

## HOUSE BILL NO. HB0117

Stop harm-empower women with informed notices.

Sponsored by: Representative(s) Lawley, Andrew, Angelos and  
Neiman and Senator(s) Boner, Brennan, Olsen  
and Steinmetz

## A BILL

for

1 AN ACT relating to public health and safety; providing  
2 legislative findings; providing definitions; requiring  
3 informed consent be provided before the procurement or  
4 provision of an abortion; specifying requirements for the  
5 provision of informed consent; specifying exceptions;  
6 authorizing civil actions; specifying remedies; authorizing  
7 a right of intervention as specified; specifying  
8 applicability; making conforming amendments; and providing  
9 for an effective date.

10

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

12

13 **Section 1.**

14

15 (a) The legislature finds that:

1

2 (i) Informed consent is foundational to medical  
3 treatment decisions. Some informed consent challenges are  
4 universal to medicine, while other challenges are specific  
5 to the practice of obstetrics and gynecology compared to  
6 other specialty areas;

7

8 (ii) It is essential to the psychological and  
9 physical well-being of a woman considering an abortion that  
10 the woman receives complete and accurate information on  
11 abortion and its alternatives;

12

13 (iii) The decision to have an abortion "is an  
14 important, and often a stressful one, and it is desirable  
15 and imperative that it be made with full knowledge of its  
16 nature and consequences." Planned Parenthood v. Danforth,  
17 428 U.S. 52, 67 (1976);

18

19 (iv) Adequate and legitimate informed consent  
20 includes information that relates "to the consequences to  
21 the fetus." Planned Parenthood v. Casey, 505 U.S. 833, 882  
22 (1992), overruled by Dobbs v. Jackson Women's Health Org.,  
23 597 U.S. 215, 231, 302 (2022);

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2 (v) A patient cannot agree to medical treatment  
3 unless the patient is competent, adequately informed and  
4 not coerced into giving informed consent;

5

6 (vi) Many women are coerced into having  
7 abortions. A 2017 study on women's abortion experiences  
8 reported that seventy-three and eight-tenths percent (73.8%)  
9 of women said that they "disagreed that their decision to  
10 abort was entirely free from even subtle pressure from  
11 others to abort." Priscilla Coleman et al., Women Who  
12 Suffered Emotionally from Abortion: A Qualitative Synthesis  
13 of their Experiences, 22 J. Am. Physicians & Surgeons 113,  
14 115 (2017);

15

16 (vii) A 2023 national study found that over  
17 sixty percent (60%) of women who had abortions reported  
18 experiencing high levels of pressure to abort from one (1)  
19 or more sources. David C. Reardon et al., Effects of  
20 Pressure to Abort on Women's Emotional Responses and Mental  
21 Health, Cureus (Jan. 31, 2023).

22

1           (b) It is the purpose of this act to ensure that a  
2 woman who is harmed by the performance of an elective  
3 abortion may bring a civil action against any person who  
4 performs the abortion in situations where the harm was due  
5 to negligent, reckless or intentional conduct, voluntary  
6 informed written consent was not given or the abortion  
7 provider knew or should have known that the interested  
8 party was coerced into the abortion. The legislature  
9 declares that women deserve the right to seek and recover  
10 damages from the person who performed an abortion in these  
11 circumstances that resulted in harm to the woman.

12

13           **Section 2.** W.S. 35-6-401 through 35-6-403 are created  
14 to read:

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16           **35-6-401. Definitions.**

17

18           (a) As used in this article:

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20                   (i) "Abortion-inducing drug" means a medicine,  
21 drug or other substance prescribed or dispensed with the  
22 intent of terminating the clinically diagnosable pregnancy  
23 of a woman, with knowledge that the termination will, with

1 reasonable likelihood, cause the death of the unborn child.

2 "Abortion-inducing drug":

3

4 (A) Includes the off-label use of drugs  
5 known to have abortion-inducing properties that are  
6 prescribed or dispensed:

7

8 (I) Specifically with the intent of  
9 causing an abortion, including mifepristone, misoprostol  
10 and methotrexate;

11

12 (II) Without a diagnosed pregnancy for  
13 the purpose of causing an abortion at some future date  
14 rather than contemporaneously with a clinically diagnosed  
15 pregnancy.

