



## HOUSE ROLL CALL FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
	✓			ALDEN	✓				MILLER
	✓			ANDERSON		✓			O'TOOLE
	✓			ARNOLD	✓				PERKINS, D.
	✓			BEBOUT		✓			PERKINS, J.
	✓			BENSEL		✓			PHELAN
	✓			BLACKWELL		✓			PLANT
✓				BODINE		✓			RANKINE
	✓			BOWRON		✓			RATLIFF
	✓			BUDD				✓	ROHRBACH <i>Cl</i>
✓				CALL	✓				RYCKMAN
✓				CHAMBERLAIN	✓				SCHWOPE
				<del>GROSS</del>	✓				SHIPPY
✓				CUBIN		✓			SHREVE
	✓			DEWITT		✓			SIMONS
✓			✓	DUNNUCK		✓			SULLIVAN
✓				GAMS		✓			TEMPEST
✓				GARCIA	✓				TIBBS
✓	✓			GOODENOUGH		✓			TIPPETS
✓	✓			GRANT		✓			TIPTON
✓				HACKER		✓			TYSDAL
	✓			HAGEMAN		✓			VASEY
	✓			HANSEN		✓			VLASTOS
	✓			HARRIS		✓			WALLIS
✓				HARRISON, F.		✓			WATSON
✓				HARRISON, R.		✓			WOLD
	✓			HINCHEY	✓				WOLFLEY
	✓			HINES		✓			WRIGHT
✓				HONAKER	✓				ZUMBRUNNEN
	✓			HUMPHREY		✓			MR. SPEAKER
✓				KUNZ					
	✓			LAW					
	✓			LUMMIS					
	✓			MACMILLAN, P.					
✓				MARTON					
	✓			MCMILLAN, B.					
✓				MICHELI					

AYES 22  
 NOES 41  
 EXCUSED 1  
 ABSENT \_\_\_\_\_  
 TOTAL 64  
 LESS \_\_\_\_\_

PRESENT \_\_\_\_\_

House of Intro	Second House
To Com. No. _____	To Com No. _____
Stand Report Do ___ Amd ___ Not ___	Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___	Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___	2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___	3rd Reading Amd ___ Pass ___ Fail ___

**INTRODUCED**

1992

STATE OF WYOMING

92LSO-0140.01

HOUSE BILL NO. 0207

Human Life Protection Act.

Sponsored by: Representative(s) HONAKER, MICHELI, BODINE, CALL, CUBIN, DUNNUCK, GAMS, GARCIA, F. HARRISON, R. HARRISON, D. PERKINS, SCHWOPE, TIBBS, WOLFLEY and ZUMBRUNNEN

A BILL

for

1 AN ACT to amend W.S. 35-6-101, 35-6-102, 35-6-106,  
 2 35-6-107(a)(v) and by creating a new paragraph (vii) and  
 3 35-6-117 relating to abortions; specifying when abortions  
 4 may be performed and providing for affirmative defenses;  
 5 providing definitions; providing procedures; specifying  
 6 when appropriated funds may be used for abortions; and  
 7 providing for an effective date.

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

9 Section 1. W.S. 35-6-101, 35-6-102, 35-6-106,  
 10 35-6-107(a)(v) and by creating a new paragraph (vii) and

**NO SIGNIFICANT LEGAL OR  
 PERSONNEL IMPACT AT STATE LEVEL**

1 35-6-117 are amended to read:

2 35-6-101. Short title; definitions.

3 (a) THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE  
4 "WYOMING HUMAN LIFE PROTECTION ACT."

5 (b) As used in the act, unless the context other-  
6 wise requires:

7 (i) "Abortion" means ~~an-act, procedure, device~~  
8 ~~or-prescription-administered-to-or-prescribed-for-a-preg-~~  
9 ~~nant--woman-by-any-person-with-knowledge-of-the-pregnancy,~~  
10 ~~including-the-pregnant-woman-herself,--with-the--intent--of~~  
11 ~~producing--the-premature-expulsion, removal or termination~~  
12 ~~of-a-human-embryo-or-fetus,--except-that-in-cases-in--which~~  
13 ~~the-viability-of-the-embryo-or-fetus-is-threatened-by-con-~~  
14 ~~tinuation-of-the-pregnancy,--early-delivery-after-viability~~  
15 ~~by--commonly--accepted--obstetrical-practices-shall-not-be~~  
16 ~~construed-as-an-abortion~~ THE USE OR PRESCRIPTION OF ANY  
17 INSTRUMENT, MEDICINE, DRUG OR ANY OTHER SUBSTANCE OR  
18 DEVICE WITH THE INTENT TO TERMINATE THE PREGNANCY OF A  
19 WOMAN KNOWN TO BE PREGNANT, EXCEPT TO SAVE THE LIFE OR  
20 PRESERVE THE HEALTH OF AN UNBORN CHILD, TO REMOVE A DEAD  
21 UNBORN CHILD, OR TO DELIVER AN UNBORN CHILD PREMATURELY BY  
22 ACCEPTED MEDICAL PROCEDURES IN ORDER TO PRESERVE THE

