



## THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

Cheyenne, February 17, , 19 75

Mr. Speaker:

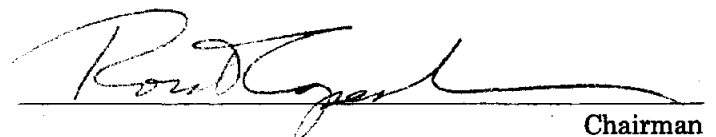
Your Committee No. 1 on Judiciaryto whom was referred HB No. 248

respectfully reports same back to the House with the recommendation that HB. 248 be deleted and H.B. 248A be inserted - See attached) and as so amended that it DO PASS

AYES  
 Copenhaver  
 Arney  
 Hursh  
 Buck  
 Hansen  
 Smyth  
 Urbigkit

NOES  
 Eskens

EXCUSED  
 Leedy

  
 Chairman

Mr. Speaker:

Your Committee No. 1 on Judiciary to whom was referred H. B. No. 248 respectfully reports same back to the House with the recommendation that

Delete entire original H. B. No. 248 and insert in lieu thereof the following:

(Copy of substitute bill on file in LSO Office.)

AYES	NOES	EXCUSED
Copenhaver	Eskens	Leedy
Arney		
Hursh		
Buck		
Hansen		
Smyth		
Urbigkit		

COPENHAVER

Chairman

HOUSE BILL NO. 248A

Abortion.

Sponsored by: Representatives McCARTHY, STEWART, MEENAN and DONLEY

A BILL

for

1 AN ACT to create W.S. 35-221.13 through 35-221.19; and to  
2 repeal W.S. 6-77.1 through 6-77.4 relating to abortion;  
3 providing for the regulation of abortion; providing pen-  
4 alties for certain acts; repealing the present laws on  
5 abortion; providing severability, and providing for an  
6 effective date.

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

8 Section 1. W.S. 35-221.13 through 35-221.19 are  
9 created to read:

10 CHAPTER 4.2

11 ABORTIONS

12 35-221.13. Definitions. As used in this act:

13 (a) "Abortion" means the termination of a human  
14 pregnancy with an intention other than to produce a live

1 birth or to remove a dead fetus;

2 (b) "Hospital" means those institutions licensed by  
3 the state department of public health as hospitals;

4 (c) "Physician" means any person licensed to prac-  
5 tice medicine in this state.

6 35-221.14. An abortion may be performed in this  
7 state only if it is performed by a physician.

8 35-221.15. No abortion shall be performed after the  
9 first trimester of pregnancy except by a physician in a  
10 hospital.

11 35-221.16. No abortions shall be performed in this  
12 state after the second trimester of pregnancy except when  
13 it is necessary for the preservation of the life or health  
14 of the mother. Such abortions shall be performed only by  
15 a physician in a hospital.

16 35-221.17. No natural person shall, in any way, be  
17 required to perform or participate in any abortion or in  
18 any act or thing which accomplishes or performs or assists  
19 in accomplishing or performing a human miscarriage,  
20 euthanasia or any other death of a human fetus or human  
21 embryo. The refusal of any person to do so shall not be a  
22 basis for civil liability to any person. No hospital,

1 governing board or any person, firm, association or group  
2 shall terminate the employment of, alter the position of,  
3 prevent or impair the practice or occupation of, or impose  
4 any other sanction or otherwise discriminate against any  
5 person who performs or participates or refuses to perform  
6 or participate in any abortion or in any act or thing  
7 which accomplishes, performs or assists in accomplishing  
8 or performing a human miscarriage, euthanasia or any other  
9 death of a human fetus or human embryo.

10 35-221.18. Any person, firm, corporation, group or  
11 association who willfully violates W.S. 35-221.17 is  
12 guilty of an offense punishable by a fine of not more than  
13 ten thousand dollars (\$10,000.00).

14 35-221.19. Any physician or other person who vio-  
15 lates any provision of W.S. 35-221.14, 35-221.15 or  
16 35-221.16 is guilty of a felony and shall be imprisoned in  
17 the penitentiary not more than fourteen (14) years.

18 Section 2. W.S. 6-77.1 through 6-77.4 are repealed.

19 Section 3. If any section of this act or any part of  
20 any section is declared invalid or unconstitutional, the  
21 declaration of invalidity does not affect the validity of  
22 the remaining portions.

