

# I-1698



Every living human being has a right to life, including unborn human beings. We know that life ends when the heart permanently ceases to function conversely life has begun when the heart begins to function. Therefore unborn human beings have an right to life when their **HEART BEATS!**

**BALLOT TITLE- Statement of Subject:** Initiative Measure No. 1698 concerns abortion.

**Concise Description:** This measure would require an ultrasound before an abortion; require reporting the results to government agencies; and, if a fetal heartbeat, as defined, is present, thereafter prohibit and criminalize abortion, with exceptions.

Should this measure be enacted into law? Yes  No

### BALLOT MEASURE SUMMARY

This measure would require an ultrasound within 24 hours before an abortion specifically to determine whether a fetal heartbeat is detected. "Fetal heartbeat" is defined as cardiac activity or steady and repetitive rhythmic contraction of the fetal heart. Results would be reported to government agencies. If detected, the measure would criminalize abortion, except where the pregnancy is medically futile or to prevent a pregnant woman's death or substantial and irreversible impairment of a major bodily function.

### INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable Kim Wyman, Secretary of State of the State of Washington: We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No.1698, entitled: BALLOT TITLE Statement of Subject: Initiative Measure No. 1698 concerns abortion. Concise Description: This measure would require an ultrasound within 24 hours before an abortion to detect whether a fetal heartbeat, as defined, is present, and if detected thereafter prohibit and criminalize abortion, with some exceptions. Should this measure be enacted into law? Yes  No , a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the 3rd day of November, 2020); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

**WARNING:** EVERY PERSON who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

<u>Signature As Registered Voter</u>	<u>Print Name</u>	<u>Birthdate</u>	<u>Address where you are registered</u>	<u>City</u>	<u>County</u>
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FOR SOS USE ONLY

Paid for by the Heartbeat Committee

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# PETITION GATHERER, SIGN HERE!

I, \_\_\_\_\_ swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

NAME (signature) \_\_\_\_\_ PHONE \_\_\_\_\_

HOME EMAIL \_\_\_\_\_ Mailing Address \_\_\_\_\_

Initiative No. 1698 February 19, 2020 AN ACT Relating to abortion and enacting laws that protect the rights of unborn human beings at the first medical detection of a fetal heartbeat; amending RCW 9.02.110, 9A.32.060, 9A.36.021, 9.02.130, 9.02.170, and 9.02.120; adding a new section to chapter 9.02 RCW; and prescribing penalties.

## BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

**NEW SECTION. Sec. 1.** A new section is added to chapter 9.02 RCW to read as follows: **(1)(a)** Immediately prior to, and no greater than, twenty-four hours before any abortion being performed, there shall first be performed an ultrasound test with explicit intent to determine whether or not a fetal heartbeat is present, and the results of the ultrasound shall be included in the pregnant woman's medical records, which shall be reported to the state department of health and the federal centers for disease control and prevention. **(b)** Except as provided in subsections (2) through (4) of this section, it shall be unlawful for any person to knowingly perform an abortion with the specific intent of causing or abetting the termination of the life of an unborn human being when a fetal heartbeat has been detected. Any person who acts based on the exceptions provided in subsections (2) through (4) of this section shall so note in the pregnant woman's medical records and shall specify in the pregnant woman's medical records which of the exceptions the person performing the abortion has invoked. **(2)(a)** A person shall not be in violation of subsection (1) of this section if the person performs a medical procedure designed or intended, in that person's reasonable medical judgment, to prevent the death of a pregnant woman or to prevent a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. **(b)(i)** A person who performs a medical procedure as described in **(a)** of this subsection shall declare in writing, under penalty of perjury, that the medical procedure was necessary, to the best of that person's reasonable medical judgment, to prevent the death of the pregnant woman or to prevent a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. The person shall also provide in that written statement the specific medical condition of the pregnant woman that the medical procedure was performed to address and the medical rationale for the conclusion that the medical procedure was necessary to prevent the death of the pregnant woman or to prevent a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. **(ii)** The person who performs a medical procedure as described in **(a)** of this subsection shall place the written documentation required by **(b)(i)** of this subsection in the pregnant woman's medical records, and shall maintain a copy of the written documentation for not less than seven years. **(3)** A person shall not be in violation of subsection (1) of this section if the person has performed an examination for the presence of a fetal heartbeat in the unborn human individual using standard medical practice and that examination does not reveal a fetal heartbeat, or the person has been informed by a physician who has performed the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat. **(4)** For purposes of this section, "abortion" may not include an abortion performed when the pregnancy is diagnosed as medically futile. This diagnosis shall be a medical judgment certified in the pregnant woman's medical record by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. **(5)** In addition to any other grounds provided by law, it shall be grounds for the nonissuance, suspension, revocation, or restriction of a license, or the denial of reinstatement or renewal of a license, issued by the appropriate board, commission, or agency of the state of Washington, if the applicant, licensee, or the medical facility, wherein the adjudicated illegal act was performed, has performed an abortion in violation of this section. **(6)** This section shall not be construed to repeal any other provision of law that restricts or regulates the performance of an abortion by a particular method or during a particular stage of a pregnancy. **(7)** For purposes of this section: **(a)** "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac. **(b)** "Medically futile" means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. **(c)** "Unborn human being" means an individual living member of the species Homo sapiens throughout the entire embryonic and fetal stages, from fertilization through full gestation and birth.

