rights law at any time.

Supporters of reproductive freedom and privacy must be alert to anti-choice legislation and to the abortion rights views of legislators and candidates. We must make our opinions known, and we must educate our friends and acquaintances about the threats to reproductive freedom.

# What You Should Know About Reproductive Freedom in Washington State

Washington law recognizes the fundamental right of the people of Washington State to make personal decisions regarding birth control and abortion without interference by government officials. The law also requires that state-provided maternity services for low-income women must include the full range of pregnancy health care options, including abortion.

This pamphlet explains your reproductive rights in Washington and the reasons for those rights.

