

HOUSE BILL NO. HB0152

Life is a Human Right Act.

Sponsored by: Representative(s) Rodriguez-Williams, Andrew, Angelos, Banks, Bear, Haroldson, Heiner, Hornok, Jennings, Knapp, Neiman, Niemiec, Olsen, Ottman, Penn, Singh, Slagle, Smith, Styvar, Ward, Washut and Winter and Senator(s) Biteman, Boner, Bouchard, Brennan, Dockstader, French, Furphy, Hutchings, Ide, Laursen, D, McKeown, Salazar, Schuler and Steinmetz

A BILL

for

1 AN ACT relating to abortion; creating the Life is a Human
 2 Right Act; providing findings and purposes; prohibiting
 3 abortion; specifying criminal and regulatory penalties and
 4 civil remedies; providing exceptions; specifying
 5 applicability and severability; providing a right of
 6 intervention; making conforming amendments; renumbering
 7 current provisions on abortion; repealing and removing
 8 obsolete or conflicting provisions; requiring rulemaking;
 9 and providing for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

1 **Section 1.** W.S. 35-6-120 through 35-6-128 are created
2 to read:

3

4 **35-6-120. Short title.**

5

6 This act shall be known and may be cited as the "Life is a
7 Human Right Act."

8

9 **35-6-121. Findings and purposes.**

10

11 (a) The legislature finds that:

12

13 (i) The legislature, as a coequal branch of
14 government, may make declarations interpreting the Wyoming
15 constitution;

16

17 (ii) As a consequence of an unborn baby being a
18 member of the species homo sapiens from conception, the
19 unborn baby is a member of the human race under article 1,
20 section 2 of the Wyoming constitution;

21

22 (iii) The legislature acknowledges that all
23 members of the human race are created equal and are endowed

1 by their creator with certain unalienable rights, the
2 foremost of which is the right to life;

3

4 (iv) This act promotes and furthers article 1,
5 section 3 of the Wyoming constitution, which guarantees
6 that citizens shall be without distinction of race, color,
7 sex or any circumstance or condition whatsoever;

8

9 (v) This act promotes and furthers article 1,
10 section 6 of the Wyoming constitution, which guarantees
11 that no person may be deprived of life or liberty without
12 due process of law;

13

14 (vi) The provisions of article 1, sections 7,
15 18, 33, 34 and 36 and article 21, section 25 of the Wyoming
16 constitution are also promoted and furthered by this act by
17 recognizing that an unborn baby is a member of the human
18 race;

19

20 (vii) Regarding article 1, section 38 of the
21 Wyoming constitution, abortion as defined in this act is
22 not health care. Instead of being health care, abortion is
23 the intentional termination of the life of an unborn baby.

1 It is within the authority of the state of Wyoming to
2 determine reasonable and necessary restrictions upon
3 abortion, including its prohibition. In accordance with
4 Article 1, Section 38(c) of the Wyoming constitution, the
5 legislature determines that the health and general welfare
6 of the people requires the prohibition of abortion as
7 defined in this act;

8

9 (viii) The legislature, in the exercise of its
10 constitutional duties and powers, has a fundamental duty to
11 provide equal protection for all human lives, including
12 unborn babies from conception;

13

14 (ix) The life of every human being begins at
15 conception;

16

17 (x) Wyoming's "legitimate interests include
18 respect for and preservation of prenatal life at all stages
19 of development; the protection of maternal health and
20 safety; the elimination of particularly gruesome or
21 barbaric medical procedures; the preservation of the
22 integrity of the medical profession; the mitigation of
23 fetal pain; and the prevention of discrimination on the

1 basis of race, sex, or disability." *Dobbs v. Jackson*
2 *Women's Health Org.*, 142 S. Ct. 2228, 2284 (2022) (internal
3 citations omitted).

