

Bill No.: HB0126 **Effective:** **Immediately**

LSO No.: **26LSO-0444**

Enrolled Act No.: HEA No. 0029

Chapter No.: 81

Prime Sponsor: Neiman

Catch Title: **Human heartbeat act.**

Has Report: Yes

Subject: Specifying regulations and prohibitions on abortion.

Summary/Major Elements:

- This act prohibits abortions and terminations of pregnancy unless the person has first made a determination of whether an unborn child has a detectable fetal heartbeat, except in cases of medical emergency (meaning an emergency that requires the termination of pregnancy to avert death or a substantial and irreversible impairment of a major bodily function).
- The act generally prohibits the performance of an abortion if an unborn child has a detectable fetal heartbeat or if the person performing the abortion has failed to make a determination of whether the unborn child has a detectable fetal heartbeat. This restriction does not apply if a medical emergency exists, in which case the termination of the pregnancy must be performed in a manner that provides the best opportunity for the unborn child to survive.
- The act provides that any person who violates these restrictions is guilty of a felony, and a violation constitutes unprofessional conduct that subjects the person to disciplinary action from the applicable licensing board.
- This act also provides an alternative set of regulations and restrictions on abortions. These alternative provisions provide, among other things, the following:
 - Abortions shall not be performed once the unborn child has reached viability (the state of human development when the unborn child is able to live outside the womb, according to appropriate medical judgment).
 - A physician who performs an abortion procedure shall not intentionally terminate the viability of the unborn child before, during, or following the procedure.
 - The commonly accepted means of care that would be rendered to any other infant born alive must be employed in the treatment of any viable infant who survives an abortion or attempted abortion.

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- These alternative provisions specify a felony penalty for violating these provisions. A person who is not a licensed physician and performs an abortion is guilty of a felony.
- The alternative provisions specify procedures and requirements for abortions that are performed upon minors.
- The alternative provisions provide requirements for information that physicians must provide to pregnant women before an abortion is performed (including providing an opportunity to hear the unborn child's heartbeat and to view an ultrasound).
- The alternative provisions specified in this act are effective only upon certification that a court has held that the restrictions on abortion after a detectable fetal heartbeat are unconstitutional. Upon this certification, the Secretary of State must report that the alternative provisions have taken effect to the Management Council, the Joint Judiciary Interim Committee, and the State Board of Medicine.

Comments:

- This act creates provisions that are effective only upon certification that a court has held that the detectable-heartbeat restrictions on abortion are unconstitutional.
- The act requires the Secretary of State to report to the Management Council and the Joint Judiciary Interim Committee if the alternative abortion restrictions specified in this act become effective.

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