

1 Page 2-lines 12 through 23 Delete entirely and renumber as
2 necessary.
3

4 Page 3-lines 2 through 5 Delete entirely and insert:
5

6 "(ii) Article 1, section 2 of the Wyoming constitution
7 recognizes that all members of the human race have an equal right
8 to life. Unborn children are members of the human race. The general
9 welfare of the state of Wyoming and its people necessary includes
10 the preservation of life. In State v. Johnson, 2026 WY 1, the
11 Wyoming supreme court acknowledged that the state has an interest
12 "in protecting the life that an abortion would end." The
13 legislature finds that a right to life is the most fundamental of
14 all rights, and the state has a compelling interest in protecting
15 that life;
16

17 (iii) Protecting the general welfare of the state of
18 Wyoming and its people necessarily includes the obligation of the
19 state to act in parens patriae, protecting those who cannot protect
20 themselves. The state has a compelling interest in protecting the
21 life of unborn members of the human race who cannot protect
22 themselves;
23

24 (iv) Protecting the general welfare of the state of
25 Wyoming and its people necessarily includes the obligation to
26 support and encourage childbirth as an essential element in the
27 future stability of our societal and economic structures. The state
28 asserts a compelling interest in providing for the state's future
29 population and societal and economic security by promoting
30 childbirth;
31

32 (v) Medical evidence shows a fetal heartbeat is a key
33 indicator that an unborn child is alive and will reach live birth.
34 The state has a compelling interest, beginning at least at the
35 time a fetal heartbeat is detected, in protecting the life of the
36 unborn child."
37

38 Page 8-after line 20 Insert and renumber as necessary:
39

40 "**Section 4.** W.S. 35-6-501 through 35-6-510 are created to
41 read:
42

43 ARTICLE 5
44 ABORTION REGULATIONS AND RESTRICTIONS

1
2 **35-6-501. Definitions.**
3

4 (a) As used in this article, unless the context otherwise
5 requires:

6
7 (i) "Abortion" means an act, procedure, device or
8 prescription administered to or prescribed for a pregnant woman by
9 any person with knowledge of the pregnancy, including the pregnant
10 woman herself, with the intent of producing the premature
11 expulsion, removal or termination of a human embryo or fetus,
12 except that in cases in which the viability of the embryo or fetus
13 is threatened by continuation of the pregnancy, early delivery
14 after viability by commonly accepted obstetrical practices shall
15 not be construed as an abortion;
16

17 (ii) "Accepted medical procedures" means procedures of
18 the type and performed in a manner and in a facility that is
19 equipped with surgical, anesthetic, resuscitation and laboratory
20 equipment sufficient to meet the standards of medical care that
21 physicians engaged in the same or similar lines of work in the
22 community would ordinarily exercise and devote to the benefit of
23 their patients;
24

25 (iii) "Conception" means the fecundation of the ovum by
26 the spermatozoa;
27

28 (iv) "Hospital" means those institutions licensed by
29 the state department of health as hospitals;
30

31 (v) "Minor" means a pregnant woman under the age of
32 eighteen (18), but does not include any woman who:
33

34 (A) Is legally married;

35
36 (B) Has received a declaration of emancipation
37 under W.S. 14-1-203;
38

39 (C) Is in active military service; or
40

41 (D) Has lived apart from her parents or guardian,
42 has been financially independent and has managed her own affairs
43 for at least six (6) months prior to a proposed abortion.
44

45 (vi) "Parents" means both parents of a minor if they
46 are both living, or one (1) parent of the minor if only one (1)
47 parent of the minor is living or if the second parent does not

1 have custody of the minor or cannot be located through a reasonably
2 diligent effort;

3
4 (vii) "Physician" means any person licensed to practice
5 medicine in this state;

6
7 (viii) "Pregnant" means that condition of a woman who
8 has a human embryo or fetus within her as the result of conception;

9
10 (ix) "Viability" means that state of human development
11 when the embryo or fetus is able to live by natural or
12 life-supportive systems outside the womb of the mother, according
13 to appropriate medical judgment;

14
15 (x) "Woman" means any female person.

16
17 (b) The singular, where used in this article, includes the
18 plural, the plural includes the singular and the masculine gender
19 includes the feminine or neuter genders, when consistent with the
20 intent of this article and when necessary to effectuate its
21 purpose.

22
23 **35-6-502. No abortion after viability; exception.**

24
25 An abortion shall not be performed after the embryo or fetus has
26 reached viability, except when necessary to preserve the woman
27 from an imminent peril that substantially endangers her life or
28 health, according to appropriate medical judgment.

29
30 **35-6-503. Viability not affected by abortion.**

31
32 A physician who performs an abortion procedure employed pursuant
33 to W.S. 35-6-502 shall not intentionally terminate the viability
34 of the unborn infant prior to, during or following the
35 procedure.