16

17 (B) Shall not include drugs that may be  
18 known to cause an abortion but are prescribed for other  
19 medical indications, provided that the medical indication  
20 is clearly indicated on the prescription.

21

1           (ii) "Abuser" means any person who attempts to,  
2       conspires to or successfully coerces or forces a woman to  
3       have an abortion;

4  
5           (iii) "Chemical abortion" means the act of using  
6       or prescribing any abortion-inducing drug with the intent  
7       to terminate the pregnancy of a woman known or believed to  
8       be pregnant with knowledge that the termination by those  
9       means will, with reasonable likelihood, cause the death of  
10      the unborn child. The use or prescription of an  
11      abortion-inducing drug is not a chemical abortion if the  
12      use or prescription is provided with the intent to:

13

14                   (A) Save the life or preserve the health of  
15      the unborn child;

16

17                   (B) Remove a dead unborn child whose death  
18      was caused by a miscarriage or stillbirth;

19

20                   (C) Remove an ectopic pregnancy;

21

1                   (D) Treat a maternal disease or illness for  
2 which the prescribed drug is medically indicated without  
3 the intent to terminate the pregnancy; or

4

5                   (E) Address a medical emergency.

6

7                   (iv) "Coercing an abortion" or "forcing an  
8 abortion" means a person who knows of or suspects the  
9 pregnancy of a woman and engages or conspires with another  
10 to engage in any one (1) or more of the following conduct  
11 with the intent or purpose to cause or direct the pregnant  
12 woman to have an abortion, regardless of whether the  
13 abortion has been attempted or completed:

14

15                   (v) "Coercion" means an action with purpose to  
16 restrict a pregnant woman's freedom of action to her  
17 detriment by engaging in conduct specified in paragraph  
18 (iv) of this subsection;

19

20                   (A) Committing, attempting to commit or  
21 threatening to commit physical harm to the woman, unborn  
22 child or another person;

23

1                   (B) Holding, attempting to hold or  
2 threatening to hold in confinement the woman or unborn  
3 child;

4

5                   (C) Committing, attempting to commit or  
6 threatening to commit against the woman any act prohibited  
7 by the laws of this state;

8

9                   (D) Revoking, attempting to revoke or  
10 threatening to revoke a scholarship awarded to the woman by  
11 a public or private institution of higher education;

12

13                   (E) Discharging, attempting to discharge or  
14 threatening to discharge the woman or another person or  
15 changing, attempting to change or threatening to change the  
16 woman's or another person's compensation, terms, conditions  
17 or privileges of employment;

18

19                   (F) Denying, attempting to deny or  
20 threatening to deny any social assistance for which a  
21 pregnant woman or another person has applied, has been  
22 approved for or has been receiving for which the woman or  
23 the other person is otherwise eligible;



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2 (G) Denying, removing or threatening to  
3 deny or remove financial support or housing from the  
4 pregnant woman or a dependent of the pregnant woman;

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6 (H) Any other action intended to cause the  
7 pregnant woman to have an abortion.

8

9 (vi) "Complication" means any adverse physical  
10 or psychological condition arising from the performance of  
11 an abortion that the board of medicine may define,  
12 including but not limited to uterine perforation, cervical  
13 perforation, infection, bleeding, hemorrhage, blood clots,  
14 a failure to actually terminate the pregnancy, the  
15 retention of tissue from an incomplete abortion, pelvic  
16 inflammatory disease, endometritis, missed ectopic  
17 pregnancy, cardiac arrest, respiratory arrest, renal  
18 failure, metabolic disorder, shock, embolism, coma,  
19 placenta previa in subsequent pregnancies, preterm birth in  
20 subsequent pregnancies, free fluid in the abdomen, adverse  
21 reactions to anesthesia and other drugs, any psychological  
22 or emotional complications and any other adverse event as

1 defined by the federal food and drug administration  
2 criteria provided in the MedWatch reporting system;

3  
4 (vii) "Elective abortion" means the use of an  
5 instrument, medicine, drug or other substance or device,  
6 including a chemical abortion, with the intent to terminate  
7 the pregnancy of a woman known or believed to be pregnant.  
8 "Elective abortion" shall not include medical procedures  
9 performed to resolve a miscarriage, ectopic pregnancy or a  
10 medical emergency;

11  
12 (viii) "Fertilization" means the fecundation of  
13 the ovum by the spermatozoa;