1975

## STATE OF WYOMING

75LSO-

1           Section 4. This act is effective immediately upon  
2    passage.

3 (END)

HOUSE BILL NO. 248-A

Abortion

1 AN ACT to create W.S. 35-221.13 through 35-221.19; and to repeal W.S. 6-77.1  
2 through 6-77.4 relating to abortion; providing for the regulation of abortion;  
3 providing penalties for certain acts; repealing the present laws on abortion;  
4 providing severability, and providing for an effective date.

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

6 Section 1. W.S. 35-221.13 through 35-221.19 are created to read:

7 CHAPTER 4.2

8 ABORTIONS

9 35-221.13. Definitions. As used in this act:

10 (a) "Abortion" means the termination of a human pregnancy with an  
11 intention other than to produce a live birth or to remove a dead fetus;

12 (b) "Hospital" means those institutions licensed by the state  
13 department of public health as hospitals;

14 (c) "Physician" means any person licensed to practice medicine in  
15 this state.

16 35-221.14. An abortion may be performed in this state only if it  
17 is performed by a physician.

18 35-221.15. No abortion shall be performed after the first trimester  
19 of pregnancy except by a physician in a hospital.



1        35-221.16.    No abortions shall be performed in this state after the  
2        second trimester of pregnancy except when it is necessary for the preserva-  
3        tion of the life or health of the mother.    Such abortions shall be performed  
4        only by a physician in a hospital.

5        35-221.17.    No natural person shall, in any way, be required to per-  
6        form or participate in any abortion or in any act or thing which accomplishes  
7        or performs or assists in accomplishing or performing a human miscarriage,  
8        euthanasia or any other death of a human fetus or human embryo.    The refusal  
9        of any person to do so shall not be a basis for civil liability to any person.  
10       No hospital, governing board or any person, firm, association or group shall  
11       terminate the employment of, alter the position of, prevent or impair the  
12       practice or occupation of, or impose any other sanction or otherwise discrim-  
13       inate against <sup>PERFORMS OR PARTICIPATES OR</sup> any person who refuses to perform or participate in any abortion  
14       or in any act or thing which accomplishes, performs or assists in accomplishing  
15       or performing a human miscarriage, euthanasia or any other death of a human  
16       fetus or human embryo.

17       35-221.18.    Any person, firm, corporation, group or association who  
18       willfully violates W.S. 35-221.17 is guilty of an offense punishable by a  
19       fine of not more than ten thousand dollars. (\$10,000.00).

20       35-221.19.    Any physician or other person who violates any provision  
21       of W.S. 35-221.14, 35-22.15 or 35-221.16 is guilty of a felony and shall be  
22       imprisoned in the penitentiary not more than fourteen (14) years.

23       Section 2.    W.S. 6-77.1 through 6-77.4 are repealed.

24       Section 3.    If any section of this act or any part of any section is  
25       declared invalid or unconstitutional, the declaration of invalidity does  
26       not affect the validity of the remaining portions.

1       Section 4. This act is effective on passage.

# INTRODUCED

1975

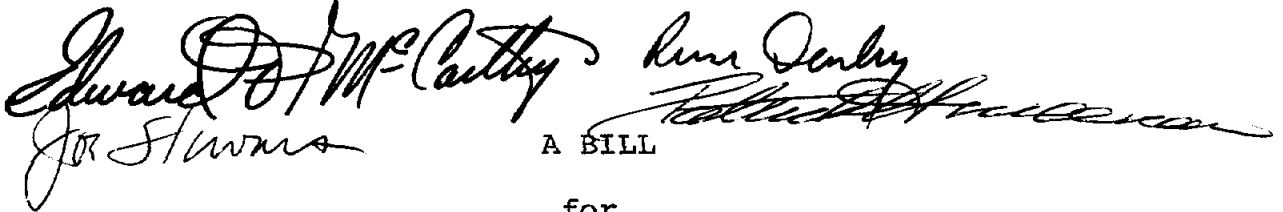
STATE OF WYOMING

75LSO-337.01

HOUSE BILL NO. 248

Abortion.

Sponsored by: Representatives McCARTHY, STEWART, MEENAN  
and DONLEY

  
A BILL  
for

1 AN ACT to create W.S. 35-221.13 through 35-221.32; and to  
2 repeal W.S. 6-77.1 through 6-77.4 relating to abortion;  
3 providing for the regulation of abortion; providing pen-  
4 alties for certain acts; repealing the present laws on  
5 abortion; providing severability; and providing for an  
6 effective date.

