HOUSE OF REPRESENTATIVES
WYOMING STATE LEGISLATURE

Message No. 478

CONCURRENCE REQUESTED

Mr. President: March 4, 2025

S.F. No. 0125 Defining health care and protecting the people's welfare.

The Senate File listed above passed on third reading in an amended form as follows by the vote indicated.

SF0125HS001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 1 After "relating to" insert "the Wyoming constitution,".

Page 1-line 3 After "exceptions;" insert "providing definitions;".

Page 1-line 11 After "**purposes**" insert "**; legislative findings; definitions**".

Page 1-line 13 Before "For purposes" insert "(a)".

Page 2-line 3 After "care" delete "." and insert "in addition to the following exceptions:

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

(ii) Providing medical treatment to a pregnant woman that results in the accidental or unintentional injury to, or the death of, an unborn baby;

(iii) Performing an abortion on a woman when 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(a)(v). Prior to the performance of any abortion under this paragraph the woman, or the woman's parent or guardian if the woman is a minor or subject to a guardianship, shall report the act of incest or sexual assault to a law enforcement agency and a copy of the report shall be provided to the physician; or

(iv) Performing an abortion on a woman when, in the physician's reasonable medical judgment, there is a substantial likelihood that the unborn baby has a lethal fetal anomaly or the pregnancy is determined to be a molar pregnancy.

(b) The legislature finds that:

(i) As a consequence of an unborn baby being a member of the species home sapiens from conception, an unborn baby is a member of the human race under article 1, section 2 of the Wyoming constitution;

(ii) The legislature acknowledges that all members of the human race are created equal and are endowed by their creator with certain unalienable rights, the foremost of which is the right to life;

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

(iv) Regarding article 1, section 38 of the Wyoming constitution, abortion as defined in this act is not health care. Abortion is the termination of the life of an unborn baby. It is within the authority of the state of Wyoming to determine reasonable and necessary restrictions upon abortion, including its prohibition. In accordance with article 1, section 38(c) of the Wyoming constitution, the legislature determines that the health and general welfare of the people requires the prohibition of abortion as defined in this act;

(v) The legislature, in the exercise of its constitutional duties and powers, has a fundamental duty to

provide equal protection to all human lives, including unborn babies from conception;

(vi) Wyoming's "legitimate interests include respect for the preservation of prenatal life at all stages of development; the protection of maternal health and safety; the elimination of particularly gruesome or barbaric medical procedures; the preservation of integrity of the medical profession; the mitigation of fetal pain; and the prevention of discrimination on the basis of race, sex or disability." Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228, 2284 (2022) (internal citations omitted);

(vii) The legislature recognizes the need to protect the health and general welfare of the people of Wyoming. In accordance with this purpose, the definition and rules specified in this section are provided to advance the health, welfare and safety of all people in Wyoming.

(c) As used in this act:

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

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

(B) Save the life or preserve the health of the pregnant woman;

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

(D) Treat a woman for an ectopic pregnancy;

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

(ii) "Ectopic pregnancy" means a pregnancy that occurs when a fertilized egg implants and grows outside the main cavity of the uterus;

(iii) "Lethal fetal anomaly" means a fetal condition diagnosed before birth and if the pregnancy results in a live birth there is a substantial likelihood of death of the child within hours of the child's birth;

(iv) "Molar pregnancy" means the development of a tumor or cyst that may or may not include placental tissue from trophoblastic cells after fertilization of an egg that results in spontaneous abortion or intrauterine fetal demise;

(v) "Pregnant" means the human female reproductive condition of having a living unborn baby or human being within a human female's body throughout the entire embryonic and fetal stages of the unborn human being from fertilization, when a fertilized egg has implanted in the wall of the uterus, to full gestation and childbirth;

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

(vii) "Unborn baby" or "unborn human being" means an individual living member of the species homo sapiens throughout the entire embryonic and fetal stages from fertilization to full gestation and childbirth.".

SF0125HW001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 3 After "exceptions;" insert "providing an appropriation for health care to protect the people's welfare;".

Page 2-after line 3 Insert and renumber as necessary:

"**Section 2.** To provide for health care to protect the people's welfare, there is appropriated three million eight hundred sixty thousand dollars ($3,860,000.00) from the general fund and three million eight hundred sixty thousand dollars ($3,860,000.00) of federal funds to the department of health for purposes of providing payments to home and community-based service providers within the comprehensive waiver unit in the health care financing program. This appropriation shall not be transferred or expended for any other purpose and any

unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026. It is the intent of the legislature that this appropriation not be included in the department of health's standard budget for the immediately succeeding fiscal biennium.".

Page 2-line 5 Delete "**Section 2**." and insert "**Section 3.**".

Page 2-line 7 After "(a)" insert "Except as provided in subsection (b) of this section,".

Page 2-after line 16 Insert and renumber as necessary:

"(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.".

SF0125H2001/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)

Delete the Angelos et al. committee of the whole amendment (SF00125HW001/AE) entirely.

Ayes 51 Noes 9 Excused 2 Absent 0 Conflict 0

The House respectfully asks the Senate to concur by adopting the listed amendments.

Sincerely,

Katie Talbott
House Chief Clerk

Bill Jacket Attached