



KNOW YOUR RIGHTS

Washington's Shield Law

Shielding Health Care Providers, Patients, and Others from Subpoenas and Out-of-State Legal Actions Related to Abortion & Gender-Affirming Care

Washington's Shield Law¹

- Washington protects and supports access to reproductive health care, including abortion, as well as gender-affirming care.
- Washington's Shield Law (ESHB 1469), enacted in 2023, protects people in Washington from civil and criminal actions in other states that restrict or criminalize reproductive and gender-affirming care ("ban states").
- The Shield Law also creates a cause of action for interference with protected health care services in Washington, which allows countersuits to protect against legal actions filed in ban states.

What Health Care Services Are Protected by the Shield Law?

- "Protected health care services" includes reproductive health care services and gender-affirming treatment that is lawful in Washington.
- "Reproductive health care services" means all forms of health care related to the human reproductive system — which includes pregnancy, assisted reproduction (including IVF), contraception (birth control), miscarriage management, and abortion.
- "Gender-affirming treatment" means health services or products that support and affirm an individual's gender identity — which includes social, psychological, behavioral, and medical or surgical interventions. Evaluations and treatments for gender dysphoria, gender-affirming hormone therapy, and gender-affirming surgical procedures are examples of protected services.

Who Is Protected by the Shield Law?

The Shield Law protects anyone who provides, receives, or assists in the provision or receipt of protected health care services. This includes not only health care providers and their staff, but also other service providers, patients, care-seekers, friends, family, and others who help facilitate access to protected health care services.

What Protections Does the Shield Law Give?

In general, when a civil or criminal investigation or court proceeding is initiated under a ban state's anti-abortion or anti-trans law, based on reproductive or gender-affirming care that is lawful in Washington, Washington's Shield Law provides numerous protections, including:

- Protecting people in Washington against criminal process and subpoenas for their testimony or documents.
- Prohibiting Washington-based companies and other private entities from complying with subpoenas or providing information to the ban state (unless the subpoena is accompanied by an attestation that it is not related to the investigation or enforcement of a ban state's restrictions on protected health care services).
- Prohibiting Washington state and local agencies and law enforcement from providing information to or cooperating with the ban state.
- Requiring Washington courts to quash subpoenas from ban states.

What Should You Do if Served a Subpoena or Other Legal Demand From a Ban State Related to Protected Health Care Services?

- If you receive a subpoena or other legal demand seeking information related to protected health care services, you should consult with legal counsel. Make sure your counsel is aware of Washington's Shield Law. The protections provided by Washington's Shield Law. Legal resources for reproductive health care providers and others are available, at no cost, through <https://abortiondefensenetwork.org/>.
- Please also immediately contact the Washington Attorney General's Office (AGO) at ShieldLaw@atg.wa.gov. It is important to contact the AGO before you or your counsel provide *any* response to the ban state's legal demand or subpoena (as even acknowledging receipt can have potential legal consequences).

¹ Washington Shield Law, 2023 Wash. Sess. Laws 193. Additional information about Washington's Shield Law is available at <https://www.atg.wa.gov/reproductive-and-gender-affirming-care-shielding-providers-seekers-and-helpers-out-state-legal>.