

ENROLLED ACT NO. 29, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

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

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

Section 1.

(a) The legislature finds that:

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

(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 necessarily 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;

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(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.

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

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

ARTICLE 4
PROTECTION OF UNBORN CHILDREN WITH HEARTBEATS

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35-6-401. Definitions.

(a) As used in this article:

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

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

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

35-6-402. Determination of detectable fetal heartbeat required.

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

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

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

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

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

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

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

35-6-404. Penalties; sanctions.

(a) Any person who intentionally or knowingly violates this article shall be guilty of a felony punishable by imprisonment for not more than five (5)

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years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

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

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

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

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

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

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

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

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

33-26-508. Suspension, restriction, revocation or nonrenewal of license.

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

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;

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(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;

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(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.

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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:

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(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;

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(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

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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:

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(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;

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(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

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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.

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(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).

ORIGINAL HOUSE
BILL NO. HB0126

ENGROSSED

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Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk