



# KNOW YOUR RIGHTS

## Reproductive Health Care

### Abortion Is Legal and Protected in Washington State

#### **Washington Guarantees Access to Abortion:**

- Every pregnant person in Washington has the fundamental right to have an abortion for any reason prior to the viability of the fetus (approximately 24 weeks of pregnancy).<sup>1</sup>
- After viability, abortion is permitted in Washington if the abortion is necessary to protect the pregnant person's life or health.<sup>2</sup>
- In Washington, people of any age have the right to consent to their own abortion care. Washington does not require consent from a person's parent, guardian, or partner to have an abortion.<sup>3</sup>

#### **Abortions in Washington Are Confidential:**

- Health care providers in Washington generally may not disclose health care information about a pregnant person without their written consent.<sup>4</sup>
- Beginning in 2024, Washington businesses may not disclose or sell certain health information, including reproductive and sexual health information, without the person's consent.<sup>5</sup>
- Pregnant persons have the legal right to ensure that all information regarding an abortion is sent to them instead of the person who pays for their health insurance (including parents).<sup>6</sup>
- To change where this information is sent, print, complete, sign, and send a [Confidentiality Request Form](#) to your health insurance company.<sup>7</sup> You can also call your health insurance company to request this confidentiality.

#### **Washington Requires Insurance Coverage of Abortion Services:**

- All state-regulated health plans that cover pregnancy or maternity services are legally required to also cover abortion services, including medical/medication abortion (when pills are used to end a pregnancy).<sup>8</sup> In general, health plans may not impose cost sharing for abortion care.<sup>9</sup>
- Washington's health insurance program, Apple Health (Medicaid), will cover abortion care for patients who qualify.<sup>10</sup>
- If you are uninsured, there are State programs that may be able to help you pay for an abortion.<sup>11</sup>

#### **Pregnant Persons from Other States May Receive Abortion Care in Washington:**

- Pregnant persons from other states may come to Washington for abortion services.<sup>12</sup>
- Washington law enforcement, agencies, and courts are prohibited from cooperating with out-of-state civil and criminal investigations or legal actions related to care provided in Washington.<sup>13</sup>
- Beginning in 2024, certain health data collected in Washington, including from out-of-state residents entering Washington, cannot be collected, shared, or sold without consent.<sup>14</sup>
- Licensed providers will not be disciplined in Washington for offering legal abortion care, even if another state does take disciplinary action.<sup>15</sup>

1 RCW 9.02.100, .110, .170.

2 RCW 9.02.110.

3 RCW 9.02.100; *see also* Laws of 2022, ch. 65, § 1(5).

4 RCW 70.02.020(1); 45 CFR § 164.502.

5 Laws of 2023, ch. 191 (Washington My Health My Data Act). Businesses must comply as of March 31, 2024, and small businesses must comply as of June 30, 2024.

6 WAC 284-04-510.

7 This Request Form is available at: [https://www.insurance.wa.gov/sites/default/files/documents/confidentiality-request-form\\_0.pdf](https://www.insurance.wa.gov/sites/default/files/documents/confidentiality-request-form_0.pdf).

8 RCW 48.43.073; <https://www.insurance.wa.gov/coverage-abortion-services>.

9 Laws of 2023, ch. 194 (amending RCW 48.43.073). If you have a qualifying health plan for a health savings account (HSA), your plan may establish cost sharing for abortion care, but only at the minimum level necessary to preserve your ability to claim tax-exempt contributions and withdrawals from your HSA.

10 Apple Health (<https://www.hca.wa.gov>) covers abortion services, post-abortion care, and post-abortion family planning. If you do not have health insurance and do not qualify for Apple Health, you may be able to get help from a health care clinic, abortion provider, or the Northwest Abortion Access Fund (<https://nwaafund.org/>).

11 To find out if you qualify, you can use this prescreening form: <https://www.washingtonconnection.org/prescreening/home.go?action=Introduction>.