14  
15 (ix) "Harm" means any complication, loss of  
16 consortium with the unborn child or any financial loss  
17 associated with an elective abortion or complication;

18  
19 (x) "Informed consent" means, except in the case  
20 of a medical emergency:

21  
22 (A) The pregnant woman receives:  
23

1 (I) A written statement including:

2

3 (1) The name of the physician who  
4 will perform the elective abortion;

5

6 (2) Medically accurate  
7 information that a reasonable patient would consider  
8 material to the decision of whether to undergo the elective  
9 abortion, including:

10

11 a. Whether the pregnancy is  
12 ectopic or molar;

13

14 b. A description of the  
15 proposed abortion method;

16

17 c. The immediate and  
18 long-term medical risks associated with the proposed  
19 abortion method, including any potential complications;

20

21 d. Alternatives to the  
22 abortion, including adoption and parenting.

23

1                   (3) The unborn child's probable  
2 gestational age at the time the elective abortion is to be  
3 performed;

4

5                   (4) The unborn child's probable  
6 anatomical and physiological characteristics at the time  
7 the abortion is to be performed;

8

9                   (5) The medical risks associated  
10 with carrying the child to term; and

11

12                   (6) Any need for anti-Rh immune  
13 globulin therapy if the pregnant woman is Rh negative, the  
14 likely consequences for refusing the therapy and the cost  
15 of the therapy.

16

17                   (II) A written explanation that:

18

19                   (1) The pregnant woman is free to  
20 withhold or withdraw her consent to the abortion at any  
21 time without affecting:

22

1                           a. The pregnant woman's  
2 right to future care and treatment; or

3

4                           b. The status of any state  
5 or federally funded benefits to which the pregnant woman  
6 may otherwise be entitled.

7

8                           (2) It is against the law for  
9 anyone, regardless of that person's relationship to the  
10 pregnant woman, to force or coerce the pregnant woman to  
11 have an elective abortion; and

12

13                           (3) No payment was required or  
14 obtained for a service provided in relation to the elective  
15 abortion until the elective abortion was performed.

16

17                           (B) In the case of an abortion being  
18 performed or induced utilizing abortion-inducing drugs, the  
19 pregnant woman also receives a written statement of the  
20 following:

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22                           (I) That mifepristone alone is not  
23 always effective in ending a pregnancy;

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(II) If after taking mifepristone the pregnant woman regrets her decision, she should consult a physician or health care provider immediately to determine if there are options available to assist her in continuing her pregnancy but that time is of the essence.

(C) Not later than twenty-four (24) hours before the performance or induction of an elective abortion and after the pregnant woman has been provided all of the information required under this paragraph, the pregnant woman provides her informed written consent to the elective abortion.

(xi) "Interested party" means a woman upon whom an elective abortion is performed or attempted or, in the case of the woman's:

(A) Death, the woman's spouse, personal representative or, if unmarried, the biological father of the unborn child or the woman's parent or guardian, provided that no person found to be an abuser shall be an interested party;

1

2 (B) Incapacity, as determined by a court,  
3 the woman's court-appointed guardian.

4

5 (xii) "Medical emergency" means a condition  
6 that, based on the physician's reasonable medical judgment,  
7 so complicates a pregnant woman's medical condition as to  
8 necessitate the separation of the woman and her unborn  
9 child to avert the woman's death or to avert a  
10 delay-induced serious risk of substantial and irreversible  
11 impairment of a major bodily function;

12

13 (xiii) "Physician" means a person licensed to  
14 practice medicine in this state;

15

16 (xiv) "Pregnant" means the condition of a woman  
17 carrying a fetus or embryo within her body;

18

19 (xv) "Reasonable medical judgment" means a  
20 medical judgment that would be made by a reasonably prudent  
21 physician who is knowledgeable about the case and the  
22 treatment possibilities with respect to the medical  
23 conditions involved;

1

2           (xvi) "Unborn child" means an individual  
3 organism of the species homo sapiens from fertilization  
4 until live birth.

5

6           **35-6-402. Elective abortions; civil liability;**  
7 **requirements.**

8

9           (a) Any interested party may bring a civil action  
10 against any person who performs an elective abortion where  
11 the interested party was harmed by the performance of an  
12 elective abortion, and the pregnant woman:

13

14           (i) Did not voluntarily provide informed written  
15 consent to the elective abortion;

16

17           (ii) Was coerced or forced into an elective  
18 abortion, and the person who performed the elective  
19 abortion knew or should have known of the coercion; or

20

21           (iii) Was harmed as a result of negligent,  
22 reckless or intentional conduct associated with the  
23 provision or induction of the elective abortion.