4

5 **35-6-122. Definitions.**

6

7 (a) As used in this act:

8

9 (i) "Abortion" means the act of using or
10 prescribing any instrument, medicine, drug or any other
11 substance, device or means with the intent to terminate the
12 clinically diagnosable pregnancy of a woman, including the
13 elimination of one (1) or more unborn babies in a
14 multifetal pregnancy, with knowledge that the termination
15 by those means will, with reasonable likelihood, cause the
16 death of the unborn baby. "Abortion" shall not include any
17 use, prescription or means specified in this paragraph if
18 the use, prescription or means are done with the intent to:

19

20 (A) Save the life or preserve the health of
21 the unborn baby;

22

1 (B) Remove a dead unborn baby caused by
2 spontaneous abortion or intrauterine fetal demise; or

3

4 (C) Treat a woman for an ectopic pregnancy.

5

6 (ii) "Pregnant" means the human female
7 reproductive condition of having a living unborn baby or
8 human being within a human female's body throughout the
9 entire embryonic and fetal stages of the unborn human being
10 from fertilization to full gestation and childbirth;

11

12 (iii) "Reasonable medical judgment" means a
13 medical judgment that would be made by a reasonably prudent
14 physician who is knowledgeable about the case and the
15 treatment possibilities with respect to the medical
16 conditions involved;

17

18 (iv) "Unborn baby" or "unborn human being" means
19 an individual living member of the species homo sapiens
20 throughout the entire embryonic and fetal stages from
21 fertilization to full gestation and childbirth;

22

1 (v) "This act" means W.S. 35-6-120 through
2 35-6-138.

3

4 **35-6-123. Abortion prohibited.**

5

6 (a) Except as provided in W.S. 35-6-124, no person
7 shall knowingly:

8

9 (i) Administer to, prescribe for or sell to any
10 pregnant woman any medicine, drug or other substance with
11 the specific intent of causing or abetting an abortion; or

12

13 (ii) Use or employ any instrument, device, means
14 or procedure upon a pregnant woman with the specific intent
15 of causing or abetting an abortion.

16

17 **35-6-124. Exceptions to abortion prohibition;**
18 **applicability.**

19

20 (a) It shall not be a violation of W.S. 35-6-123 for
21 a licensed physician to:

22

1 (i) Perform a pre-viability separation procedure
2 necessary in the physician's reasonable medical judgment to
3 prevent the death of the pregnant woman, a substantial risk
4 of death for the pregnant woman because of a physical
5 condition or the serious and permanent impairment of a
6 life-sustaining organ of a pregnant woman, provided that no
7 separation procedure shall be deemed necessary under this
8 paragraph unless the physician makes all reasonable medical
9 efforts under the circumstances to preserve both the life
10 of the pregnant woman and the life of the unborn baby in a
11 manner consistent with reasonable medical judgment;

12

13 (ii) Provide medical treatment to a pregnant
14 woman that results in the accidental or unintentional
15 injury to, or the death of, an unborn baby.

16

17 (b) Nothing in this act shall be construed to
18 prohibit the use, sale, prescription or administration of a
19 contraceptive measure, drug, chemical or device if the
20 contraceptive measure, drug, chemical or device is used,
21 sold, prescribed or administered in accordance with
22 manufacturer instructions and is not used, sold, prescribed

1 or administered with the specific intent to cause or induce
2 an abortion.

3

4 **35-6-125. Penalties and remedies.**

5

6 (a) Any person who violates W.S. 35-6-123 is guilty
7 of a felony punishable by a fine not to exceed twenty
8 thousand dollars (\$20,000.00), imprisonment for not more
9 than five (5) years, or both.

10

11 (b) Nothing in this act shall be construed to subject
12 a pregnant woman upon whom any abortion is performed or
13 attempted to any criminal penalty under this act.

14

15 **35-6-126. Professional sanctions; civil penalties.**

16

17 (a) In addition to any other penalties available under
18 law, a physician or any other professionally licensed
19 person who intentionally, knowingly or recklessly violates
20 W.S. 35-6-123 commits an act of unprofessional conduct, and
21 the physician's or person's license to practice in Wyoming
22 shall be immediately revoked by the state board of medicine
23 after due process in accordance with the rules and

1 procedures of the state board of medicine. Any person may
2 file a complaint against a physician or other licensed
3 person under this section, or the state board of medicine
4 may on its own accord initiate a complaint against a
5 physician or other licensed person. The state board of
6 medicine may assess or impose the costs of any
7 investigation, fines not to exceed five thousand dollars
8 (\$5,000.00) and any other disciplinary actions authorized
9 by law that the board deems appropriate.

