

HOUSE BILL NO. HB0161

Human life equality-prohibiting discriminatory abortions.

Sponsored by: Representative(s) Romero-Martinez, Bear,
Gray, Jennings and Rodriguez-Williams and
Senator(s) Hutchings and Steinmetz

A BILL

for

1 AN ACT relating to abortions; prohibiting abortions based
2 on selective reasons and disabilities as specified;
3 providing definitions; providing a criminal penalty and
4 disciplinary sanctions for violations; imposing civil
5 liability as specified; making conforming amendments;
6 requiring rulemaking; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 35-6-120 is created to read:

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12 **35-6-120. Abortions based on disability or other**
13 **selective reasons prohibited; penalties.**

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1 (a) No person shall intentionally perform, attempt to
2 perform or cause to be performed an abortion if the person
3 knows that the abortion is being sought solely because:

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5 (i) The unborn child, human fetus or human
6 embryo has been diagnosed with a disability or has a
7 potential diagnosis of a disability; or

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9 (ii) Of the unborn child's, human fetus's or
10 human embryo's:

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12 (A) Sex;

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14 (B) Race;

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16 (C) Color;

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18 (D) National origin; or

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20 (E) Ancestry.

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22 (b) A person who violates subsection (a) of this
23 section shall be:

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2 (i) Guilty of a felony punishable by
3 imprisonment for not more than fourteen (14) years;

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5 (ii) Subject to civil liability for wrongful
6 death.

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8 (c) Any health care provider licensed under title 33
9 of the Wyoming statutes who performs an abortion in
10 violation of this section shall be subject to discipline
11 under W.S. 33-1-118(c) and the applicable provisions of
12 title 33 of the Wyoming statutes.

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14 **Section 2.** W.S. 33-1-118 by creating a new subsection
15 (c) and 35-6-101(a) by creating new paragraphs (xii) and
16 (xiii) and by amending and renumbering (xii) as (xiv) are
17 amended to read:

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19 **33-1-118. Health care licensing boards; authority to**
20 **discipline licensees for sexual misconduct and prohibited**
21 **abortions for specified reasons.**

22

1 (c) A board that licenses health care providers may
2 refuse to issue or renew, or may suspend or revoke the
3 license, certificate or temporary permit of any licensee or
4 certificate holder, or otherwise discipline a licensee or
5 certificate holder, upon clear and convincing evidence that
6 the licensee or certificate holder has performed an
7 abortion prohibited under W.S. 35-6-120.

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9 **35-6-101. Definitions.**

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11 (a) As used in the act, unless the context otherwise
12 requires:

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14 (xii) "Disability" means any disease, defect or
15 disorder that could substantially limit one (1) or more
16 major life activity including a physical disability, mental
17 disability, intellectual disability, physical
18 disfigurement, scoliosis, dwarfism, down syndrome,
19 albinism, amelia, meromelia or a physical or mental
20 disease. "Disability" shall not include a lethal fetal
21 anomaly;

22

1 (xiii) "Lethal fetal anomaly" means a fetal
2 condition diagnosed before birth that, if the pregnancy
3 results in a live birth, will with reasonable certainty
4 result in the death of the child not more than three (3)
5 months after the child's birth;

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7 ~~(xii)~~(xiv) "This act" means W.S. 35-6-101
8 through ~~35-6-119~~35-6-120.

9
10 **Section 3.**

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12 (a) Before July 1, 2021, each licensing board with the
13 authority to license, supervise and discipline health care
14 providers shall review existing rules and promulgate any
15 new rules or amend existing rules to ensure compliance with
16 the provisions of this act.

17
18 (b) As used in this section, "health care provider"
19 means an individual who is licensed, certified or otherwise
20 authorized or permitted by the laws of this state to
21 provide care, treatment, services or procedures to
22 maintain, diagnose or otherwise treat a patient's physical
23 or mental condition.

1

2 **Section 4.**

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4 (a) Except as provided by subsection (b) of this
5 section, this act is effective July 1, 2021.

6

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

11

12

(END)