**Sec. 2. RCW 9.02.110** and 1992 c 1 s 2 are each amended to read as follows: The state may not deny ~~((or))~~ nor interfere with a woman's right to choose to have an abortion prior to ~~((viability of the fetus,))~~ the detection of a fetal heartbeat or to protect her life or health. A physician may terminate and a health care provider may assist a physician in terminating a pregnancy as permitted by this section.

**Sec. 3. RCW 9A.32.060** and 2011 c 336 s 357 are each amended to read as follows: (1) A person is guilty of manslaughter in the first degree when: (a) He or she recklessly causes the death of another person; or (b) He or she intentionally and unlawfully kills an unborn quick child or of a child who has been medically diagnosed to have a detected fetal heartbeat by inflicting any injury upon the mother of such child. (2) Manslaughter in the first degree is a class A felony.

**Sec. 4. RCW 9A.36.021** and 2011 c 166 s 1 are each amended to read as follows: (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree: (a) Intentionally assaults another and thereby recklessly inflicts substantial bodily harm; or (b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child or of a child who has been medically diagnosed to have a detected fetal heartbeat by intentionally and unlawfully inflicting any injury upon the mother of such child; or (c) Assaults another with a deadly weapon; or (d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or (e) With intent to commit a felony, assaults another; or (f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture; or (g) Assaults another by strangulation or suffocation. (2)(a) Except as provided in (b) of this subsection, assault in the second degree is a class B felony. (b) Assault in the second degree with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

**Sec. 5. RCW 9.02.130** and 1992 c 1 s 4 are each amended to read as follows: The good faith judgment of a physician ~~((as to viability of the fetus))~~ based on the medical test charts and results under section 1 of this act or as to the risk to life or health of a woman and the good faith judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

**Sec. 6. RCW 9.02.170** and 1992 c 1 s 8 are each amended to read as follows: For purposes of this chapter: (1) ~~((("Viability" means the point in the pregnancy when, in the judgment of the physician on the particular facts of the case before such physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures. (2)))~~ "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth. ~~((3))~~ (2) "Pregnancy" means the reproductive process beginning with the implantation of an embryo. ~~((4))~~ (3) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington. ~~((5))~~ (4) "Health care provider" means a physician or a person acting under the general direction of a physician. ~~((6))~~ (5) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington. ~~((7))~~ (6) "Private medical facility" means any medical facility that is not owned or operated by the state.

**Sec. 7. RCW 9.02.120** and 1992 c 1 s 3 are each amended to read as follows: ~~((Unless authorized by RCW 9.02.110, any))~~ Any person who ~~((performs an abortion on another person))~~ violates RCW 9.02.110 shall be guilty of a class ~~((C))~~ A felony ~~((punishable under chapter 9A.20 RCW))~~ pursuant to the provisions of RCW 9A.32.010, 9A.32.060, and 9A.36.021.