

HOUSE BILL NO. HB0138

Reproductive Freedom Act.

Sponsored by: Representative(s) Yin, Chestek, Posey,
Provenza, Sherwood and Storer and Senator(s)
Gierau and Rothfuss

A BILL

for

1 AN ACT relating to abortion; creating the Reproductive
2 Freedom Act; specifying the public policy of the state
3 concerning reproductive rights; prohibiting the state from
4 denying or interfering with a person's right to have an
5 abortion before viability of the fetus or to protect the
6 person's life or health; prohibiting unauthorized
7 abortions; specifying a penalty; providing definitions;
8 repealing conflicting provisions; and providing for an
9 effective date.

10

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

12

13 **Section 1.** W.S. 35-6-140 through 35-6-149 are created
14 to read:

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1 **35-6-140. Short title.**

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3 This act shall be known and may be cited as the
4 "Reproductive Freedom Act."

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6 **35-6-141. Public policy.**

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8 (a) It is the public policy of the state of Wyoming
9 that:

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11 (i) Every person has the right to freedom from
12 governmental interference with respect to personal
13 reproductive decisions;

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15 (ii) Every person has the right to choose or
16 refuse birth control;

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18 (iii) Every person has the right to choose or
19 refuse to have an abortion, except as specifically limited
20 by this act;

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1 (iv) The state shall not deny or interfere with
2 a person's right to choose or refuse to have an abortion,
3 except as specifically permitted by this act;

4

5 (v) The state shall not discriminate against the
6 exercise of these rights in the regulation or provision of
7 benefits, facilities, services or information.

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9 **35-6-142. Definitions.**

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11 (a) As used in this act:

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13 (i) "Abortion" means any medical treatment,
14 medication or procedure intended to induce the termination
15 of a pregnancy, except for the purpose of producing a live
16 birth;

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18 (ii) "Advanced practice registered nurse" means
19 as defined by W.S. 33-21-120(a)(i);

20

21 (iii) "Health care provider" means a person who
22 is licensed, certified or otherwise authorized or permitted

1 by the laws of this state to administer health care in the
2 ordinary course of business or practice of a profession;

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4 (iv) "Physician" means a person licensed to
5 practice medicine as a physician under the Medical Practice
6 Act;

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8 (v) "Physician assistant" means a person
9 licensed to practice medicine as a physician assistant
10 under the Medical Practice Act;

11

12 (vi) "Pregnancy" means the reproductive process
13 beginning with the implantation of an embryo in a uterus;

14

15 (vii) "Private medical facility" means any
16 medical facility that is not owned or operated by the
17 state;

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19 (viii) "State" means the state of Wyoming and
20 any authority, board, commission, department, division or
21 separate operating agency of the executive, legislative or
22 judicial branch of the state of Wyoming, including its
23 political subdivisions and instrumentalities;

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2 (ix) "Viability" means the point in the
3 pregnancy when, in the judgment of the physician, physician
4 assistant, advanced practice registered nurse or other
5 health care provider acting within the provider's scope of
6 practice on the particular facts of the case before the
7 physician, physician assistant, advanced practice
8 registered nurse or other health care provider acting
9 within the health care provider's scope of practice, there
10 is a significant likelihood of the fetus's sustained
11 survival outside the uterus without the application of
12 extraordinary medical measures;

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14 (x) "This act" means W.S. 35-6-140 through
15 35-6-149.

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17 **35-6-143. Right to have and provide an abortion.**

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19 (a) The state shall not deny or interfere with a
20 person's right to have an abortion:

21

22 (i) Prior to the viability of the fetus; or

23

1 (ii) To protect the person's life or health.

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3 (b) A physician, physician assistant, advanced
4 practice registered nurse or other health care provider
5 acting within the provider's scope of practice may
6 terminate a pregnancy as permitted by this act.

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8 (c) A health care provider may assist a physician,
9 physician assistant, advanced practice registered nurse or
10 other health care provider acting within the health care
11 provider's scope of practice in terminating a pregnancy as
12 permitted by this act.

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14 **35-6-144. Unauthorized abortions; penalty.**

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16 (a) Unless otherwise authorized by this act, any
17 person who provides medical treatment, provides medication
18 or performs a procedure intended to induce the termination
19 of a pregnancy shall be guilty of a misdemeanor punishable
20 by imprisonment for not more than one (1) year, a fine not
21 to exceed five thousand dollars (\$5,000.00), or both.

22

1 (b) Except as provided in subsection (a) of this
2 section, the state shall not penalize, prosecute or
3 otherwise take adverse action against a person for aiding
4 or assisting a person seeking an abortion in exercising the
5 person's right to have an abortion under this act.

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7 (c) Nothing in this act shall be construed to subject
8 a person upon whom any abortion is performed or attempted
9 to any criminal penalty under this act.

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11 **35-6-145. Defense to prosecution.**

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13 The good faith judgment of a physician, physician
14 assistant, advanced practice registered nurse or other
15 health care provider acting within the provider's scope of
16 practice as to the viability of the fetus or as to the risk
17 to the life or health of a person seeking an abortion shall
18 be a complete defense in any proceeding for a violation of
19 this act.

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21 **35-6-146. State regulation.**

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1 (a) Any regulation promulgated by the state relating
2 to abortion shall be valid only if:

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4 (i) The regulation is medically necessary to
5 protect the life or health of the person seeking an
6 abortion;

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8 (ii) The regulation is consistent with
9 established medical practice; and

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11 (iii) Of the available alternatives, the
12 regulation imposes the least restrictions on the person's
13 right to have an abortion under this act.

14
15 **35-6-147. Refusing to participate in an abortion.**

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17 (a) No person or private medical facility shall be
18 required by law or contract to participate in the
19 performance or procurement of an abortion if the person or
20 private medical facility objects to participating in the
21 performance of an abortion.

22

1 (b) No person shall be discriminated against in
2 employment or professional privileges because of the
3 person's participation or refusal to participate in the
4 performance or procurement of an abortion.

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6 **35-6-148. State provided benefits.**

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8 If the state provides, directly or by contract, maternity
9 care benefits, services or information through any program
10 administered or funded in whole or in part by the state,
11 the state shall also provide persons otherwise eligible for
12 the program with substantially equivalent benefits,
13 services or information to permit them to voluntarily
14 terminate their pregnancies.

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16 **35-6-149. Construction.**

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18 This act shall not be construed to define the state's
19 interest in the fetus for any purpose other than the
20 specific provisions of this act.

21

1 **Section 2.** W.S. 21-16-1801, 35-6-120 through
2 35-6-139, 35-6-201 through 35-6-204, 35-6-301 and 35-6-302
3 are repealed.

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

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(END)