1

2           (b) Upon prevailing in an action under subsection (a)  
3 of this section, the court shall award the interested  
4 party:

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6                   (i) Statutory damages of not less than  
7 twenty-five thousand dollars (\$25,000.00) for each claim  
8 brought by the interested party in which the interested  
9 party prevailed;

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11                   (ii) Any compensatory damages determined by the  
12 finder of fact and deemed reasonable by the court;

13

14                   (iii) Costs and reasonable attorney fees.

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16           (c) Notwithstanding subsection (b) of this section,  
17 no damages shall be awarded in an action under this section  
18 if the defendant demonstrates that the defendant previously  
19 paid the full amount of statutory damages under paragraph  
20 (b)(i) of this section in a previous action for that  
21 elective abortion.

22

1           (d) Nothing in this act shall be construed to  
2 preclude or prohibit an interested party from:

3

4           (i) Bringing additional civil actions or claims  
5 arising out of the same or similar circumstances that are  
6 the basis for an action under this section;

7

8           (ii) Being awarded damages under a separate  
9 cause of action or claim brought in accordance with law.

10

11           (e) Notwithstanding W.S. 1-3-105(a), an interested  
12 party may bring an action under this section not later than  
13 five (5) years after the date the cause of action accrues.

14

15           (f) The following shall not be a defense to an action  
16 brought under this section:

17

18           (i) Ignorance or mistake of law;

19

20           (ii) A defendant's belief that the requirements  
21 of this article are unconstitutional or were  
22 unconstitutional;

23

1           (iii) A defendant's reliance on any state or  
2 federal court decision that is not binding on the court in  
3 which the action is brought;

4  
5           (iv) Nonmutual issue preclusion or nonmutual  
6 claim preclusion; or

7  
8           (v) Any claim that the enforcement of this  
9 article or the imposition of civil liability against the  
10 defendant will violate the constitutional rights of third  
11 parties.

12  
13          (g) This section shall not be construed to impose  
14 liability on any speech or conduct protected by the first  
15 amendment to the United States constitution or article 1,  
16 section 20 of the Wyoming constitution.

17  
18          (h) No court shall award attorney fees or costs to a  
19 defendant in an action brought under this section.

20  
21          (j) In each action brought under this section and  
22 upon proper motion to the court, the court shall determine  
23 whether the anonymity of any woman upon whom an abortion

1 has been performed or induced shall be preserved from  
2 public disclosure. Upon a finding that the anonymity of the  
3 woman is necessary, the court shall issue appropriate  
4 orders to safeguard the woman's identity and shall detail  
5 the basis for the finding of the necessity of anonymity. An  
6 order denying a motion under this subsection shall be  
7 subject to an immediate interlocutory appeal. This section  
8 shall not be construed to conceal the identity of the  
9 plaintiff or of witnesses from the defendant or the  
10 defendant's counsel.

11

12 (k) No woman upon whom the elective abortion is  
13 performed or attempted shall be liable in an action brought  
14 under this section.

15

16 **35-6-403. Right of intervention.**

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18 The legislature, by joint resolution, may appoint one (1)  
19 or more individuals who sponsored or cosponsored this act  
20 to intervene as a matter of right in any case in which the  
21 constitutionality of this article is challenged.

22

23 **Section 3.** W.S. 1-39-110(a) is amended to read:

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2           1-39-110.   Liability; health care providers.

3

4 (a) A governmental entity is liable for damages  
5 resulting from bodily injury, wrongful death or property  
6 damage caused by the medical malpractice of health care  
7 providers who are employees of the governmental entity,  
8 including contract physicians, physician assistants,  
9 nurses, optometrists and dentists who are providing a  
10 service for state institutions or county jails, while  
11 acting within the scope of their duties. For purposes of  
12 this subsection, medical malpractice includes a violation  
13 of W.S. 35-6-401 through 35-6-403.

14

15           **Section 4.** This act shall apply to all abortions  
16 performed or induced on and after the effective date of  
17 this act.

18

19           **Section 5.** This act is effective July 1, 2026.

20

21 (END)