36
37 **35-6-504. Means of treatment for viable abortion.**

38
39 The commonly accepted means of care that would be rendered to
40 any other infant born alive shall be employed in the treatment
41 of any viable infant who survives an abortion or attempted
42 abortion. Any physician performing an abortion shall take
43 medically appropriate and reasonable steps to preserve the life
44 and health of an infant born alive.

45
46 **35-6-505. Penalty for violation of W.S. 35-6-502, 35-6-503**
47 **or 35-6-504.**

1
2 Any physician or other person who violates any provision of W.S.
3 35-6-502, 35-6-503 or 35-6-504 is guilty of a felony punishable
4 by imprisonment in the penitentiary for not more than fourteen
5 (14) years.

6
7 **35-6-506. Penalty for a person other than a physician to**
8 **perform abortion.**

9
10 Any person other than a licensed physician who performs an
11 abortion is guilty of a felony punishable by imprisonment in the
12 penitentiary for not less than one (1) year and not more than
13 fourteen (14) years.

14
15 **35-6-507. Procedure governing abortion performed upon minor.**

16
17 (a) An abortion shall not be performed upon a minor unless
18 at least one (1) of the minor's parents or her guardian are
19 notified in writing at least forty-eight (48) hours before the
20 abortion, and the attending physician has obtained the written
21 consent of the minor and at least one (1) parent or guardian of
22 the minor, unless:

23
24 (i) The minor, in a closed hearing, is granted the right
25 to self-consent to an abortion by court order pursuant to
26 subparagraph (b)(v)(B) of this section and the attending physician
27 receives a certified copy of the court order and the written
28 consent of the minor; or

29
30 (ii) The abortion is authorized by court order pursuant
31 to subparagraph (b)(v)(C) of this section and the attending
32 physician receives a certified copy of the court order.

33
34 (b) A juvenile court of competent jurisdiction may grant the
35 right of a minor to self-consent to an abortion or may authorize
36 an abortion upon a minor, in accordance with the following
37 procedure:

38
39 (i) The minor shall apply to the juvenile court for
40 assistance, either in person or through an adult of the minor's
41 choice. The court shall assist the minor in preparing the petition
42 and notices required under this section;

43
44 (ii) Notwithstanding W.S. 14-6-212, the minor or an
45 adult of the minor's choice shall file a petition with the court,
46 signed by the minor and setting forth:

1 (A) The initials of the minor and the minor's date
2 of birth;

3
4 (B) The names and addresses, if known, of the
5 minor's parents, guardian, custodian or, if the minor's parents
6 are deceased and a guardian or custodian has not been appointed,
7 any other person standing in loco parentis of the minor;

8
9 (C) That the minor has been informed by her
10 treating physician of the risks and consequences of an abortion;

11
12 (D) That the minor is mature and wishes to have an
13 abortion; and

14
15 (E) Facts indicating why an abortion is in the
16 best interest of the minor.

17
18 (iii) The court may appoint a guardian ad litem of the
19 minor and may appoint legal counsel for the minor;

20
21 (iv) Not later than five (5) days after the petition is
22 filed under paragraph (ii) of this subsection, a hearing on the
23 merits of the petition shall be held on the record. Any appointed
24 counsel shall be appointed and notified by the court at least
25 forty-eight (48) hours before the time set for the hearing. At the
26 hearing, the court shall hear evidence relating to:

27
28 (A) The maturity and understanding of the minor;

29
30 (B) The nature of the abortion, risks and
31 consequences of the abortion and alternatives to the abortion; and

32
33 (C) Whether an abortion is in the best interest of
34 the minor.

35
36 (v) In its order, which shall be issued not later than
37 twenty-four (24) hours from the conclusion of the hearing, the
38 court shall enter findings of fact and conclusions of law, order
39 the record of the hearing sealed and shall:

40
41 (A) Deny the petition, setting forth the grounds
42 on which the petition is denied;

43
44 (B) Grant the minor the right to self-consent to
45 the abortion, based upon a finding by clear and convincing evidence
46 that the minor is sufficiently mature and adequately informed to

1 make her own decision, in consultation with her physician,
2 independently of the wishes of her parent or guardian; or

3
4 (C) Authorize the abortion based upon a finding by
5 clear and convincing evidence that the abortion is in the best
6 interest of the minor.

7
8 (vi) Any order entered under paragraph (v) of this
9 subsection may be appealed to the supreme court in accordance with
10 the Wyoming Rules of Appellate Procedure. Notwithstanding W.S.
11 14-6-233, the supreme court shall, by rule, provide for expedited
12 appellate review of appeals under this paragraph.