12 RCW 9.02.110.

13 Laws of 2023, ch. 193; *see also* RCW 9.02.100.

14 Laws of 2023, ch. 191.

15 Laws of 2023, ch. 192. If providers have questions about their legal rights to provide or support abortion care in specific circumstances, or have been threatened with arrest or prosecution, pro bono (free) legal advice and representation is available through <https://abortiondefensenetwork.org/>.



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## Reproductive Health Care

### **Washington Protects Your Right to Safely Access**

#### **Abortion and Contraception:**

- Washington law prohibits anyone from interfering with or obstructing your access to health care facilities, including for abortion care.<sup>16</sup>
- You may obtain abortion care from physicians as well as physician assistants and advanced registered nurse practitioners.<sup>17</sup>
- You may meet with a medical provider by phone or computer (a telehealth appointment) and have abortion pills mailed to an address within Washington State.<sup>18</sup>
- A hospital or other employer may not stop a health care provider from treating a patient for pregnancy complications (including miscarriages and ectopic pregnancies) that pose a risk to the patient's life, irreversible complications, or impairment to the patient's bodily functions.<sup>19</sup>
- You have the right to access birth control at any age in Washington State.<sup>20</sup>

#### **Beware of "Crisis Pregnancy Centers":**

- Beware of clinics that claim to offer reproductive health care but refuse to perform abortions or give abortion referrals. This type of clinic is commonly referred to as a "Crisis Pregnancy Center."
- "Crisis Pregnancy Centers" may provide patient care by staff or volunteers who are not licensed healthcare providers and who may provide incomplete, medically inaccurate information. These clinics are not subject to HIPAA and may not keep your health information confidential.<sup>21</sup>

### **Finding Abortion Care Providers:**

- The Northwest Abortion Access Fund and the National Abortion Federation maintain lists of abortion providers in Washington.<sup>22</sup>
- You may be eligible for an Apple Health managed care plan or Apple Health for Pregnant Women. Both cover abortion services, post-abortion care, and post-abortion family planning.
- If you have Providence Health Plan coverage that originates in Washington, the Department of Health (DOH) will pay for your abortion services as long as you receive services from a provider who agrees to accept reimbursement from DOH.<sup>23</sup>

### **Washington Law Has Special Protections for Birth Control and Emergency Contraception:**

- Washington pharmacies must fill all valid prescriptions, including prescriptions for medication abortion, emergency contraception, and birth control, unless there is a medical reason not to (like an allergy) or the pharmacy does not have the drug and cannot get it quickly.<sup>24</sup>
- Washington law generally requires all state-regulated health plans (including student health plans) to cover each type of FDA-approved contraceptive method, including emergency contraception and methods that do not require a prescription, typically at no cost and without restrictions or delays.<sup>25</sup>
- All hospitals with emergency rooms must provide emergency contraception as a treatment option for sexual assault.<sup>26</sup>

16 RCW 9A.50.020.

17 RCW 9.02.110.

18 Plan C provides a list of providers offering this telehealth service, <https://www.plancpills.org/states/washington>. Clinics include [Cedar Rivers Clinics](#) and [Planned Parenthood](#).

19 RCW 70.400.020.

20 RCW 9.02.100.

21 Federal health privacy protections (known as HIPAA) generally only apply to licensed health care providers and their employees and agents. 45 CFR § 164.502. Washington's new health data privacy law will go into effect in 2024. Laws of 2023, ch. 191.

22 These resources are listed on the Washington Department of Health website, <https://doh.wa.gov/you-and-your-family/sexual-and-reproductive-health/abortion>. See also The Northwest Abortion Access Fund ([www.abortionfinder.org](http://www.abortionfinder.org)); The National Abortion Federation ([www.prochoice.org/patients/find-a-provider](http://www.prochoice.org/patients/find-a-provider)).

23 <https://doh.wa.gov/you-and-your-family/sexual-and-reproductive-health/abortion/increasing-access-reproductive-choice>.

24 WAC 246-945-415; *Stormans, Inc. v. Wiesman*, 794 F.3d 1064 (9th Cir. 2015).

25 RCW 48.43.072; WAC 284-43-5150; <https://www.insurance.wa.gov/reproductive-and-birth-control-health-rights>.

26 RCW 70.41.350; WAC 246-320-286.