

SENATE  
WYOMING STATE LEGISLATURE

Message No. 269

CONCURRENCE REQUESTED

Mr. Speaker:

March 4, 2026

H.B. No. 0126 Human heartbeat act.

The House Bill listed above passed on third reading in an amended form as follows by the vote indicated.

**HB0126SS001/ADOPTED (TO ENGROSSED COPY)**

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

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

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

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

(iv) Protecting the general welfare of the state of Wyoming and its people necessarily includes the obligation to support and encourage childbirth as an essential element in the future stability of our societal and economic structures. The state asserts a compelling interest in providing for the state's

future population and societal and economic security by promoting childbirth;

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

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

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

ARTICLE 5  
ABORTION REGULATIONS AND RESTRICTIONS

**35-6-501. Definitions.**

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

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

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

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

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

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

(A) Is legally married;

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

(C) Is in active military service; or

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

(vi) "Parents" means both parents of a minor if they are both living, or one (1) parent of the minor if only one (1) parent of the minor is living or if the second parent does not have custody of the minor or cannot be located through a reasonably diligent effort;

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

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

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

(x) "Woman" means any female person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The maturity and understanding of the minor;

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

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

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

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

(B) Grant the minor the right to self-consent to the abortion, based upon a finding by clear and convincing evidence that the minor is sufficiently mature and adequately informed to make her own decision, in consultation with her physician, independently of the wishes of her parent or guardian; or

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

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

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

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

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

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

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

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

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

(a) Except in a case of medical emergency, the physician performing the abortion on the patient, the referring physician or a person designated by either physician shall inform the patient of the opportunity to view an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The active ultrasound image and auscultation of the fetal heart tone shall be of a quality consistent with standard medical practice in the community.

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

(i) Save the life of the patient;

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

(iii) Preserve the health of the unborn child;

(iv) Remove a dead unborn child; or

(v) Remove an ectopic pregnancy.

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

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

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

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

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

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

(b) The attorney general shall review the decisions of any court that challenges W.S. 35-6-401 through 35-6-404 to determine whether W.S. 35-6-401 through 35-6-404 are enforceable. If the attorney general determines that W.S. 35-6-401 through 35-6-404 are not enforceable or cannot take effect, the attorney general shall, within thirty (30) days of the date of the decision, report that fact to the governor, the joint judiciary interim committee and the governor, who may certify the effectiveness of this article to the secretary of state.

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

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

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

**5-8-102. Jurisdiction.**

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

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

Page 9-line 1 Delete "**Section 4.**" and insert "**Section 6.**".

Ayes 27          Noes 4          Excused 0          Absent 0          Conflict 0

The Senate respectfully asks the House to concur by adopting the listed amendments.

Sincerely,

Ellen Thompson  
Senate Chief Clerk

Bill Jacket Attached