

Abortion Rights in Washington State

- ✓ *You have the legal right to choose an abortion.*
- ✓ *You have the legal right to decide to have a child.*
- ✓ *No one can make this decision for you, even if you are under 18.*



www.legalvoice.org

ALERT - June 2022:

The U.S. Supreme Court has released a major decision about abortion - *Dobbs v. Jackson Women's Health*.

No matter what the court says, **abortion in Washington State will still be legal.**

HOWEVER, *Washington will be impacted.*

People from anti-abortion states will travel to Washington for abortion care. This could affect how long it will take to get an abortion, as available appointments will fill up quickly.

The decision may also lead anti-choice states to target anyone who helps someone get an abortion, as well as the Washington clinics that provide the abortion care.

Legal Voice will share information about the effects of the court's decision as soon as possible.

Please check our social media channels and website for updates.

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Your Legal Rights

Is Abortion Legal?

Yes. In Washington State, if you want or need to end your pregnancy, you have the legal right to have an abortion. It doesn't matter if you are a minor, an adult, married, gender non-conforming, an immigrant, incarcerated, or differently-abled. *Everyone* in Washington State has the right to choose to stay pregnant or have an abortion. (There are some limits to why you can get an abortion if you are late in your pregnancy. See the next Q&A.)

Can I Have an Abortion for Any Reason?

You have the legal right to have an abortion for any reason *before fetal viability*. Fetal viability means that the fetus, if born, could survive. That's at about 24-25 weeks into a pregnancy. You can still get an abortion after that if the abortion is necessary to protect your health or your life.

Can I Be Forced to Have an Abortion?

No. It doesn't matter your age, where you live, if you are differently-abled, or anything else: in Washington, only you have the legal right to decide to stay pregnant or to have an abortion.

Can I Be Forced to Stay Pregnant?

No. It doesn't matter if you're married, an immigrant, incarcerated, or anything else: in Washington, only you yourself have the legal right to decide to stay pregnant or get an abortion.

Do I Need Anyone Else's Permission to Have an Abortion?

No. You have the legal right to make this decision yourself and keep it private. You do not have to notify or get permission from your spouse, your partner, your parent/guardian, or anyone else before getting an abortion.

Does Anyone Have the Right to Know about My Abortion?

No (but read the important note below). You have a legal right to keep your abortion choices confidential (private). Your parent/guardian does not have the right to know. Your spouse/partner does not have the right to know. You do not have to tell or get permission from anyone to get an abortion. Your medical records must be kept private.

Important: If you are using health insurance to pay for your abortion appointments and medications, remember: unless you tell them not to, the insurance company will send billing information with details about your abortion. See "How Can I Keep Insurance Billing Information Confidential?" later in this publication.

I Am Under 18 Years Old. Do I Have to Tell My Parents?

No. In Washington State, minors (people under the age of 18) have the legal right to make their own choices about pregnancy (see publication *When can a minor access health care without parental consent?* listed in Resources below). You do not have to tell your parents or get their permission before you have an abortion in Washington. Your medical records about the abortion are confidential.

In many other states, however, the law is different. If you live outside of Washington State, talk to your doctor or call an abortion clinic that serves your area to ask about your rights. See “Where Can I Get an Abortion?” above. Also see the important information below about keeping insurance statements confidential.

Getting an Abortion

What Is an Abortion?

Abortion is a process that ends a pregnancy with either medication (pills) or an in-clinic medical procedure. It can also be done without a care provider's help by using pills, herbs, or other ways. See "What is 'self-managed abortion'?" below.

Who Can Perform an Abortion?

It depends on the type of abortion and the week of pregnancy. In Washington State, physicians (medical doctors), physician assistants (PAs) and Advanced Registered Nurse Practitioners (ARNPs) can perform in-clinic abortion procedures and prescribe pills for a medication abortion in the first trimester of pregnancy (weeks 1-13). After then, abortion is restricted to in-clinic abortion procedures performed by a physician.

What Is a "Self-Managed Abortion"?

Self-managed abortion means ending your own pregnancy, without a doctor or other health care provider. Learn more about self-managed abortion at the If/When/How FAQ page, listed in Resources below.

Where Can I Get an Abortion?

You can get an abortion at women’s health clinics, Planned Parenthood clinics, some private clinics, and some hospitals. For referrals, see listings under “Funding, Support, and Referrals” in the Resource section below.

Not all providers, hospitals, and clinics offer abortion care. Even if the hospital or clinic does offer abortion care, an individual health care provider can refuse to perform an abortion. However, they should refer you to a provider that does offer abortion care. If you don’t get a referral, contact Legal Voice at info@legalvoice.org or 206-682-9552.

Important: Stay away from crisis pregnancy centers. They are set up to look like reproductive health clinics but are not. See “Beware of Crisis Pregnancy Centers” below.

Do I Have to Wait 24 Hours Before I Can Get an Abortion?

