

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:

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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;

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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);

1

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:

15

16 35-6-401. Definitions.

17

18 (a) As used in this article:

19

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

4

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

(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

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;

1

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;

5

(H) Any other action intended to cause the 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

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

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

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:

21

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

1

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

7

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

14

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

18

19 (A) Death, the woman's spouse, personal
20 representative or, if unmarried, the biological father of
21 the unborn child or the woman's parent or guardian,
22 provided that no person found to be an abuser shall be an
23 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

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:

5

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;

10

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.

15

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

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.**

17

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)