13
14 (c) This section shall not apply in an emergency medical
15 situation when, to a reasonable degree of medical probability, the
16 attending physician determines that an abortion is necessary to
17 preserve the minor from an imminent peril that substantially
18 endangers her life, and so certifies in the minor's medical record.

19
20 (d) The written notifications required under this section
21 shall be delivered:

22
23 (i) Personally by the minor, attending physician or an
24 agent; or

25
26 (ii) By certified mail addressed to the parent at the
27 usual place of abode of the parent with return receipt requested
28 and restricted delivery to the addressee.

29
30 (e) No parent, guardian or spouse shall require a minor to
31 submit to an abortion against her wishes.

32
33 (f) Any physician or other person who knowingly performs an
34 abortion on a minor in violation of this section is guilty of a
35 misdemeanor punishable by a fine of not more than one thousand
36 dollars (\$1,000.00), imprisonment for not more than one (1) year,
37 or both.

38
39 **35-6-508. Information provided to patient; exceptions.**

40
41 (a) Except in a case of medical emergency, the physician
42 performing the abortion on the patient, the referring physician or
43 a person designated by either physician shall inform the patient
44 of the opportunity to view an active ultrasound of the unborn child
45 and hear the heartbeat of the unborn child if the heartbeat is
46 audible. The active ultrasound image and auscultation of the fetal

1 heart tone shall be of a quality consistent with standard medical
2 practice in the community.

3
4 (b) This section shall not apply to a procedure performed
5 with the intent to:

6
7 (i) Save the life of the patient;

8
9 (ii) Ameliorate a serious risk of causing the patient
10 substantial and irreversible impairment of a major bodily
11 function;

12
13 (iii) Preserve the health of the unborn child;

14
15 (iv) Remove a dead unborn child; or

16
17 (v) Remove an ectopic pregnancy.

18
19 **35-6-509. Applicability; intent.**

20
21 (a) It is the intent of the legislature that, subject to
22 W.S. 35-6-510:

23
24 (i) The abortion regulations that existed in Wyoming
25 before the United States supreme court's decision in Dobbs v.
26 Jackson Women's Health Organization, 597 U.S. 2015 (2022) be in
27 effect;

28
29 (ii) In light of the Wyoming supreme court's decision
30 in State v. Johnson, 2026 WY 1, the abortion regulations that
31 existed before the enactment of the Life is a Human Right Act be
32 in effect so that abortion in Wyoming is regulated as it was before
33 the United States Supreme Court's decision in Dobbs and the
34 enactment of the Life is a Human Right Act and any subsequent
35 enacted law regulating abortion in the state.

36
37 **35-6-510. Whether article is effective.**

38
39 (a) This article shall be effective only if a court has
40 enjoined the enforcement or applicability of W.S. 35-6-401 through
41 35-6-404 or has held that W.S. 35-6-401 through 35-6-404 violates
42 the Wyoming constitution or the United States constitution.

43
44 (b) The attorney general shall review the decisions of any
45 court that challenges W.S. 35-6-401 through 35-6-404 to determine
46 whether W.S. 35-6-401 through 35-6-404 are enforceable. If the
47 attorney general determines that W.S. 35-6-401 through 35-6-404

1 are not enforceable or cannot take effect, the attorney general
2 shall, within thirty (30) days of the date of the decision, report
3 that fact to the governor, the joint judiciary interim committee
4 and the governor, who may certify the effectiveness of this article
5 to the secretary of state.

6
7 (c) After receiving certification from the governor that this
8 article is effective, the secretary of state shall report that
9 fact to the management council of the legislature, the joint
10 judiciary interim committee and the Wyoming state board of medicine
11 and shall immediately publish the effective date of this article
12 on the website of the secretary of state, which effective date
13 shall be five (5) days after the secretary of state receives
14 certification under subsection (b) of this section.

15
16 (d) To the extent that W.S. 35-6-401 through 35-6-404 are
17 enjoined but later determined to be legal, constitutional or
18 enforceable after this article has taken effect, the provisions of
19 W.S. 35-6-401 through 35-6-404 shall control and take precedence
20 over this article.

21
22 **Section 5.** W.S. 5-8-102(a) by creating a new paragraph (vii)
23 is amended to read:

24
25 **5-8-102. Jurisdiction.**

26
27 (a) The juvenile court has general jurisdiction in all
28 matters and proceedings commenced therein or transferred to it by
29 order of the district court concerning:

30
31 (vii) Procedures governing abortions performed on
32 minors as provided under W.S. 35-6-507, subject to W.S 35-6-510.
33 For proceedings under this paragraph, "minor" shall mean as defined
34 in W.S. 35-6-501(a)(v).".

35
36 Page 9-line 1 Delete "**Section 4.**" and insert "**Section 6.**".
37 BRENNAN, CHAIRMAN