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

8 Section 1. W.S. 35-221.13 through 35-221.32 are  
9 created to read:

10 CHAPTER 4.2

11 ABORTIONS

12 35-221.13. Definitions. As used in the act, unless  
13 the context otherwise requires:

14 (a) "Abortion" means an act, procedure, device or

1     prescription administered to or prescribed for a pregnant  
2     woman by any person with knowledge of the pregnancy,  
3     including the pregnant woman herself, with either the  
4     intent or result of producing the premature expulsion,  
5     removal or termination of the unborn infant within the  
6     womb of the pregnant woman, except that in cases in which  
7     the unborn infant's viability is threatened by continu-  
8     ation of the pregnancy, early delivery after viability by  
9     commonly accepted obstetrical practices shall not be con-  
10    strued as an abortion for the purposes of this act;

11           (b) "Hospital" means those institutions licensed by  
12    the state department of public health as hospitals;

13           (c) "Physician" means any person licensed to prac-  
14    tice medicine in this state;

15           (d) "Pregnant" means that condition of a woman who  
16    has an unborn infant within her as the result of concep-  
17    tion;

18           (e) "Conception" means the fecundation of the ovum  
19    by the spermatozoa;

20           (f) "Viability" means that stage of human develop-  
21    ment when the life of the unborn infant may be continued  
22    by natural or life-supportive systems outside the womb of

1 the mother;

2 (g) "Accepted medical procedures" means procedures  
3 of the type and performed in a manner and in a facility  
4 which is equipped with surgical, anaesthetic,  
5 resuscitation and laboratory equipment sufficient to meet  
6 the standards of medical care which physicians engaged in  
7 the same or similar lines of work, would ordinarily exer-  
8 cise and devote to the benefit of their patients;

9 (h) The singular where used herein includes the  
10 plural, the plural includes the singular, and the mascu-  
11 line includes the feminine or neuter, when consistent with  
12 the intent of this act and when necessary to effect its  
13 purpose;

14 (j) "This act" means W.S. 35-221.13 through  
15 35-221.32

16 35-221.14. Duty of physician to inform patient about  
17 agencies and services available to help her; written  
18 acknowledgement of the communication. A physician con-  
19 sulted about abortion by a pregnant woman shall inform her  
20 of agencies and services available to assist her to carry  
21 the pregnancy to natural term, and shall further inform  
22 the pregnant woman as to all reasonably possible medical  
23 and mental risks and consequences resulting from the per-

1     formance of an abortion. A physician consulted about  
2     abortion by a pregnant woman shall obtain a written  
3     acknowledgement, signed by the pregnant woman, that the  
4     physician has personally communicated the foregoing  
5     information to her.

6             35-221.15. No abortion after viability; exception.  
7     An abortion shall not be performed or prescribed after the  
8     unborn infant has reached viability, except when necessary  
9     to preserve the woman from an imminent peril that substan-  
10    tially endangers her life or health.

11            35-221.16. Viability not affected by abortion. An  
12    abortion procedure employed pursuant to W.S. 35-221.15  
13    shall not have the direct or indirect effect of terminat-  
14    ing the viability of the unborn infant prior to, during or  
15    following the procedure.

16            35-221.17. Means of treatment for viable abortion.  
17    The commonly accepted means of care shall be employed in  
18    the treatment of any infant aborted alive with any chance  
19    of survival.

20            35-221.18. Consent of parent or guardian for minor  
21    child's abortion; duty of physician to inform child of  
22    agencies to help her; written acknowledgement of physi-  
23    cian. An abortion shall not be performed or prescribed on

1 any minor child in the state of Wyoming without her writ-  
2 ten consent and the consent of a parent or guardian of the  
3 minor child. A physician consulted about abortion by a  
4 minor child shall inform the minor child and a parent or  
5 guardian of the minor child of agencies and services  
6 available to assist her to carry the pregnancy to natural  
7 term and shall further inform the minor child and a parent  
8 or guardian as to all reasonably possible medical and  
9 mental risks and consequences resulting from the perfor-  
10 mance of an abortion. Any physician consulted about abor-  
11 tion by a minor child shall obtain a written  
12 acknowledgement, signed by the minor child and a parent or  
13 guardian of the minor child, that the physician has  
14 personally communicated the foregoing information to them.

15 35-221.19. Private institutions not required to per-  
16 form abortions; no liability for refusal to perform abor-  
17 tion. No private hospital, clinic, institution or other  
18 facility in this state shall be required to admit any  
19 patient for the purpose of performing an abortion nor  
20 shall be required to allow the performance of an abortion  
21 therein. The private hospital, clinic, institution or any  
22 other facility shall inform the patient of its policy not  
23 to participate in abortion procedures. No cause of action  
24 shall arise against any private hospital, clinic, insti-

1     tution or any other facility for refusing to perform or  
2     allow an abortion.

