

HOUSE BILL NO. HB0126

Human heartbeat act.

Sponsored by: Representative(s) Neiman, Angelos, Banks, Bear, Brady, Connolly, Geringer, Guggenmos, Haroldson, Heiner, Hoeft, Johnson, Lawley, Lien, Locke, Lucas, McCann, Ottman, Pendergraft, Rodriguez-Williams, Schmid, Singh, Smith, Styvar, Webb, Webber and Wharff and Senator(s) Biteman, Boner, Brennan, Dockstader, Hicks, Hutchings, Ide, Laursen, D, Love, Olsen, Pearson, Salazar and Steinmetz

A BILL

for

1 AN ACT relating to public health and safety; providing
 2 legislative findings; specifying requirements associated
 3 with the termination of pregnancies; prohibiting procedures
 4 that terminate the life of a child with a detectable
 5 heartbeat; specifying exceptions to the prohibition;
 6 specifying penalties; providing definitions; making
 7 conforming amendments; and providing for an effective date.

8

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

10

11 **Section 1.**

1

2 (a) The legislature finds that:

3

4 (i) In State v. Johnson, 2026 WY 1, the Wyoming
5 supreme court interpreted article 1, section 38 of the
6 Wyoming constitution to include a right to make health care
7 decisions but acknowledged the legislature's authority
8 under article 1, section 38(c) of the Wyoming constitution
9 to enact reasonable and necessary restrictions to protect
10 the general welfare of the people;

11

12 (ii) The general welfare of the state of Wyoming
13 and its people necessarily includes the promotion of humane
14 standards of conduct and the prevention of the infliction
15 of excruciating pain on sentient beings within the
16 jurisdiction of the state;

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18 (iii) Substantial medical evidence shows that an
19 unborn child is capable of experiencing pain by not later
20 than the unborn child reaching a gestational age of fifteen
21 (15) weeks, as evidenced by the presence of sensory
22 receptors, spinal reflex pathways and hormonal stress
23 responses to invasive procedures;

1

2 (iv) The state of Wyoming asserts a compelling
3 interest in protecting the general welfare of its people by
4 preventing the torture or inhumane treatment of any living
5 human being whose heartbeat is detectable.

6

7 (b) Acting under the specific authority to determine
8 reasonable and necessary restrictions on the right of
9 health care access to protect the health and general
10 welfare of the people granted in article 1, section 38(c)
11 of the Wyoming constitution, the purpose of this act is to
12 restrict abortion procedures on unborn children with
13 detectable heartbeats.

14

15 **Section 2.** W.S. 35-6-401 through 35-6-404 are created
16 to read:

17

18 ARTICLE 4

19 PROTECTION OF UNBORN CHILDREN WITH HEARTBEATS

20

21 **35-6-401. Definitions.**

22

23 (a) As used in this article:

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2 (i) "Detectable fetal heartbeat" means cardiac
3 activity or the steady and repetitive rhythmic contraction
4 of the fetal heart within the gestational sac that is
5 detectable using standard medical equipment;

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7 (ii) "Medical emergency" means a condition that,
8 in reasonable medical judgment, so complicates the medical
9 condition of the pregnant woman as to necessitate the
10 immediate termination of her pregnancy to avert the woman's
11 death or for which a delay will create a serious risk of
12 substantial and irreversible impairment of a major bodily
13 function of the woman;

14

15 (iii) "Termination of pregnancy" means the use
16 of any instrument, medicine, drug or other substance or
17 device with the intent to terminate the pregnancy of a
18 woman known to be pregnant, with an intention other than to
19 increase the probability of a live birth, to preserve the
20 life or health of the child after live birth or to remove a
21 dead unborn child.

22

1 **35-6-402. Determination of detectable fetal heartbeat**
2 **required.**

3
4 (a) Except in the case of a medical emergency, no
5 person shall perform, induce, attempt to perform or attempt
6 to induce a termination of a pregnancy unless the person
7 has first made a determination of whether the unborn child
8 has a detectable fetal heartbeat.

9
10 (b) The determination of whether an unborn child has
11 a detectable fetal heartbeat shall be made using standard
12 medical practices and techniques, including ultrasound
13 measurement if necessary.

14

15 **35-6-403. Prohibition of terminations of unborn**
16 **children with detectable fetal heartbeats.**

17

18 (a) Except as provided in subsection (b) of this
19 section, no person shall perform, induce, attempt to
20 perform or attempt to induce a termination of pregnancy if:

21

22 (i) The unborn child has a detectable fetal
23 heartbeat; or

1

2 (ii) The person fails or has failed to make the
3 determination of whether the unborn child has a detectable
4 fetal heartbeat under W.S. 35-6-402.

5

6 (b) The restriction in subsection (a) of this section
7 shall not apply if, in reasonable medical judgment, a
8 medical emergency exists. If a medical emergency exists, a
9 licensed physician may terminate the pregnancy, provided
10 that the termination of the pregnancy shall be in the
11 manner that provides the best opportunity for the unborn
12 child to survive, unless that manner would pose a greater
13 risk of death or substantial and irreversible physical
14 impairment to the pregnant woman.

15

16 **35-6-404. Penalties; sanctions.**

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18 (a) Any person who intentionally or knowingly
19 violates this article shall be guilty of a felony
20 punishable by imprisonment for not more than five (5)
21 years, a fine of not more than ten thousand dollars
22 (\$10,000.00), or both.

23

1 (b) A violation of this article constitutes
2 unprofessional conduct and shall result in the mandatory
3 revocation of the person's professional license by the
4 appropriate licensing board in this state.

5

6 **Section 3.** W.S. 33-21-146 by creating a new
7 subsection (c), 33-24-122 by creating a new subsection (d),
8 33-26-402 by creating a new subsection (c) and 33-26-508 by
9 creating a new subsection (e) are amended to read:

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11 **33-21-146. Disciplining licensees and certificate**
12 **holders; grounds.**

13

14 (c) The board of nursing shall revoke the license,
15 certificate or temporary permit of any person if the person
16 is convicted of violating any provision of W.S. 35-6-401
17 through 35-6-404.

18

19 **33-24-122. Revocation or suspension of license and**
20 **registration; letter of admonition; summary suspension;**
21 **administrative penalties; probation; grounds.**

22

1 (d) The board of pharmacy shall revoke the license
2 and registration of any pharmacist if the person is
3 convicted of violating any provision of W.S. 35-6-401
4 through 35-6-404.

5
6 **33-26-402. Grounds for suspension; revocation;**
7 **restriction; imposition of conditions; refusal to renew or**
8 **other disciplinary action.**

9
10 (c) The board shall revoke the license of any
11 physician if the physician is convicted of violating any
12 provision of W.S. 35-6-401 through 35-6-404.

13
14 **33-26-508. Suspension, restriction, revocation or**
15 **nonrenewal of license.**

16
17 (e) The board shall revoke the license of any
18 physician assistant if the physician assistant is convicted
19 of violating any provision of W.S. 35-6-401 through
20 35-6-404.

21

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

5

6

(END)