1 HEALTH OF BOTH THE MOTHER AND THE UNBORN CHILD;

2 (ii) "Accepted medical procedures" means proce-  
3 dures of the type and performed in a manner and in a  
4 facility 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 in the community would  
8 ordinarily exercise and devote to the benefit of their  
9 patients;

10 (iii) "Conception" means the ~~fecundation~~ FUSION  
11 of ~~the-ovum-by-the-spermatozoa~~ A HUMAN SPERMATOZOAN WITH A  
12 HUMAN OVUM;

13 (iv) "Hospital" means those institutions  
14 licensed by the state department of health as hospitals;

15 ~~(\*)~~(v) "Minor" means a pregnant woman under the  
16 age of eighteen (18), but does not include any woman who:

17 (A) Is legally married;

18 (B) Is in active military service; or

19 (C) Has lived apart from her parents or  
20 guardian, has been financially independent and has managed

1 her own affairs for at least six (6) months prior to a  
2 proposed abortion;

3 ~~(\*)~~(vi) "Parents" means both parents of a minor  
4 if they are both living, or one (1) parent of the minor if  
5 only one (1) is living or if the second parent cannot be  
6 located through a reasonably diligent effort;

7 ~~(v)~~(vii) "Physician" means any person licensed  
8 to practice medicine in this state;

9 ~~(v)~~(viii) "Pregnant" OR "PREGNANCY" means that  
10 FEMALE REPRODUCTIVE condition of ~~a-woman-who-has-a-human~~  
11 ~~embryo-or-fetus-within-her-as--the--result--of~~ HAVING AN  
12 UNBORN CHILD IN THE MOTHER'S BODY, BEGINNING WITH concep-  
13 tion;

14 (ix) "UNBORN CHILD" MEANS AN INDIVIDUAL ORGANISM  
15 OF THE SPECIES HOMO SAPIENS FROM CONCEPTION UNTIL BIRTH;

16 ~~(vii)~~(x) "Viability" means that stage of human  
17 development when the ~~embryo-or-fetus~~ UNBORN CHILD is able  
18 to live by natural or life-supportive systems outside the  
19 womb of the mother according to appropriate medical judg-  
20 ment;

21 ~~(viii)~~(xi) "Woman" means any female person;

1           ~~(ix) -- The singular where used herein includes the~~  
2 ~~plural, the plural includes the singular, and the mascu-~~  
3 ~~line includes the feminine or neuter, when consistent with~~  
4 ~~the intent of this act and when necessary to effect its~~  
5 ~~purpose.~~

6           (xii) "This act" means W.S. 35-6-101 through  
7 35-6-118.

8           35-6-102. Life protective measures; affirmative  
9 defenses.

10          (a) ~~An abortion shall not be performed after the~~  
11 ~~embryo or fetus has reached viability except when neces-~~  
12 ~~sary to preserve the woman from an imminent peril that~~  
13 ~~substantially endangers her life or health, according to~~  
14 ~~appropriate medical judgment.~~ EXCEPT AS PROVIDED IN SUB-  
15 SECTION (b) OF THIS SECTION, NO PERSON SHALL PERFORM AN  
16 ABORTION UPON A PREGNANT WOMAN UNLESS HER ATTENDING PHYSI-  
17 CIAN:

18           (i) REASONABLY DETERMINES, IN HIS MEDICAL JUDG-  
19 MENT, THAT HER LIFE WOULD BE ENDANGERED IF THE UNBORN  
20 CHILD WERE CARRIED TO FULL TERM; AND

21           (ii) RECORDS, EITHER BEFORE OR AFTER THE ABOR-

1 TION, THE BASIS FOR HIS DETERMINATION IN THE WOMAN'S MEDI-  
2 CAL RECORD.

3 (b) IT IS AN AFFIRMATIVE DEFENSE TO ANY CHARGE UNDER  
4 SUBSECTION (a) OF THIS SECTION THAT:

5 (i) THE PREGNANCY IS THE RESULT OF A SEXUAL  
6 ASSAULT, AS DEFINED BY W.S. 6-2-301, WHICH IS REPORTED TO  
7 A LAW ENFORCEMENT AGENCY BEFORE THE ABORTION; OR

8 (ii) THE PREGNANCY IS THE RESULT OF INCEST, AS  
9 DEFINED BY W.S. 6-4-402, AND THE INCIDENT IS REPORTED TO A  
10 LAW ENFORCEMENT AGENCY BEFORE THE ABORTION.

