

## HOUSE BILL NO. HB0053

Women's right to information.

Sponsored by: Representative(s) Brechtel

A BILL

for

1 AN ACT relating to public health and safety; requiring  
2 physicians to obtain a signed acknowledgment as specified  
3 when obtaining a pregnant woman's consent to an abortion;  
4 providing an exception; authorizing sanctions as specified;  
5 providing definitions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-6-119 is created to read:

10

11 **35-6-119. Abortion; informed consent; ultrasound**  
12 **required upon request.**

13

14 (a) No abortion shall be performed or induced without  
15 the voluntary and informed consent of the woman upon whom  
16 the abortion is to be performed or induced. Except in the

1 case of a medical emergency, consent to an abortion is  
2 voluntary and informed only if:

3

4 (i) Prior to the abortion procedure, the  
5 physician who is to perform the abortion on the pregnant  
6 woman, or the referring physician or qualified person  
7 assisting the physician, has informed the woman, orally and  
8 in person, of the following:

9

10 (A) That fetal ultrasound imaging and  
11 auscultation of fetal heart tone services are available  
12 that enable a pregnant woman to view the image and hear the  
13 heartbeat of the fetus before the abortion is performed;  
14 and

15

16 (B) That she has the right to view an  
17 active ultrasound of the fetus and hear the heartbeat of  
18 the fetus if the heartbeat is audible.

19

20 (b) At the woman's request, the physician or  
21 qualified person assisting the physician shall provide:

22

1           (i) The real-time ultrasound image to the  
2 pregnant woman for her to view and auscultation of fetal  
3 heart tone for her to hear; or

4

5           (ii) A list of healthcare providers, facilities  
6 and clinics that offer to perform ultrasounds free of  
7 charge. The list shall be compiled by the department of  
8 health and arranged geographically and shall include the  
9 name, address, hours of operation and telephone number of  
10 each listed entity.

11

12           (c) The active ultrasound image shall be of a quality  
13 consistent with standard medical practice in the community,  
14 shall contain the dimensions of the fetus and shall  
15 accurately portray the presence of external members and  
16 internal organs, if present or viewable, of the fetus.

17

18           (d) The auscultation of fetal heart tone shall be of  
19 a quality consistent with standard medical practice in the  
20 community.

21

22           (e) Prior to the performance of the abortion, a  
23 physician or qualified person assisting the physician shall

1 obtain the woman's signature on a certification form  
2 stating that:

3

4 (i) The woman has been informed that fetal  
5 ultrasound imaging and auscultation of fetal heart tone  
6 services are available that enable a pregnant woman to view  
7 the image and hear the heartbeat of the fetus;

8

9 (ii) She has been informed that she has a right  
10 to view the active ultrasound image of the fetus and hear  
11 the heartbeat of the fetus if the heartbeat is audible; and

12

13 (iii) The woman either:

14

15 (A) Requested ultrasound imaging and  
16 auscultation of fetal heart tone services and received the  
17 requested services or was provided with the list of  
18 entities specified in paragraph (b)(ii); or

19

20 (B) Opted not to receive ultrasound imaging  
21 and auscultation of fetal heart tone services.

22

23 (f) Before the abortion is performed or induced, the  
24 physician who is to perform or induce the abortion shall

1 receive a copy of the written certification prescribed by  
2 subsection (e) of this section. The physician shall retain  
3 a copy of the signed certification form in the woman's  
4 medical record.

5

6 (g) The procedures specified in this section shall  
7 not apply to any physician or facility in the case of a  
8 medical emergency involving the pregnant woman. Upon a  
9 determination by a physician that a medical emergency  
10 exists, the physician shall certify in the woman's medical  
11 records the specific medical condition or conditions that  
12 constitute the emergency.

13

14 **Section 2.** W.S. 35-6-101(a) by creating new  
15 paragraphs (xii) through (xv) and by amending and  
16 renumbering (xii) as (xvi) is amended to read:

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18 **35-6-101. Definitions.**

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20 (a) As used in the act, unless the context otherwise  
21 requires:

22

23 (xii) "Auscultation" means the act of listening  
24 for sounds made by internal organs of the fetus,

1 specifically for a fetal heartbeat, utilizing an ultrasound  
2 transducer and fetal heart rate monitor;

3  
4 (xiii) "Medical emergency" means a condition  
5 which, in the reasonable medical judgment of the abortion  
6 provider, so complicates the medical condition of the  
7 pregnant woman as to necessitate the immediate termination  
8 of the pregnancy to avert her death, or for which a delay  
9 in commencing an abortion procedure would create a serious  
10 risk of substantial and irreversible impairment of a major  
11 bodily function;

12  
13 (xiv) "Qualified person" means an agent of the  
14 physician who is a psychologist, licensed social worker,  
15 licensed professional counselor, registered nurse or  
16 physician;

17  
18 (xv) "Ultrasound" means the use of ultrasound  
19 waves for diagnostic or therapeutic purposes to monitor a  
20 developing fetus;

21  
22 ~~(xii)~~ (xvi) "This act" means W.S. 35-6-101  
23 through ~~35-6-118~~ 35-6-119.

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1           **Section 3.** This act is effective July 1, 2010.

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(END)