

HOUSE BILL NO. HB0149

Human life equality-prohibiting discriminatory abortions.

Sponsored by: Representative(s) Romero-Martinez, Andrew, Baker, Barlow, Bear, Eklund, Flitner, Fortner, Gray, Harshman, Jennings, Knapp, Rodriguez-Williams and Wilson and Senator(s) Salazar

A BILL

for

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

11

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

14

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:

4

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

8

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

11

12 (A) Sex;

13

14 (B) Race;

15

16 (C) Color;

17

18 (D) National origin; or

19

20 (E) Ancestry.

21

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

1

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

4

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

7

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.

13

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:

18

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

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 may otherwise discipline a licensee
5 or certificate holder, upon clear and convincing evidence
6 that the licensee or certificate holder has performed an
7 abortion prohibited under W.S. 35-6-120.

8
9 **35-6-101. Definitions.**

10
11 (a) As used in the act, unless the context otherwise
12 requires:

13
14 (xii) "Disability" means any disease, defect or
15 disorder that could substantially limit one (1) or more
16 major life activities including but not limited to a
17 physical, mental or intellectual disability, disorder or
18 disease, physical disfigurement, scoliosis, dwarfism, down
19 syndrome, albinism, amelia, meromelia or a lethal fetal
20 anomaly;

21
22 (xiii) "Lethal fetal anomaly" means a fetal
23 condition diagnosed before birth that, if the pregnancy

1 results in a live birth, will with reasonable certainty
2 result in the death of the child not more than three (3)
3 months after the child's birth;

4
5 ~~(xii)~~(xiv) "This act" means W.S. 35-6-101
6 through ~~35-6-119~~35-6-120.

7
8 **Section 3.**

9
10 (a) Before July 1, 2022, each licensing board with
11 the authority to license, supervise and discipline health
12 care providers shall review existing rules and promulgate
13 any new rules or amend existing rules to ensure compliance
14 with the provisions of this act.

15
16 (b) As used in this section, "health care provider"
17 means a person who is licensed, certified or otherwise
18 authorized or permitted by the laws of this state to
19 provide care, treatment, services or procedures to
20 maintain, diagnose or otherwise treat a patient's physical
21 or mental condition.

22

1 **Section 4.**

2

3 (a) Except as provided by subsection (b) of this
4 section, this act is effective July 1, 2022.

5

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

10

11

(END)