11 (c) THE DEFENDANT'S BURDEN OF PRODUCING EVIDENCE  
12 UNDER PARAGRAPHS (b) (i) AND (ii) OF THIS SECTION IS SATIS-  
13 FIED BY EVIDENCE THAT THE SEXUAL ASSAULT OR INCEST WAS  
14 REPORTED TO A LAW ENFORCEMENT AGENCY BEFORE THE ABORTION.  
15 IF THE DEFENDANT SATISFIES THE BURDEN OF PRODUCING EVI-  
16 DENCE AS PROVIDED BY THIS SUBSECTION, THE BURDEN IS THEN  
17 UPON THE STATE TO DISPROVE THE AFFIRMATIVE DEFENSE BEYOND  
18 A REASONABLE DOUBT.

19 (d) THE PREGNANT WOMAN SHALL NOT BE HELD CRIMINALLY  
20 LIABLE UNDER ANY STATUTE FOR PROCURING OR PARTICIPATING IN  
21 THE ABORTION OF HER UNBORN CHILD.

1           35-6-106. Persons not required to perform abortion;  
2           no civil liability for refusal; sanctions or discrimina-  
3           tion for refusal forbidden. No person shall, in any way,  
4           be required to perform or participate in any abortion or  
5           in any act or thing which accomplishes or performs or  
6           assists in accomplishing or performing a human miscar-  
7           riage, euthanasia or any other death of ~~a-human--fetus--or~~  
8           ~~human-embryo~~ AN UNBORN CHILD. The refusal of any person to  
9           do so is not a basis for civil liability to any person. No  
10          hospital, governing board or any other person, firm, asso-  
11          ciation or group shall terminate the employment of, alter  
12          the position of, prevent or impair the practice or occupa-  
13          tion of, or impose any other sanction or otherwise dis-  
14          criminate against any person who refuses to perform or  
15          participate in any abortion or in any act or thing which  
16          accomplishes, performs or assists in accomplishing or per-  
17          forming a human miscarriage, euthanasia or any other death  
18          of ~~a-human-fetus-or-embryo~~ AN UNBORN CHILD.

19           35-6-107. Forms for reporting abortions.

20           (a) The state office of vital records services shall  
21           establish an abortion reporting form which shall be used  
22           after May 27, 1977 for the reporting of every abortion  
23           performed or prescribed in this state. The form shall

1 include the following items in addition to such other  
2 information as may be necessary to complete the form, but  
3 in no case shall information be required that would tend  
4 to disclose the identity of any individual participating  
5 in an abortion:

6 (v) The length and weight of the aborted fetus  
7 or-embryo CHILD, when measurable;

8 (vii) THE ATTENDING PHYSICIAN'S REASON OR REA-  
9 SONS FOR PERFORMING THE ABORTION, AND, IF RELEVANT, THE  
10 BASIS FOR HIS MEDICAL JUDGMENT THAT THE PREGNANT WOMAN'S  
11 LIFE WOULD HAVE BEEN ENDANGERED IF THE UNBORN CHILD HAD  
12 BEEN CARRIED TO FULL TERM.

13 35-6-117. Use of appropriated funds for abortion pro-  
14 hibited; exceptions. No funds appropriated by the legisla-  
15 ture of the state of Wyoming shall be used to pay for  
16 abortions except when ~~the--pregnancy--is--the--result--of~~  
17 ~~incest--as--defined--by--W.S.--6-4-402--or--sexual--assault--as~~  
18 ~~defined--by--W.S.--6-2-301--if--the--assault--is--reported--to--a~~  
19 ~~law--enforcement--agency--within--five--(5)--days--after--the~~  
20 ~~assault--or--within--five--(5)--days--after--the--time--the--victim~~  
21 ~~is--capable--of--reporting--the--assault,--or--when--the--life--of~~  
22 ~~the--mother--would--be--endangered--if--the--unborn--child--was~~

1 ~~carried-to-full-term~~ AN ABORTION IS PERFORMED PURSUANT TO  
2 THE PROVISIONS OF W.S. 35-6-102.

3 Section 2. If any provision, word, phrase or clause  
4 of this act or its application to any person or circum-  
5 stance is held invalid, the invalidity does not affect the  
6 provisions, words, phrases, clauses or application of this  
7 act which can be given effect without the invalid provi-  
8 sion, word, phrase, clause or application, and to this end  
9 the provisions, words, phrases and clauses of this act are  
10 severable.

11 Section 3. This act is effective immediately upon  
12 completion of all acts necessary for a bill to become law  
13 as provided by Article 4, Section 8 of the Wyoming Consti-  
14 tution.

15 (END)