



SF0125

Defining health care and protecting the people's welfare.

Sponsored By: Senator(s) Steinmetz, Dockstader, Hutchings, Olsen and Pearson and Representative(s) Haroldson, Heiner, Neiman and Rodriguez-Williams

AN ACT relating to the Wyoming constitution, statutes and rules of construction; providing a definition of health care generally applicable to law; providing findings; specifying exceptions; providing definitions; and providing for contingent effective dates.

1/16/2025 Bill Number Assigned
1/17/2025 S Received for Introduction
1/21/2025 S Introduced and Referred to S10 - Labor
2/6/2025 S10 - Labor:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Barlow, Crum, Hutchings, Steinmetz
Nays: Senator Scott
Ayes 4 Nays 1 Excused 0 Absent 0 Conflicts 0

2/6/2025 S Placed on General File

SF0125SS001/ADOPTED

Page 2-lines 1 through 7 Delete entirely and insert:

"(a) For purposes of definition, interpretation and construction under the Wyoming constitution and all statutes of this state:

(i) "Health care" shall mean acting to promote the curative, improving, healing, restorative and therapeutic physical health and well-being of a person, including an unborn person from the moment of conception herein defined as "life." "Health care" shall not mean actions that terminate life, and are hereby prohibited, except as provided in this section. Abortion, as defined by paragraph (ii) of this subsection, shall be defined as health care only if the abortion is medically necessary to save the life of a pregnant woman by performing a pre-viability separation procedure necessary in the physician's reasonable 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 a pregnant woman, provided that no separation procedure shall be deemed necessary under this section 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) "Abortion" shall mean an act, procedure, device or prescription administered to or prescribed for a pregnant woman by any person with knowledge of the pregnancy, including the pregnant woman herself, with the intent of producing the premature expulsion, removal or termination of a human embryo or fetus, except that in cases in which the viability of the embryo or fetus is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion;".

Page 2-line 9 Delete "(ii)" and insert "(iii)"; after "procedure that" insert "intentionally".

Page 2-line 13 Delete "necessitated" and insert "necessary for the treatment of an illness or injury, documented and medically necessitated".

Page 2-line 14 Delete "pregnant woman" and insert "person".

Page 2-line 15 Delete "physician" and insert "medical provider".

Page 2-line 16 After "recovery" insert "from an injury or illness and recommends terminating life support services".

Page 3-line 5 Delete entirely and insert:

"Section 2. This act is 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.". SCOTT, ACTING CHAIRMAN

2/10/2025 S COW:Passed

SF0125S2001/ADOPTED

Page 1-line 4 Delete entirely and insert "providing for contingent effective dates.".

Page 2-lines 1 through 7 In the Senate standing committee amendment (SF0125SS001/A) to these lines, in paragraph (a)(i) created by that amendment, after "therapeutic physical health" insert ", mental health"; after "the moment of conception" insert "or fertilization"; in paragraph (a)(ii) created by that amendment, after "not be construed as an abortion" insert ". Fertilized eggs that are implanted through in vitro fertilization and that are expelled from the uterus after the procedure shall not be construed as an abortion".

Page 2-lines 9 through 16 Delete entirely including the Senate standing committee amendment (SF0125SS001/A) in these lines and insert:

"(iii) No act, treatment or procedure that intentionally terminates the heart, brain, central nervous system or respiratory system shall be construed as health care unless:

(A) The act, treatment or procedure is documented and medically necessary for the treatment of an illness or injury, documented and medically necessitated to save the life of a person; or

(B) In cases in which a licensed medical provider has determined and documented that a person has no chance of meaningful recovery from an injury or illness and recommends terminating life support services.".

Page 3-line 5 Delete entirely including the Senate standing committee amendment (SF0125SS001/A) to this line and insert:

"Section 2.

(a) This act is effective on the earlier of:

(i) March 1, 2026; or

(ii) The date on which the Wyoming supreme court renders a decision on the constitutionality of the Life is a Human Right Act, W.S. 35-6-120 through 35-6-138. On the date on which the Wyoming supreme court renders a decision in the matter specified in this paragraph, the attorney general shall certify this date to the secretary of state.". STEINMETZ

2/11/2025 S 2nd Reading:Passed

SF0125S3001/ADOPTED

Delete the Senate standing committee amendment (SF0125SS001/A) and the Steinmetz second reading amendment (SF0125S2001/A) entirely and further amend as follows:

Page 1-line 4 Delete entirely and insert "providing for contingent effective dates;".

Page 2 Delete entirely.

