Prohibiting chemical abortions.

Sponsored by: Senator(s) Salazar, Biteman, Boner, Brennan, Dockstader, French, Furphy, Hutchings, Ide, Kolb, Laursen, D, McKeown, Schuler and Steinmetz and Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Davis, Haroldson, Hornok, Jennings, Knapp, Locke, Neiman, O'Hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Styvar, Trujillo, Ward and Washut

A BILL

for

AN ACT relating to abortions; prohibiting chemical abortion drugs for abortions as specified; providing criminal penalties; providing definitions; specifying exceptions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 35-6-120 is created to read:

35-6-120. Chemical abortion drugs prohibited; exceptions; penalty.
(a) Notwithstanding any other provision of law, no person shall manufacture, distribute, prescribe, dispense, sell, transfer or use any chemical abortion drug in the state for the purpose of procuring or performing an abortion.

(b) The prohibition in subsection (a) shall not apply to:

(i) The sale, use, prescription or administration of any contraceptive agent administered before conception or before pregnancy can be confirmed through conventional medical testing;

(ii) The treatment of a natural miscarriage according to currently accepted medical guidelines;

(iii) Treatment necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical judgment, or the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301. As
used in this paragraph, "imminent peril" means only a physical condition and shall not include any psychological or emotional conditions. No medical treatment shall form the basis for an exception under this paragraph if it is based on a claim or diagnosis that the pregnant woman will engage in conduct which she intends to result in her death or other self-harm.

(c) Except as otherwise provided in this section, any physician or other person who violates subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine not to exceed nine thousand dollars ($9,000.00), or both.

(d) A woman upon whom an abortion is performed or attempted in which a chemical abortion drug is used shall not be criminally prosecuted pursuant to subsection (c) of this section.

Section 2. W.S. 35-6-101(a)(vi), by creating a new paragraph (xii) and by amending and renumbering (xii) as (xiii) is amended to read:
35-6-101. Definitions.

(a) As used in the act, unless the context otherwise requires:

(vi) "Pregnant" or "pregnancy" means that condition of a woman who has a human embryo or fetus within her as the result of conception;

(xii) "Chemical abortion drug" means mifepristone, misoprostol, mifeprex, mifegyne or any substantially similar generic or non-generic drug or chemical dispensed for purposes of causing an abortion;

(xii) (xiii) "This act" means W.S. 35-6-101 through 35-6-119-35-6-120.

Section 3. This act is effective July 1, 2023.