

SENATE FILE NO. SF0088

Woman's right to reproductive safety and information.

Sponsored by: Senator(s) Nutting, Barnard and Meier and  
Representative(s) Hutchings, Jaggi, Reeder  
and Watt

A BILL

for

1 AN ACT relating to public health and safety; requiring  
2 physicians to obtain a signed acknowledgment as specified  
3 when obtaining a pregnant woman's consent to an abortion;  
4 requiring the disclosure of information; requiring the  
5 retention of records; providing exceptions; providing  
6 definitions; and providing for an effective date.

7

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

9

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

11

12 **35-6-119. Abortion; informed consent; ultrasound.**

13

14 (a) No abortion shall be performed or induced without  
15 the voluntary and informed consent of the woman upon whom  
16 the abortion is to be performed or induced. Except in the

1 case of a medical emergency, consent to an abortion is  
2 voluntary and informed only if:

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4 (i) No less than twenty-four (24) hours prior to  
5 an abortion being performed, the physician who is to  
6 perform the abortion on the pregnant woman, or the  
7 referring physician or qualified person assisting the  
8 physician, has informed the woman, orally and in person, of  
9 the following:

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11 (A) The name of the physician who will  
12 perform the abortion;

13

14 (B) The abortion method to be used;

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16 (C) The medications that will be  
17 administered and the potential side effects of the  
18 medications;

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20 (D) The immediate and long-term medical  
21 risks associated with the proposed abortion method  
22 including the risks of infection, hemorrhage, cervical or  
23 uterine perforation, danger to subsequent pregnancies, the

1 increased risk of breast cancer and the death of the unborn  
2 fetus;

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4 (E) Alternatives to abortion;

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6 (F) Ultrasonic evidence of the probable  
7 gestational age and viability of the unborn fetus with a  
8 description of any anatomic and physiologic characteristics  
9 of the unborn fetus. The pregnant woman shall be offered  
10 the opportunity to view the ultrasound image and hear any  
11 audible heartbeat of the unborn child;

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13 (G) Necessary follow-up care including  
14 information on how to recognize common post-abortion  
15 complications;

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17 (H) Common medical risks associated with  
18 carrying the unborn child to full term;

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20 (J) Any need for anti-Rh immune globulin  
21 therapy if the pregnant woman is Rh negative;

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23 (K) Any other information commonly provided  
24 for informed consent prior to medical procedures.

1

2           (ii) Prior to the performance of the abortion,  
3 the woman signs a certification stating that the woman  
4 received the notices and information required by paragraph  
5 (i) of this subsection and was given the opportunity to  
6 view the ultrasound of the unborn fetus and to listen to  
7 the heartbeat of the fetus, if audible.

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9           (b) The ultrasound required by subparagraph (a)(i)(F)  
10 of this section may be obtained at any facility of the  
11 pregnant woman's choice. The ultrasound image shall be of  
12 a quality consistent with standard medical practice in the  
13 community, shall contain the dimensions of the fetus and  
14 shall accurately portray the presence of external members  
15 and internal organs, if present or viewable, of the fetus.  
16 If the pregnant woman obtains the ultrasound at a location  
17 other than where the abortion will be performed, the  
18 physician performing the abortion may accept a written  
19 verification from the facility that performed the  
20 ultrasound stating that the ultrasound was completed and  
21 that the pregnant woman was given the opportunity to review  
22 the ultrasound and hear any audible heartbeat.

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1           (c) The pregnant woman shall be provided a list of  
2 healthcare providers, facilities and clinics that offer to  
3 perform ultrasounds free of charge. The list shall be  
4 compiled by the department of health and arranged  
5 geographically and shall include the name, address, hours  
6 of operation and telephone number of each listed entity.

7

8           (d) Before the abortion is performed, the physician  
9 who is to perform the abortion shall receive a copy of the  
10 written certification prescribed by paragraph (a)(ii) of  
11 this section and the verification, if any, prescribed by  
12 subsection (b) of this section. The physician shall retain  
13 a copy of these documents in the woman's medical record.

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15           (e) The procedures specified in this section shall  
16 not apply to any physician or facility in the case of a  
17 medical emergency involving the pregnant woman. Upon a  
18 determination by a physician that a medical emergency  
19 exists, the physician shall certify in the woman's medical  
20 records the specific medical condition or conditions that  
21 constitute the emergency.

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1           **Section 2.** W.S. 35-6-101(a) by creating new  
2 paragraphs (xii) through (xiv) and by amending and  
3 renumbering (xii) as (xv) is amended to read:

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5           **35-6-101. Definitions.**

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

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10           (xii) "Medical emergency" means a condition  
11 which, in the reasonable medical judgment of the abortion  
12 provider, so complicates the medical condition of the  
13 pregnant woman as to necessitate the immediate termination  
14 of the pregnancy to avert her death, or for which a delay  
15 in commencing an abortion procedure would create a serious  
16 risk of substantial and irreversible impairment of a major  
17 bodily function;

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19           (xiii) "Qualified person" means an agent of the  
20 physician who is a psychologist, licensed social worker,  
21 licensed professional counselor, registered nurse or  
22 physician;

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