3             35-221.20. Persons not required to perform  
4     abortions; no civil liability for refusal; person cannot  
5     be fired, etc., for refusal. No person shall, in any way,  
6     be required to perform or participate in any abortion or  
7     in any act or thing which accomplishes or performs or  
8     assists in accomplishing or performing a human miscar-  
9     riage, euthanasia or any other death of a human fetus or  
10    human embryo. The refusal of any person to do so shall  
11    not be a basis for civil liability to any person. No  
12    hospital, governing board or any other person, firm, asso-  
13    ciation or group shall terminate the employment of, alter  
14    the position of, prevent or impair the practice or occupa-  
15    tion of, or impose any other sanction or otherwise dis-  
16    criminate against any person who refuses to perform or  
17    participate in any abortion or in any act or thing which  
18    accomplishes, performs or assists in accomplishing or per-  
19    forming a human miscarriage, euthanasia or any other death  
20    of a human fetus or human embryo.

21             35-221.21. Forms for reporting abortions.

22             (a) The state office of vital records services shall  
23     establish an abortion reporting form which shall be used



1 for the reporting of every abortion performed or pre-  
2 scribed in this state. The form shall include the follow-  
3 ing items in addition to such other information as may be  
4 necessary to complete the form:

5 (i) The age of the pregnant woman;

6 (ii) The marital status of the pregnant woman;

7 (iii) The location of the facility where the  
8 abortion was performed;

9 (iv) The type of procedure performed or pre-  
10 scribed;

11 (v) Complications, if any;

12 (vi) The name of the attending physicians;

13 (vii) The name of the referring physician,  
14 agency or service, if any;

15 (viii) The pregnant woman's obstetrical his-  
16 tory regarding previous pregnancies, abortions and live  
17 births;

18 (ix) The stated reason or reasons for which  
19 the abortion was requested;

20 (x) The state and county of the pregnant

1 woman's legal residence;

2 (xi) The original or certified copy of the  
3 acknowledgements required in W.S. 35-221.14 and 35-221.18;

4 (xii) The amount of public funds, if any, paid  
5 or attributable to the person, agency, hospital or facil-  
6 ity performing or prescribing the abortion; and

7 (xiii) The length and weight of the aborted  
8 child when measurable.

9 (b) The completed form shall be signed by the  
10 attending physician and sent to the administrator of the  
11 division of health and medical services within ten (10)  
12 days after the abortion is performed. The completed form  
13 shall be an original, typed or written legibly in durable  
14 ink, and is not complete unless the omission of any item  
15 of information required has been disclosed or satisfac-  
16 torily accounted for. Carbon copies are not acceptable.

17 35-221.22. Compilations of abortions; matter of  
18 public record; exception. The state office of vital  
19 records services shall prepare and keep on permanent file  
20 compilations of the information submitted on the abortion  
21 reporting forms pursuant to such rules and regulations  
22 established by the administrator of the division of health

1 and medical services. The compilations are a matter of  
2 public record, except the acknowledgements required of  
3 W.S. 35-221.14 and 35-221.18, which are confidential and  
4 are not subject to inspection except on order of a court  
5 of competent jurisdiction. The administrator of the divi-  
6 sion of health and medical services, in order to maintain  
7 and keep such compilations current, shall file with the  
8 reports any new or amended information.

9 35-221.23. Rules and regulations for disposal of  
10 bodies, etc. The state board of health may prescribe  
11 rules and regulations for the disposal of the bodies, tis-  
12 sues, organs and parts thereof of an unborn child, human  
13 fetus or human embryo which has been aborted.

14 35-221.24. Penalty for violation of W.S. 35-221.14.  
15 Any physician who fails to comply with the provisions of  
16 W.S. 35-221.14 is guilty of a misdemeanor, punishable by a  
17 fine of not more than one thousand dollars (\$1,000.00), or  
18 by imprisonment in the county jail for not more than six  
19 (6) months, or both. Each violation constitutes a sep-  
20 arate offense.

21 35-221.25. Penalty for violation of W.S. 35-221.15,  
22 35-221.16 or 35-221.17. Any physician or other person who  
23 violates any provision of W.S. 35-221.15, 35-221.16 or

1 35-221.17 is guilty of a felony punishable by imprisonment  
2 in the penitentiary for not more than fourteen (14) years.

