



March 3, 2025

The Honorable Chip Neiman
Speaker, Wyoming House of Representatives
State Capitol, 200 West 24th Street
Cheyenne, Wyoming 82002

Re: Veto of House Enrolled Act No. 35/House Bill 0064 - Chemical Abortions- Ultrasound Requirement

Dear Speaker Neiman,

There are significant elements within House Enrolled Act No. 35 surrounding Wyoming citizens' well-being that draw my attention, concern, and veto pen. My pro-life stance is well supported over the years, as I have signed into law protections for the lives of the unborn, including House Enrolled Act 57 - Abortion Prohibition in 2022 and Senate Enrolled Act 93 - Prohibiting Chemical Abortion in 2023. I have consistently maintained my strong position and record of protecting the wellbeing of women and newborns. Moreover, I have been clear that I believe in exceptions for rape, incest, or the life of the mother.

If this Act were to become law, it creates the prospect of an unnecessary, intimate, and invasive procedure (transvaginal ultrasound) which subjects women to an uncomfortable and potentially traumatic experience in what may already be a very overwhelming situation. I question whether this invasive ultrasound is absolutely necessary, fully informative, or can even be considered a reasonable requirement for this procedure regardless of the circumstances resulting in the pregnancy.

The Act's stated purpose is "the pregnant woman shall receive an ultrasound in order to provide the pregnant woman the opportunity to view the active ultrasound of the unborn baby and view the fetal heart motion or hear the heartbeat of the unborn baby if the heartbeat is audible." Additionally, "The ultrasound required under subsection (b) of this section shall be of a quality consistent with standard medical practice in the community." My understanding is that it is generally understood to be a transvaginal ultrasound.

Of particular concern, this Act does not account for the specific populations who may be more vulnerable to psychological effects related to the procedure. Intimate obstetric and gynecological examinations can be highly problematic for survivors of childhood sexual abuse, or victims whose pregnancy is caused by rape or incest, or a woman and her family who is forced to choose her health over that of the unborn. This Act requires that these populations of women who may be more likely to feel disempowered or feel guilt-induced duress to undergo a potentially retraumatizing experience. Forcing victims of rape to endure such an invasion a second time seems cruel. Moreover, related to sexual assault, the required ultrasound and 48-hour waiting period may put a woman at risk of delaying care and compromising the window for a procedure that is being pursued only because of an unwanted, unlawful, and traumatic experience (i.e.,

rape, incest). We should encourage women who have been sexually assaulted to report rape, not fear recrimination from the law.

We are all too familiar with the recent litigation of pro-life laws in Wyoming, and that the constitutionality of Life is a Human Right Act and Prohibiting Chemical Abortions law is currently pending before the Wyoming Supreme Court. Passing new abortion laws before the Supreme Court rules invites additional litigation. In truth, litigation has already begun. Regulation of Surgical Abortion, HEA No. 0026, which I signed last week, and this Act have already been challenged in the Natrona County District Court. For the record, the Plaintiff's premature filing against this law is a foolish strategy and has not influenced my decision over my disposition of this Act.

Abortion has been illegal in Wyoming since before statehood. Post *Roe v. Wade*, Wyoming now finds itself in the repetitive process of passing additional abortion laws before the Wyoming Supreme Court rules on whether the Wyoming Constitution contains a right to an abortion. This forces the State into an endless loop of litigation on this issue. The wiser course of action is to let the Wyoming Supreme Court rule so that everyone understands the boundaries and limitations, if there are any, within which we may craft lawful and appropriate abortion laws.

To be clear, I am pro-life. Life is precious and that applies to both mother and child. Every year we continue to lose unborn babies in Wyoming. Making it easier for mothers to have babies in Wyoming and supporting them afterwards is a far better course. Mandating this intimate, personally invasive, and often medically unnecessary procedure goes too far. Accordingly, I am vetoing this Act. If further laws are needed after the Wyoming Supreme Court rules, the Legislature can thoughtfully consider them at that time.

Sincerely,



Mark Gordon
Governor

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cc: The Honorable Bo Biteman, President of the Senate
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate
The Honorable Chuck Gray, Secretary of State