Washington

Washington v. United States FDA, No. 1:23-CV-3026-TOR, 2023 U.S. Dist. LEXIS 61776 (E.D. Wash. Apr. 7, 2023) 17 states (Washington, Oregon, Arizona, Colorado, Connecticut, Delaware, Illinois, Michigan, Nevada, New Mexico, Rhode Island, Vermont, Hawaii, Maine, Maryland, Minnesota, Pennsylvania and District of Columbia) file Motion for Preliminary Injunction requesting the Court to affirm "…FDA's original conclusion that mifepristone is safe and effective…", prevent FDA's removal of mifepristone from the market and enjoin FDA's "unnecessary and burdensome" January 2023 REMS restrictions (plaintiffs argument is to prevent the application of any REMS to mifepristone). Plaintiffs motion is granted in part. Defendants are enjoined from changing the status quo and making mifepristone unavailable under the current January 2023 REMS. The ruling applies to plaintiffs' jurisdictions and not nationwide.

RCW § 9.02.110. Right to have and provide.

The state may not deny or interfere with a pregnant individual's right to choose to have an abortion prior to viability of the fetus, or to protect the pregnant individual's life or health.
A physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may terminate and a health care provider may assist a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice in terminating a pregnancy as permitted by this section.

RCW § 9.02.120. Unauthorized abortions — Penalty.

Unless authorized by RCW 9.02.110, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW. The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

RCW § 9.02.130. Defenses to prosecution.

The good faith judgment of a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice as to viability of the fetus or as to the risk to life or health of a pregnant individual 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.