3 35-221.26. Penalty for violation of W.S. 35-221.18.  
4 Any physician or other person who performs or prescribes  
5 an abortion without the consents required in W.S.  
6 35-221.18 is guilty of a misdemeanor punishable by  
7 imprisonment in the county jail for not less than six (6)  
8 months nor more than one (1) year.

9 35-221.27. Penalty for person other than physician  
10 to perform abortion. Any person other than a licensed  
11 physician who performs or prescribes an abortion is guilty  
12 of a felony punishable by imprisonment in the penitentiary  
13 for not less than one (1) year nor more than fourteen (14)  
14 years.

15 35-221.28. Penalty to use means other than commonly  
16 accepted medical procedures. Any person who performs or  
17 prescribes an abortion by using anything other than  
18 accepted medical procedures is guilty of a felony punish-  
19 able by imprisonment in the penitentiary for not more than  
20 fourteen (14) years.

21 35-221.29. Penalty for violating W.S. 35-221.20.  
22 Any person, firm, corporation, group or association who  
23 violates W.S. 35-221.20 is guilty of an offense punishable

1 by a fine of not more than ten thousand dollars  
2 (\$10,000.00).

3 35-221.30. Right to damages for discriminatory  
4 employment practices for refusal to perform abortion. Any  
5 person whose employment or position has been in any way  
6 altered, impaired or terminated, or any person who has  
7 been otherwise discriminated against in violation of this  
8 act has the right to injunctive relief and may sue in the  
9 district court for all consequential damages, lost wages,  
10 punitive damages, reasonable attorney's fees incurred and  
11 the cost of litigation.

12 35-221.31. Penalty for giving away, etc., a live or  
13 viable aborted child for experimentation. Whoever sells,  
14 transfers, distributes or gives away any live or viable  
15 aborted child for any form of experimentation is guilty of  
16 a felony punishable by a fine of not less than ten thou-  
17 sand dollars (\$10,000.00), and by imprisonment in the  
18 penitentiary for not less than one (1) year nor more than  
19 fourteen (14) years. Any person consenting, aiding or  
20 abetting such sale, transfer, distribution or other unlaw-  
21 ful disposition of an aborted child is guilty of a felony  
22 punishable by a fine of not less than ten thousand dollars  
23 (\$10,000.00), and by imprisonment in the penitentiary for  
24 not less than one (1) year nor more than fourteen (14)

1     years or both.

2             35-221.32. Penalty for failure to comply with W.S.  
3     35-221.21. Any physician who fails to comply with the  
4     procedures outlined in W.S. 35-221.21 is guilty of a mis-  
5     demeanor punishable by a fine of not more than one thou-  
6     sand dollars (\$1,000.00), or by imprisonment in the county  
7     jail for not more than six (6) months, or both. Each  
8     violation of W.S. 35-221.21 constitutes a separate  
9     offense.

10            Section 2. W.S. 6-77.1 through 6-77.4 are repealed.

11            Section 3. If any section of this act or any part of  
12     any section is declared invalid or unconstitutional, the  
13     declaration of invalidity does not affect the validity of  
14     the remaining portion.

15            Section 4. The legislature hereby finds and  
16     declares:

17            (a) That the following provisions were motivated by  
18     the legislative intrusion of the United State Supreme  
19     Court by virtue of its decision removing the protection  
20     afforded the unborn. This act is in no way to be con-  
21     strued as implementing, condoning or approving abortions  
22     at any stage of unborn human development, but is rather an

1 expression of the will of the people of the state of  
2 Wyoming and the members of the legislature to provide pro-  
3 tection for the life of the unborn child whenever possible  
4 until such protection can be afforded by an appropriate  
5 amendment to the United States Constitution;

6 (b) That the members of the legislature expressly  
7 deplore the destruction of the unborn children which has  
8 and will occur in Wyoming as a consequence of the Supreme  
9 Court's decision on abortion;

10 (c) That it is in the interest of the people of the  
11 state of Wyoming that every precaution be taken to insure  
12 the protection of every viable unborn child being aborted,  
13 and every precaution be taken to provide life-supportive  
14 procedures to insure the unborn child its continued life  
15 after its abortion;

16 (d) That currently, in this state, there are grossly  
17 inadequate legal remedies to protect the life, health and  
18 welfare of pregnant women and unborn children; and

19 (e) That it is in the interest of the people of the  
20 state of Wyoming to maintain accurate statistical data to  
21 aid in providing proper maternal health regulations.