Page 3-lines 1 through 5 Delete entirely and insert:

"For purposes of interpretation and construction under the Wyoming constitution and all statutes of this state, abortion, as defined in W.S. 35-6-122(a)(i), is not health care. For purposes of this section, actions specified in W.S. 35-6-124 shall be construed as health care.

Section 2.

(a) This act is effective on the earlier of:

(i) March 12, 2026; or

(ii) The date on which the Wyoming supreme court renders a decision on the constitutionality of the Life is a Human Right Act, W.S. 35-6-120 through 35-6-138. On the date on which the Wyoming supreme court renders a decision in the matter specified in this paragraph, the attorney general shall certify this date to the secretary of state.". BONER, STEINMETZ

2/12/2025 S 3rd Reading:Passed 24-6-1-0-0

ROLL CALL

Ayes: Senator(s) Barlow, Biteman, Boner, Brennan, Cooper, Crago, Crum, Dockstader, French, Hicks, Hutchings, Ide, Jones, Kolb, Landen, Laursen, Mckeown, Nethercott, Olsen, Pearson, Salazar, Schuler, Smith, Steinmetz

Nays: Senator(s) Anderson, Case, Driskill, Gierau, Rothfuss, Scott

Excused: Senator Pappas

Ayes 24 **Nays** 6 **Excused** 1 **Absent** 0 **Conflicts** 0

2/13/2025 H Received for Introduction

2/13/2025 H Introduced and Referred to H10 - Labor

2/24/2025 H10 - Labor:Recommend Amend and Do Pass 7-1-1-0-0

ROLL CALL

(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.". RODRIGUEZ-WILLIAMS, CHAIRMAN

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.". ANGELOS, LARSEN, L, RODRIGUEZ-WILLIAMS, STYVAR

2/27/2025

H COW:Passed

2/28/2025 H 2nd Reading:Laid Back

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

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

ROLL CALL

Ayes: Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Brady, Bratten, Brown, G, Brown, L, Byron, Campbell, E, Campbell, K, Chestek, Clouston, Connolly, Davis, Eklund, Erickson, Filer, Geringer, Guggenmos, Haroldson, Harshman, Heiner, Hoeft, Jarvis, Johnson, Kelly, Knapp, Larsen, Larson, Lawley, Lien, Locke, Lucas, Mccann, Neiman, Nicholas, Ottman, Pendergraft, Posey, Provenza, Rodriguez-Williams, Sherwood, Singh, Smith, Storer, Strock, Styvar, Tarver, Thayer, Wasserburger, Webb, Webber, Williams, Winter, Wylie

Nays: Representative Yin

Excused: Representative(s) Riggins, Schmid, Washut, Wharff

Ayes 57 Nays 1 Excused 4 Absent 0 Conflicts 0

3/3/2025 H 2nd Reading:Passed

3/4/2025 H 3rd Reading:Passed 51-9-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Brady, Bratten, Brown, G, Brown, L, Campbell, K, Clouston, Connolly, Davis, Eklund, Erickson, Filer, Geringer, Guggenmos, Haroldson, Harshman, Heiner, Hoeft, Johnson, Kelly, Knapp, Larsen, Larson, Lawley, Lien, Locke, Mccann, Neiman, Ottman, Pendergraft, Riggins, Rodriguez-Williams, Schmid, Singh, Smith, Strock, Styvar, Tarver, Thayer, Washut, Wasserburger, Webb, Webber, Wharff, Williams, Winter, Wylie

Nays: Representative(s) Byron, Campbell, E, Chestek, Jarvis, Nicholas, Posey, Provenza, Sherwood, Yin

Excused: Representative(s) Lucas, Storer

Ayes 51 Nays 9 Excused 2 Absent 0 Conflicts 0

3/4/2025 S Received for Concurrence

3/4/2025 S Concur:Passed 26-5-0-0-0

ROLL CALL

Ayes: Senator(s) Barlow, Biteman, Boner, Brennan, Cooper, Crago, Crum, Dockstader, Driskill, French, Hicks, Hutchings, Ide, Jones, Kolb, Landen, Laursen, Mckeown, Nethercott, Olsen, Pappas, Pearson, Salazar, Schuler, Smith, Steinmetz

Nays: Senator(s) Anderson, Case, Gierau, Rothfuss, Scott

Ayes 26 Nays 5 Excused 0 Absent 0 Conflicts 0

3/4/2025 Assigned Number SEA No. 0092

3/4/2025 S President Signed SEA No. 0092

3/5/2025 H Speaker Signed SEA No. 0092

3/14/2025 Governor Vetoed SEA No. 0092