No. Washington State does not require any “waiting period” before you can get an abortion. However, some health care providers may only schedule abortions on certain days, or you may have to wait because the provider is very busy.

Can I Get an Abortion in Another State?

Yes. You can travel to a different state to get an abortion. However, if you go to another state, the laws of that state will apply to you.

Important: Before you travel to another state to get an abortion:

- check the laws of that state, *and*
- find out if your insurance will pay for an out-of-state abortion.

June 2022 ALERT: The recent Supreme Court decision about abortion does NOT change the law in Washington State but will lead to significant changes in other states. If you are in another state and need help understanding the law, call the Repro Legal Helpline (see Resources below).

Can I Help Someone Get an Abortion?

In Washington State it is legal to help someone access abortion care.

However, it’s unclear how laws in other states will apply to those who help people cross state lines to access abortion care. Ask the Repro Legal Helpline, listed in Resources below.

I Am an Undocumented Immigrant. Can I Get an Abortion?

Yes. If your income is low, you can get help paying for your abortion. See the “Cost and Insurance Coverage” section below.

Are Protesters Allowed to Harass Me?

No. In Washington State, protesters may picket or demonstrate near clinics, but it is illegal for protesters to

- ✗ stop you from entering a clinic or other medical facility;
- ✗ threaten you or anyone with you;
- ✗ make loud noises outside that disturb you inside the clinic; or
- ✗ trespass on the private property of the clinic.

If any one of these happens to you:

- Notify the clinic about your experience.
- Document the violation as best as you can.
- Write or record a statement explaining what happened.
- Take photos of the protester or protesters who committed the violation only if it is safe for you to do so. Show the clinic staff if you feel comfortable doing so.

- You can also call local law enforcement. Tell them that you wish to report a crime under RCW 9A.50.020, the state law that prohibits interference with healthcare facilities.

Cost and Insurance Coverage

How Much Does an Abortion Cost?

It depends on the type of abortion, how long you have been pregnant, and where you go for abortion care. A medication abortion (the abortion pill) may be less expensive than an in-clinic procedure. First-trimester abortions are less expensive than late-term abortions. But how much you will have to pay depends on your health insurance coverage. Insurance coverage and financial help is discussed below.

You may also have to pay for travel, lodging, and take time off from work. Health insurance will not pay for these expenses. Depending on your work situation, you may be able to use sick leave or medical leave time to cover any lost wages, but not all workers have paid time off. For more information about getting time off from work, see listings under “Other Information” in Resources below. For help with expenses, see “Can I Get Help Paying for the Abortion?” below.

Does Health Insurance Cover Abortion?

Washington law requires most health insurance plans that cover pregnancy care (“maternity care”) to also cover abortions. Look at your insurance plan or call your insurance company to find out what services are covered. Your health care provider can access your plan information, too, and tell you what is covered and how much you will have to pay.

How Can I Keep Insurance Billing Information Confidential?

Option 1: Take action to keep information confidential (private)

In Washington State, health insurance companies must send any bills, notices, and reminders about abortion and related appointments and medications directly to the patient. However, it is possible that someone else in your household could find this information if, for example, they are the first to look through the mail.

Contact the insurance company and be prepared to do these five things:

1. Share your name and insurance policy numbers (you may need to share other information like your Social Security number, if you have one).
2. Tell them you want to keep your health care information confidential.
3. List the details you want to keep confidential (dates, services, medications, devices, provider identity, cost information, etc.).
4. List the names and contact information for each person on your insurance plan who does *NOT* have your permission to know these details.
5. Share a mailing address, email, and phone number that are safe ways to contact you.

If your insurance company fails to follow your instructions, contact Legal Voice at info@legalvoice.org or 206-682-9552.

Option 2: Do not use your health insurance

Go to a community health clinic or family planning clinic. Pay in cash, apply for a state program, or contact a nonprofit abortion fund for help (see next Q&A).

Can I Get Help Paying for the Abortion?

There are several ways to get help paying for your abortion.

The state's health insurance program, Washington Apple Health will pay for your abortion (and other reproductive health care, like birth control). It is free for people with low incomes. All people, including undocumented immigrants and minors, can get abortion coverage through Apple Health. See the Resources section below for links to more information and the application.

If you don't qualify for free Apple Health, you can apply for the state's Family Planning Only program (formerly called Take Charge). The program covers a range of reproductive health care needs and services. You can apply for this program even if you have insurance already. The program is for people of all ages, low- and middle-income, who live in Washington State. The program will keep your information confidential.

Nonprofit groups, such as Northwest Abortion Access Fund, may also be able to help you pay for your expenses, including travel and lodging. Some abortion providers offer financial assistance to low-income patients. See listings under "Support and Referrals" in Resources below.

Beware of Crisis Pregnancy Centers

What About Places I See Offering "Alternatives to Abortion"?

