

HB0126H2001

1 Page 1-above line 1 In the catch title, delete "Human
2 heartbeat act." and insert "The viability
3 standard."
4

5 Page 1-lines 1 through 7 Delete entirely and insert:
6

7 "AN ACT relating to abortion; prohibiting the state from denying
8 or interfering with a person's right to have an abortion before
9 viability of the fetus or to protect the person's life or health;
10 prohibiting unauthorized abortions; specifying a penalty;
11 providing definitions; repealing a conflicting provision; and
12 providing for an effective date."
13

14 Page 1-line 11 Delete entirely.
15

16 Pages 2 through 8 Delete entirely and insert:
17

18 **"Section 1.** W.S. 35-6-140 through 35-6-147 are created to
19 read:
20

21 **35-6-140. Definitions.**
22

23 (a) As used in this act:
24

25 (i) "Abortion" means any medical treatment, medication
26 or procedure intended to induce the termination of a pregnancy,
27 except for the purpose of producing a live birth;
28

29 (ii) "Advanced practice registered nurse" means as
30 defined by W.S. 33-21-120(a)(i);
31

32 (iii) "Health care provider" means a person who is
33 licensed, certified or otherwise authorized or permitted by the
34 laws of this state to administer health care in the ordinary course
35 of business or practice of a profession;
36

37 (iv) "Physician" means a person licensed to practice
38 medicine as a physician under the Medical Practice Act;
39

40 (v) "Physician assistant" means a person licensed to
41 practice medicine as a physician assistant under the Medical
42 Practice Act;
43

1 (vi) "Pregnancy" means the reproductive process
2 beginning with the implantation of an embryo in a uterus;

3
4 (vii) "Private medical facility" means any medical
5 facility that is not owned or operated by the state;

6
7 (viii) "State" means the state of Wyoming and any
8 authority, board, commission, department, division or separate
9 operating agency of the executive, legislative or judicial branch
10 of the state of Wyoming, including its political subdivisions and
11 instrumentalities;

12
13 (ix) "Viability" means the point in the pregnancy when,
14 in the judgment of the physician, physician assistant, advanced
15 practice registered nurse or other health care provider acting
16 within the provider's scope of practice on the particular facts of
17 the case before the physician, physician assistant, advanced
18 practice registered nurse or other health care provider acting
19 within the health care provider's scope of practice, there is a
20 significant likelihood of the fetus's sustained survival outside
21 the uterus without the application of extraordinary medical
22 measures;

23
24 (x) "This act" means W.S. 35-6-140 through 35-6-147.

25
26 **35-6-141. Right to have and provide an abortion.**

27
28 (a) The state shall not deny or interfere with a person's
29 right to have an abortion:

30
31 (i) Prior to the viability of the fetus; or

32
33 (ii) To protect the person's life or health.

34
35 (b) A physician, physician assistant, advanced practice
36 registered nurse or other health care provider acting within the
37 provider's scope of practice may terminate a pregnancy as permitted
38 by this act.

39
40 (c) A health care provider may assist a physician, physician
41 assistant, advanced practice registered nurse or other health care
42 provider acting within the health care provider's scope of practice
43 in terminating a pregnancy as permitted by this act.

44
45 **35-6-142. Unauthorized abortions; penalty.**

1 (a) Unless otherwise authorized by this act, any person who
2 provides medical treatment, provides medication or performs a
3 procedure intended to induce the termination of a pregnancy shall
4 be guilty of a misdemeanor punishable by a fine not to exceed five
5 thousand dollars (\$5,000.00).
6

7 (b) Except as provided in subsection (a) of this section,
8 the state shall not penalize, prosecute or otherwise take adverse
9 action against a person for aiding or assisting a person seeking
10 an abortion in exercising the person's right to have an abortion
11 under this act.
12

13 (c) Nothing in this act shall be construed to subject a
14 person upon whom any abortion is performed or attempted to any
15 criminal penalty under this act.
16

17 **35-6-143. Defense to prosecution.**
18

19 The good faith judgment of a physician, physician assistant,
20 advanced practice registered nurse or other health care provider
21 acting within the provider's scope of practice as to the viability
22 of the fetus or as to the risk to the life or health of a person
23 seeking an abortion shall be a complete defense in any proceeding
24 for a violation of this act.
25

26 **35-6-144. State regulation.**
27

28 (a) Any regulation promulgated by the state relating to
29 abortion shall be valid only if:
30

31 (i) The regulation is medically necessary to protect
32 the life or health of the person seeking an abortion;
33

34 (ii) The regulation is consistent with established
35 medical practice; and
36

37 (iii) Of the available alternatives, the regulation
38 imposes the least restrictions on the person's right to have an
39 abortion under this act.
40

41 **35-6-145. Refusing to participate in an abortion.**
42

43 (a) No person or private medical facility shall be required
44 by law or contract to participate in the performance or procurement
45 of an abortion if the person or private medical facility objects
46 to participating in the performance of an abortion.
47

1 (b) No person shall be discriminated against in employment
2 or professional privileges because of the person's participation
3 or refusal to participate in the performance or procurement of an
4 abortion.

5
6 **35-6-146. State provided benefits.**

7
8 If the state provides, directly or by contract, maternity care
9 benefits, services or information through any program administered
10 or funded in whole or in part by the state, the state shall also
11 provide persons otherwise eligible for the program with
12 substantially equivalent benefits, services or information to
13 permit them to voluntarily terminate their pregnancies.

14
15 **35-6-147. Construction.**

16
17 This act shall not be construed to define the state's interest in
18 the fetus for any purpose other than the specific provisions of
19 this act.

20
21 **Section 2.** W.S. 21-16-1801 is repealed."

22
23 Page 9-line 1 Delete "**Section 4**" and insert "**Section 3**". YIN,
24 PROVENZA, SHERWOOD, STORER