10

11 (b) No civil penalty shall be assessed against a
12 pregnant woman upon whom an abortion is performed or
13 attempted for a violation of this act.

14

15 **35-6-127. Civil remedies.**

16

17 (a) In addition to any remedies available under law,
18 failure to comply with this act shall provide the basis for
19 a civil action as provided by this section.

20

21 (b) Any pregnant woman upon whom an abortion has been
22 performed, induced or coerced in violation of this act may
23 maintain an action against the person or persons who

1 violated this act for actual and punitive damages. In
2 addition to all other damages and separate and distinct
3 from all damages, a plaintiff prevailing in an action under
4 this section shall be entitled to statutory damages of ten
5 thousand dollars (\$10,000.00) for each violation of this
6 act from each defendant for each violation.

7

8 (c) A separate and distinct cause of action for
9 injunctive relief against any person who has violated this
10 act to enjoin further violations of this act may be
11 maintained by any of the following:

12

13 (i) The woman upon whom an abortion was
14 performed or induced in violation of this act;

15

16 (ii) The parent or guardian of the pregnant
17 woman if the woman had not attained eighteen (18) years of
18 age at the time of the abortion or if the woman died as a
19 result of the abortion;

20

21 (iii) A district attorney with proper
22 jurisdiction;

23

1 (iv) The attorney general.

2

3 (d) If judgment is rendered in favor of the plaintiff
4 in a civil action authorized by this section, the plaintiff
5 shall be entitled to receive reasonable costs and attorney
6 fees from the defendant.

7

8 **35-6-128. Construction; right of intervention;**
9 **severability.**

10

11 (a) It is the intent of the legislature that each
12 provision of this act shall operate with equal force and
13 shall be severable and that, in the event that any
14 provision of this act shall be held invalid or
15 unenforceable by a court of competent jurisdiction, the
16 invalid or unenforceable provision shall be deemed
17 severable, and the remaining provisions of this act shall
18 be deemed fully enforceable.

19

20 (b) Notwithstanding any other provision of law, the
21 Wyoming legislature, by joint resolution, may appoint one
22 (1) or more of its members who sponsored or cosponsored
23 this act in the member's official capacity, to intervene as

1 a matter of right in any case in which the
2 constitutionality of this act or any portion thereof is
3 challenged. The legislature may pass a joint resolution
4 under this subsection concurrently with the enactment of
5 this act so that, in the event of a challenge to this act
6 or any part of this act, a member or members shall have
7 standing to defend this act.

8

9 **Section 2.** W.S. 5-8-102(a)(v) is amended to read:

10

11 **5-8-102. Jurisdiction.**

12

13 (a) The juvenile court has general jurisdiction in
14 all matters and proceedings commenced therein or
15 transferred to it by order of the district court
16 concerning:

17

18 (v) The parents, guardian or custodian of any
19 minor alleged to be delinquent, in need of supervision or
20 neglected, and all persons living in the household with the
21 minor ~~and~~

22

1 **Section 3.** W.S. 35-6-108 as 35-6-132, 35-6-113 as
2 35-6-134, 35-6-114 as 35-6-135 and 35-6-117 as 35-6-138 are
3 amended and renumbered to read:

4

5 ~~35-6-108~~ 35-6-132. **Compilations of abortions; matter**
6 **of record; exception.**

7

8 (a) The state office of vital records services shall
9 prepare and keep on file for seven (7) years compilations
10 of the information submitted on the abortion reporting
11 forms. The compilations shall be available as provided in
12 this section. The state health officer, in order to
13 maintain and keep such compilations current, shall file
14 with the reports any new or amended information. The
15 information submitted under W.S. ~~35-6-107~~ 35-6-131 and
16 compiled under this section, except the report required
17 under subsection (c) of this section, shall not be stored
18 in any computer.