These are "crisis pregnancy centers." They are run by groups that oppose abortion. If you are looking for birth control or abortion services, do not go to a crisis pregnancy center.

Why Should I Avoid Crisis Pregnancy Centers?

They are deceptive and misleading: Crisis pregnancy centers (CPCs) are set up to look like real clinics. Many are located next to real reproductive health clinics, and target low-income and communities of color. They may offer free pregnancy testing, but then refuse to give you the written test results. And they never give referrals to abortion providers.

Health concerns: They rarely offer complete, medically accurate information. They may offer ultrasounds (sonogram), but may not be trained to use the machine properly, and most do not have medical professional on staff to look at the results. This could be very dangerous if they say your ultrasound results are fine when in fact there is something seriously wrong.

Privacy risks: With *Roe v. Wade* overturned, abortion is or will soon be illegal in many states. Unlike real medical clinics, CPCs do not have to keep your personal information confidential. The personal information gathered by CPCs could be used as evidence in civil or criminal cases against people who get abortions, those who help them, and healthcare providers.

But They Offer Free Pregnancy Tests and I Need One.

Are you looking for pregnancy verification to apply for state funding for your abortion? Abortion providers will give you a pregnancy test at your appointment. You will not have to pay for it.

Need a free pregnancy test for another reason? Contact a community health clinic or family planning clinic. They can help you get a free pregnancy test. See Resources below.

How Can I Tell a Crisis Pregnancy Center from a Medical Clinic?

You can usually tell from the advertisements. CPCs often appear in internet search results for “abortion.” They advertise on buses and billboards. Their ads may talk about “abortion counseling,” “pregnancy options,” or “help with your pregnancy.” To learn more, see the Legal Voice publication *Know Before You Go: Crisis Pregnancy Centers Want You to Stay Pregnant*, listed in Resources below.

Real medical clinics that offer a full range of services, including abortions, will be listed as “abortion providers” or “family planning clinics.” Their ads will identify all the services they provide, including counseling, birth control, and abortion. See listings under “Funding, Support, and Referrals” in Resources below for referrals to abortion providers.

Resources

Funding, Support, and Referrals

- **AbortionFinder.org:** A directory of trusted, verified abortion service providers in the United States. Also shares what to expect from a medication abortion versus an in-clinic abortion.
Online: www.abortionfinder.org
- **All Options:** Operates a toll-free talkline to provide judgment-free support for pregnancy options, pregnancy loss, abortion, adoption, parenting, infertility, or other reproductive decisions and experiences.
By phone: 1-888-493-0092
Online: www.all-options.org/find-support/
- **Northwest Abortion Access Fund:** The Pacific Northwest's abortion fund. Provides referrals, fundraising counseling, and help to pay for abortions and related travel.
By phone: 1-866-NWAAF10 (1-866-692-2310)
Online: <https://nwaafund.org/>
- **Repro Legal Helpline:** Free, confidential information and legal advice about self-managed abortion, young people's access to abortion or judicial bypass, and referrals.
By phone: 1-844-868-2812
Online: www.reprolegalhelpline.org

State Programs that Pay for Abortions

- **Find out if you qualify:**
By phone: 1-855-923-4633 (toll-free); TTY: 1-855-627-9604 (toll-free)
Online: www.washingtonconnection.org/home/; click on “See if I qualify”
- **Apply for Apple Health:**
In person: Visit a DSHS Community Services Office (CSO). To find one in your area, call the DSHS Customer Service Contact Center at 1-877-501-2233 or visit www.dshs.wa.gov/office-locations.
By phone: To apply by phone, and for questions about eligibility, etc., call the Washington Healthplanfinder Customer Support Center at 1-855-923-4633 (toll-free) or TTY 1-855-627-9604 (toll-free).
Online: www.wahealthplanfinder.org; click “Apply Now”
- **Family Planning Only Program** (formerly Take Charge)
Online: www.hca.wa.gov/health-care-services-and-supports/apple-health-medicaid-coverage/family-planning-only
- **Need help?** A Navigator can help you with your application for free.
Online: www.wahbexchange.org; click on “Find a Navigator”

Other Information

- *Family Leave Laws*, by Legal Voice
Online: www.legalvoice.org/family-leave-laws
- *Know Before You Go: Crisis Pregnancy Centers Want You to Stay Pregnant*, by Legal Voice
Online: www.legalvoice.org/know-before-you-go
- *Know Your Rights at Work: Family and Medical Leave Act (FMLA)*, by AAUW
Online: www.aauw.org/resources/legal/laf/fmla/
- *When can a minor access health care without parental consent*, by Columbia Legal Services
Online: www.washingtonlawhelp.org; search for “minor access”
- Find free pregnancy tests in Washington through ParentHelp123.org
Online: www.parenthelp123.org/pregnancy/before-pregnancy/unplanned-pregnancy/

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of June 2022.

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