

HOUSE BILL NO. HB0151

Ultrasound requirement for abortions.

Sponsored by: Representative(s) Brechtel, Anderson, R., Davison, Edmonds, Harshman, Jaggi, Semlek and Teeters and Senator(s) Dockstader and Geis

A BILL

for

1 AN ACT relating to public health and safety; requiring
2 physicians to perform ultrasound examinations prior to
3 obtaining a pregnant woman's consent to an abortion;
4 providing exceptions; providing penalties; providing for a
5 civil remedy and injunctive relief; providing for physician
6 license suspension or revocation; providing definitions;
7 and providing for an effective date.

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

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11 **Section 1.** W.S. 35-6-119 is created to read:

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13 **35-6-119. Informed consent; ultrasound required;**
14 **definitions.**

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1 (a) Any physician, prior to asking for or receiving a
2 pregnant woman's informed consent to any part of an
3 abortion procedure, shall:

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5 (i) Perform an obstetric ultrasound examination
6 on the woman;

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8 (ii) Provide an explanation of the results of
9 the ultrasound examination to the woman;

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11 (iii) Display the ultrasound images of the
12 examination in a way that the pregnant woman may view them;
13 and

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15 (iv) Provide a medical description of the
16 ultrasound images, which shall include the dimensions of
17 the embryo or fetus and the presence of external members
18 and internal organs, if present and viewable.

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20 (b) Nothing in this section shall be construed to
21 prevent a woman from averting her eyes from the ultrasound
22 images required to be provided by subsection (a) of this
23 section. Neither the physician nor the pregnant woman

1 shall be subject to any penalty if she refuses to view the
2 ultrasound images.

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4 (c) The requirements of subsection (a) of this
5 section shall not apply to any physician or facility in the
6 case of a medical emergency involving the pregnant woman.
7 Upon a determination by a physician that a medical
8 emergency exists, the physician shall certify in the
9 woman's medical records the specific medical condition or
10 conditions that constitute the emergency. For purpose of
11 this subsection:

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13 (i) "Medical emergency" means a condition which,
14 in the reasonable medical judgment of the abortion
15 provider, so complicates the medical condition of the
16 pregnant woman that a delay in commencing an abortion
17 procedure would impose a serious risk of grave and
18 irreversible damage to the woman's physical health which
19 involves substantial impairment of a major bodily function;

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21 (ii) "Reasonable medical judgment" means a
22 medical judgment that would be made by a reasonably prudent
23 physician, knowledgeable about the case and treatment

1 possibilities with respect to the medical conditions
2 involved.

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4 (d) Any physician who knowingly violates any
5 provision of this section shall be liable for damages as
6 provided in this section and may be enjoined from such acts
7 in accordance with this section in an appropriate court.

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9 (e) A cause of action for injunctive relief against
10 any physician who has knowingly violated this section may
11 be maintained by:

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13 (i) The woman upon whom an abortion was
14 performed or attempted to be performed;

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16 (ii) Any person who is the spouse, parent,
17 sibling, guardian or current or former licensed health care
18 provider of the woman upon whom an abortion was performed
19 or attempted to be performed;

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21 (iii) Any district or county attorney in the
22 county in which a violation of this section occurred;

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24 (iv) The attorney general or his designee.

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2 (f) Any physician who performed an abortion in
3 violation of this section shall be considered to have
4 engaged in unprofessional conduct for purposes of license
5 suspension or revocation under the Medical Practice Act.

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7 **Section 2.** This act is effective July 1, 2009.

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(END)