

HOUSE BILL NO. HB0137

Chemical abortions-ultrasound requirement.

Sponsored by: Representative(s) Neiman, Angelos, Bear, Heiner, Jennings, Lawley, Niemiec, Penn, Rodriguez-Williams, Slagle, Strock, Styvar, Ward and Washut and Senator(s) Biteman, Boner, Brennan, Salazar and Steinmetz

A BILL

for

1 AN ACT relating to abortions; requiring ultrasounds before
2 the procurement of chemical abortions; providing
3 verification requirements; providing definitions; providing
4 penalties; specifying applicability; providing for the
5 conflict of laws; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-6-201 and 35-6-202 are created to
10 read:

11

12

ARTICLE 2

13

REGULATION OF ABORTIONS

14

1 **35-6-201. Abortion facilities; licensure requirements**
2 **verification; prohibitions; definitions; penalties.**

3
4 (a) As used in this article:

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

16
17 (A) Save the life or preserve the health of
18 the unborn baby;

19
20 (B) Remove a dead unborn baby caused by
21 spontaneous abortion or intrauterine fetal demise;

22

1 (C) Treat a woman for an ectopic pregnancy;

2 or

3

4 (D) Treat a woman for cancer or another
5 disease that requires medical treatment which treatment may
6 be fatal or harmful to the unborn baby.

7

8 (ii) "Chemical abortion" means an abortion that
9 is procured, completed or effectuated by means of a drug,
10 substance or any combination thereof;

11

12 (iii) "Pregnancy" or "pregnant" means the human
13 female reproductive condition of having a living unborn
14 baby or human being within a human female's body throughout
15 the entire embryonic and fetal stages of the unborn human
16 being from fertilization, when a fertilized egg has
17 implanted in the wall of the uterus, to full gestation and
18 childbirth.

19

20 (b) Not less than forty-eight (48) hours before a
21 pregnant woman procures the drugs or substances for a
22 chemical abortion or before a physician or pharmacist
23 dispenses the drugs or substances necessary for a chemical

1 abortion, whichever is earlier, the pregnant woman shall
2 receive an ultrasound in order to provide the pregnant
3 woman the opportunity to view the active ultrasound of the
4 unborn child and hear the heartbeat of the unborn child if
5 the heartbeat is audible.

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7 (c) The ultrasound required under subsection (b) of
8 this section shall be of a quality consistent with standard
9 medical practice in the community.

10

11 (d) Upon providing an ultrasound under this section,
12 the provider of the ultrasound shall provide the pregnant
13 woman with a document that specifies:

14

15 (i) The date, time and place of the ultrasound;

16

17 (ii) The physician who ordered or requested the
18 ultrasound;

19

20 (iii) The physician or technician who performed
21 the ultrasound;

22

23 (iv) The age and weight of the unborn child.

1

2 (e) Before a physician or pharmacist dispenses the
3 drugs or substances necessary for a chemical abortion to a
4 pregnant woman, the physician or pharmacist shall verify
5 that the ultrasound required by this section occurred.

6

7 (f) Except as otherwise provided in this subsection,
8 any person who violates this section shall be guilty of a
9 felony punishable by a fine not to exceed twenty thousand
10 dollars (\$20,000.00), imprisonment for not more than five
11 (5) years, or both. Nothing in this section shall be
12 construed to subject a pregnant woman to any criminal
13 penalty under this subsection.

14

15 **35-6-202. Ultrasound requirement; conflict of laws;**
16 **applicability.**

17

18 If any provision of this article conflicts with the Life is
19 a Human Right Act or W.S. 35-6-139, the provisions of the
20 Life is a Human Right Act and W.S. 35-6-139 shall control
21 over this article to the extent that the Life is a Human
22 Right Act and W.S. 35-6-139 are enforceable.

23

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)