19

20 (b) An abortion reporting form received under W.S.
21 ~~35-6-107~~ 35-6-131 shall be maintained in strict confidence
22 by the state office of vital records services, shall not be
23 a public record and shall not be made available except to

1 the attorney general or a district attorney with
2 appropriate jurisdiction pursuant to a criminal
3 investigation or to the state board of medicine pursuant to
4 an investigation. The attorney general or a district
5 attorney receiving an abortion form pursuant to this
6 subsection shall keep the form and information from the
7 form confidential except as may be required by law for a
8 criminal prosecution. The state board of medicine receiving
9 an abortion form pursuant to this subsection shall keep the
10 form and information from the form confidential except as
11 may be required by law to determine or enforce an action
12 regarding licensure.

13

14 (c) Not later than June 30 of each year the office of
15 vital records services shall issue a public report
16 providing summary statistics for the previous calendar year
17 compiled from all of the abortion reporting forms from that
18 year submitted in accordance with this section for each of
19 the items listed in W.S. ~~35-6-107~~35-6-131. The report
20 shall also include the statistics for all previous calendar
21 years during which this subsection was in effect, adjusted
22 to reflect any additional information from late or
23 corrected reports. The office shall ensure that no

1 information included in the public reports could reasonably
2 lead to the identification of any woman upon whom an
3 abortion was performed, induced or attempted. The report
4 shall be transmitted to the United States centers for
5 disease control and prevention for the national abortion
6 surveillance report.

7

8 ~~35-6-113~~ 35-6-134. Penalty for violating W.S.
9 35-6-130.

10

11 Any person, firm, corporation, group or association who
12 violates W.S. ~~35-6-106~~ 35-6-130 is guilty of an offense
13 punishable by a fine of not more than ten thousand dollars
14 (\$10,000.00).

15

16 ~~35-6-114~~ 35-6-135. Right to damages for
17 discriminatory employment practices for refusal to perform
18 abortion.

19

20 Any person or persons injured by any action prohibited in
21 W.S. ~~35-6-106~~ 35-6-130 may by civil action obtain
22 injunctive relief or damages.

23

1 ~~35-6-117~~ 35-6-138. Use of appropriated funds for
2 abortion prohibited.

3
4 ~~(a) No funds appropriated by the legislature of the~~
5 ~~state of Wyoming shall be used to pay for abortions except~~
6 ~~when the pregnancy is the result of incest as defined by~~
7 ~~W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301~~
8 ~~if the assault is reported to a law enforcement agency~~
9 ~~within five (5) days after the assault or within five (5)~~
10 ~~days after the time the victim is capable of reporting the~~
11 ~~assault, or when the life of the mother would be endangered~~
12 ~~if the unborn child was carried to full term. This~~
13 ~~subsection is repealed on the date that subsection (b) of~~
14 ~~this section becomes effective.~~

15
16 (b) No funds appropriated by the legislature of the
17 state of Wyoming shall be used to pay for abortions. ~~except~~
18 ~~when necessary to preserve the woman from a serious risk of~~
19 ~~death or of substantial and irreversible physical~~
20 ~~impairment of a major bodily function, not including any~~
21 ~~psychological or emotional conditions, or the pregnancy is~~
22 ~~the result of incest as defined by W.S. 6-4-402 or sexual~~
23 ~~assault as defined by W.S. 6-2-301. This subsection is~~

1 ~~effective on the same date that W.S. 35-6-102(b) is~~
2 ~~effective.~~

3

4 **Section 4.** W.S. 35-6-105 through 35-6-107, 35-6-109,
5 35-6-115 and 35-6-116 are renumbered as 35-6-129 through
6 35-6-131, 35-6-133, 35-6-136 and 35-6-137.

7

8 **Section 5.** W.S. 5-8-102(a)(vi), 35-6-101 through
9 35-6-104, 35-6-110 through 35-6-112, 35-6-118 and 35-6-119
10 are repealed.

11

12 **Section 6.** W.S. 35-6-117(a), renumbered as
13 35-6-138(a) by section 3 of this act, is repealed.

14

15 **Section 7.** The department of health shall promulgate
16 all rules necessary to implement this act.

17

1 **Section 8.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2023.

5

6 (b) Sections 7 and 8 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)