

BIRTH CONTROL

Who may receive birth control?

Under Washington law, every individual has the fundamental right to choose or refuse birth control.¹

May contraceptives be prescribed for minors?

Yes. Contraceptives may be prescribed for minors.²

Is parental notification or parental consent required before contraceptives may be prescribed for minors?

Generally, no. Washington law does not specifically impose a requirement of parental notification or parental consent before contraceptives may be prescribed for an otherwise competent minor.³ Before prescribing contraceptives for a minor without parental notification or consent, however, care should be taken to assure that the minor is competent to provide informed consent. Among the factors to be considered in determining a minor's competence are the minor's age, intelligence, maturity, training, experience, economic independence or lack thereof, general conduct as an adult, and freedom from parental control.⁴

Is parental notification or parental consent required for a sterilization procedure on a minor?

Generally, yes. As a general rule, parental consent is required for the performance of sterilization procedures on minors. If, however, the minor is emancipated (i.e., married or independent of parental control and financial support) and sufficiently intelligent, educated and knowledgeable to provide informed consent to a sterilization procedure, parental consent may not be necessary.⁵

¹ RCW 9.02.100(1).

² See RCW 9.02.100(1); *State v. Koome*, 84 Wn.2d 901, 904 (1975) (“[T]he constitutional rights of minors, including the right of privacy, are coextensive with those of adults.”).

³ See *Koome*, 84 Wn.2d at 914 (ruling unconstitutional a Washington statute that required a pregnant minor to obtain her parents' consent to have an abortion).

⁴ See *Smith v. Seibly*, 72 Wn.2d 16, 21 (1967) (listing these factors in light of whether an 18 year old married minor “who earns his own living and maintains his own home” is competent to consent, if fully informed, to surgery—in this case, a vasectomy).

⁵ See *Smith*, 72 Wn.2d at 9, 21–22 (emancipated minor's competence to consent to a vasectomy was a question of fact not contingent on parental consent).

May a sterilization procedure be performed on a minor or incompetent against the minor or incompetent's will?

Generally, no. A sterilization procedure cannot be performed on a minor or incompetent against the minor or incompetent's will absent a court order.⁶

⁶ *In re* Guardianship of Hayes, 93 Wn.2d 228, 232–33, 238 (1980).

