

## HOUSE BILL NO. HB0092

Abortion prohibition-supreme court decision.

Sponsored by: Representative(s) Rodriguez-Williams, Bear, Flitner, Gray, Haroldson, Jennings, Neiman and Styvar and Senator(s) Biteman, Boner, French, Hicks, Hutchings and Salazar

A BILL

for

1 AN ACT relating to abortion; limiting the circumstances  
2 under which an abortion may be performed; limiting the use  
3 of appropriated funds; providing a delayed effective date  
4 pending certification by the attorney general of actions of  
5 the United States supreme court; requiring reports; and  
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-6-102 and 35-6-117 are amended to  
11 read:

12

13 **35-6-102. Abortion restrictions; exception.**

14

1       (a) An abortion shall not be performed after the  
2 embryo or fetus has reached viability except when necessary  
3 to preserve the woman from an imminent peril that  
4 substantially endangers her life or health, according to  
5 appropriate medical judgment. This subsection is repealed  
6 on the date that subsection (b) of this section becomes  
7 effective.

8  
9       (b) An abortion shall not be performed except when  
10 necessary to preserve the woman from a serious risk of  
11 death or of substantial and irreversible physical  
12 impairment of a major bodily function, not including any  
13 psychological or emotional conditions. This subsection  
14 shall be effective five (5) days after the date that the  
15 attorney general certifies to the secretary of state that  
16 the supreme court of the United States has overruled Roe v.  
17 Wade, 410 U.S. 113 (1973) in a manner that would authorize  
18 the enforcement of this subsection or has otherwise issued  
19 a final decision related to abortion that would authorize  
20 the enforcement of this subsection in accordance with that  
21 decision and without violating any conditions, rights or  
22 restrictions recognized by the supreme court.

23

1       (c) For purposes of subsection (b) of this section  
2 the attorney general shall review any final decisions of  
3 the supreme court of the United States related to Roe v.  
4 Wade, 410 U.S. 113 (1973) or otherwise related to abortion  
5 to determine whether the enforcement of subsection (b) of  
6 this section would be fully authorized under that decision.  
7 The attorney general shall, within thirty (30) days of the  
8 date of the final decision of the supreme court, report the  
9 results of each review under this subsection to the joint  
10 judiciary interim committee and, if applicable, certify the  
11 results of the review to the office of the secretary of  
12 state.

13

14       **35-6-117. Use of appropriated funds for abortion**  
15 **prohibited; exceptions.**

16

17       (a) No funds appropriated by the legislature of the  
18 state of Wyoming shall be used to pay for abortions except  
19 when the pregnancy is the result of incest as defined by  
20 W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301  
21 if the assault is reported to a law enforcement agency  
22 within five (5) days after the assault or within five (5)  
23 days after the time the victim is capable of reporting the

1 assault, or when the life of the mother would be endangered  
2 if the unborn child was carried to full term. This  
3 subsection is repealed on the date that subsection (b) of  
4 this section becomes effective.

5  
6 (b) No funds appropriated by the legislature of the  
7 state of Wyoming shall be used to pay for abortions except  
8 when necessary to preserve the woman from a serious risk of  
9 death or of substantial and irreversible physical  
10 impairment of a major bodily function, not including any  
11 psychological or emotional conditions. This subsection is  
12 effective on the same date that W.S. 35-6-102(b) is  
13 effective.

14

15 **Section 2.**

16

17 (a) After receiving certification from the attorney  
18 general that W.S. 35-6-102(b) is effective as provided in  
19 that subsection, the secretary of state shall report that  
20 fact to the management council of the legislature, the  
21 joint judiciary interim committee and the Wyoming state  
22 board of medicine and shall immediately publish the  
23 effective date of W.S. 35-6-102(b) and 35-6-117(b) on the

1 website of the secretary of state's office, which effective  
2 date shall be five (5) days after the date that the  
3 secretary of state received the certification. The  
4 publication under this section shall also provide that W.S.  
5 35-6-102(a) and 35-6-117(a) are repealed on that date.

6

7 (b) After receiving a report under subsection (a) of  
8 this section, the joint judiciary interim committee shall  
9 review the provisions of title 35, chapter 6 of the Wyoming  
10 statutes to determine if any additional revisions to the  
11 statutes are advisable and to develop any necessary  
12 legislation.

13

14 **Section 3.** This act is effective immediately upon  
15 completion of all acts necessary for a bill to become law  
16 as provided by Article 4, Section 8 of the Wyoming  
17 Constitution.

18

19 (END)