

## HOUSE BILL NO. HB0239

Reproductive Freedom Act.

Sponsored by: Representative(s) Yin, Chestek, Posey,  
Provenza, Sherwood and Storer and Senator(s)  
Gierau and Rothfuss

A BILL

for

1 AN ACT relating to abortion; creating the Reproductive  
2 Freedom Act; specifying the public policy of the state  
3 concerning reproductive rights; prohibiting the state from  
4 denying or interfering with a person's right to have an  
5 abortion prior to viability of the fetus or to protect the  
6 person's life or health; prohibiting unauthorized  
7 abortions; specifying a penalty; providing definitions;  
8 repealing conflicting provisions; and providing for an  
9 effective date.

10

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

12

13 **Section 1.** W.S. 35-6-140 through 35-6-149 are created  
14 to read:

15

1           **35-6-140. Short title.**

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3 This act shall be known and may be cited as the  
4 "Reproductive Freedom Act."

5

6           **35-6-141. Public policy.**

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8           (a) It is the public policy of the state that:

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10                   (i) Every person has the right to freedom from  
11 governmental interference with respect to personal  
12 reproductive decisions;

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14                   (ii) Every person has the right to choose or  
15 refuse birth control;

16

17                   (iii) Every person has the right to choose or  
18 refuse to have an abortion, except as specifically limited  
19 by this act;

20

21                   (iv) The state shall not deny or interfere with  
22 a person's right to choose or refuse to have an abortion,  
23 except as specifically permitted by this act;

1

2 (v) The state shall not discriminate against the  
3 exercise of these rights in the regulation or provision of  
4 benefits, facilities, services or information.

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6 **35-6-142. Definitions.**

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8 (a) As used in this act:

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10 (i) "Abortion" means any medical treatment,  
11 medication or procedure intended to induce the termination  
12 of a pregnancy except for the purpose of producing a live  
13 birth;

14

15 (ii) "Advanced practice registered nurse" means  
16 as defined by W.S. 33-21-120(a)(i);

17

18 (iii) "Health care provider" means a person who  
19 is licensed, certified or otherwise authorized or permitted  
20 by the laws of this state to administer health care in the  
21 ordinary course of business or practice of a profession;

22

1           (iv) "Physician" means a person licensed to  
2 practice medicine as a physician under the Medical Practice  
3 Act;

4

5           (v) "Physician assistant" means a person  
6 licensed to practice medicine as a physician assistant  
7 under the Medical Practice Act;

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9           (vi) "Pregnancy" means the reproductive process  
10 beginning with the implantation of an embryo;

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12           (vii) "Private medical facility" means any  
13 medical facility that is not owned or operated by the  
14 state;

15

16           (viii) "State" means the state of Wyoming and  
17 any authority, board, commission, department, division or  
18 separate operating agency of the executive, legislative or  
19 judicial branch of the state of Wyoming, including its  
20 political subdivisions;

21

22           (ix) "Viability" means the point in the  
23 pregnancy when, in the judgment of the physician, physician

1 assistant, advanced practice registered nurse or other  
2 health care provider acting within the provider's scope of  
3 practice on the particular facts of the case, there is a  
4 significant likelihood of the fetus's sustained survival  
5 outside the uterus without the application of extraordinary  
6 medical measures;

7

8 (x) "This act" means W.S. 35-6-140 through  
9 35-6-149.

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11 **35-6-143. Right to have and provide an abortion.**

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13 (a) The state shall not deny or interfere with a  
14 person's right to have an abortion:

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16 (i) Prior to viability of the fetus; or

17

18 (ii) To protect the pregnant woman's life or  
19 health.

20

21 (b) A physician, physician assistant, advanced  
22 practice registered nurse or other health care provider

1 acting within the provider's scope of practice may  
2 terminate a pregnancy as permitted by this act.

3

4 (c) A health care provider may assist a physician,  
5 physician assistant, advanced practice registered nurse or  
6 other health care provider acting within the health care  
7 provider's scope of practice in terminating a pregnancy as  
8 permitted by law.

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10 **35-6-144. Unauthorized abortions; penalty.**

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12 (a) Any person who provides medical treatment,  
13 provides medication or performs a procedure intended to  
14 induce the termination of a pregnancy not authorized by  
15 this act shall be guilty of a misdemeanor punishable by  
16 imprisonment for not more than one (1) year, a fine not to  
17 exceed five thousand dollars (\$5,000.00), or both.

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19 (b) Except as provided in subsection (a) of this  
20 section, the state shall not penalize, prosecute or  
21 otherwise take adverse action against a person for aiding  
22 or assisting a person seeking an abortion in exercising the  
23 person's right to have an abortion under this act.

1

2 (c) Nothing in this act shall be construed to subject  
3 a person upon whom any abortion is performed or attempted  
4 to any criminal penalty under this act.

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6 **35-6-145. Defense to prosecution.**

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8 The good faith judgment of a physician, physician  
9 assistant, advanced practice registered nurse or other  
10 health care provider acting within the provider's scope of  
11 practice as to viability of the fetus or as to the risk to  
12 the life or health of a person seeking an abortion shall be  
13 a complete defense in any civil or criminal proceeding for  
14 a violation of this act.

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16 **35-6-146. State regulation.**

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18 (a) Any regulation promulgated by the state relating  
19 to abortion shall be valid only if the regulation is:

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21 (i) Medically necessary to protect the life or  
22 health of the person seeking an abortion; and

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1           (ii) Consistent with established medical  
2 practice.

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4           **35-6-147. Refusing to participate in an abortion.**

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6           (a) No person or private medical facility shall be  
7 required by law or contract to participate in the attempt  
8 to perform or performance of an abortion if the person or  
9 private medical facility objects to participating in the  
10 attempt to perform or performance of an abortion.

11

12           (b) No person shall be discriminated against in  
13 employment or professional privileges because of the  
14 person's participation or refusal to participate in the  
15 attempt to perform or performance of an abortion.

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17           **35-6-148. State provided benefits.**

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19 If the state provides, directly or by contract, maternity  
20 care benefits, services or information through any program  
21 administered or funded in whole or in part by the state,  
22 the state shall also provide persons otherwise eligible for  
23 the program with substantially equivalent benefits,



1 services or information to permit them to voluntarily  
2 terminate their pregnancies.

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4 **35-6-149. Construction.**

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6 This act shall not be construed to define the state's  
7 interest in the fetus for any purpose other than those  
8 purposes expressly provided in this act.

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10 **Section 2.** W.S. 21-16-1801 and 35-6-120 through  
11 35-6-139 are repealed.

12

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

17

18 (END)