



Wyoming | RANKING 29

Wyoming lacks many basic legal protections for life. For example, Wyoming does not require informed consent for abortion, mandate minimum health and safety standards for abortion facilities, or protect unborn victims of violence. It also fails to regulate or proscribe emerging biotechnologies, and it does not statutorily prohibit suicide by physician. A budget measure passed in 2020 ensures public funding of the University of Wyoming is not used to fund abortions.

ABORTION

- Wyoming prohibits abortions after viability unless necessary to protect the woman from “imminent peril that substantially endangers her life or health.” Wyoming provides a criminal penalty for violation of this law.
- Wyoming does not have an informed consent law for abortion. However, it did pass legislation in 2017 requiring women be informed at least 24 hours prior to an abortion of their right to view an ultrasound of their unborn child and to hear their child’s heartbeat.
- A physician may not perform an abortion on an unemancipated minor under the age of 18 without the consent of one parent at least 48 hours before the abortion unless there is a medical emergency or the minor obtains a court order. This does not apply to a minor in active military service or who has lived apart and been financially independent from her parents for at least six months before the abortion.
- Only a physician licensed to practice medicine in the state and using accepted medical procedures may perform an abortion.
- Wyoming has an enforceable abortion reporting law and requires the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions and requires abortion providers to report information such as the age of the woman, the length and weight of the unborn child, and any complications.
- Wyoming follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- A budget measure passed in 2020 ensures public funding of the University of Wyoming cannot be used to fund abortions.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Wyoming law requires “commonly accepted means of care . . . be employed in the treatment of any viable infant aborted alive with any chance of survival.” Wyoming provides a penalty for violation of this law.
- Wyoming law does not recognize an unborn child as a potential victim of homicide or assault.
- Wyoming law defines an attack on a pregnant woman resulting in a miscarriage or stillbirth as a criminal assault. It also provides enhanced penalties for murdering a pregnant woman.

- Wyoming allows a wrongful death (civil) action only when an unborn child is born alive following a negligent or criminal act and dies thereafter.
- Wyoming has a “Baby Moses” law, establishing a safe haven for mothers to legally leave their infants at designated places and ensuring the infants receive appropriate care and protection.

BIOETHICS LAWS

- Wyoming does not ban human cloning or destructive embryo research.
- It does not promote ethical alternatives to destructive embryo research.
- Wyoming maintains no comprehensive measures regulating assisted reproductive technologies or human egg harvesting, but it includes “donation of embryos” in the definition of “assisted reproduction.”
- Wyoming prohibits the sale of fetal tissue and maintains a penalty for violations. However, it excludes fetal tissue from a miscarriage or a medical procedure following a miscarriage from the law.

PATIENT PROTECTION LAWS

- Wyoming has not enacted a statutory prohibition against suicide by physician. Moreover, since it does not recognize common law crimes (including assisting in suicide), the legal status of suicide by physician in Wyoming is unclear.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION

- No person is required to participate in an abortion or in any act that assists in the performance of an abortion. An objection to participation in an abortion may not be the basis for civil liability, discrimination in employment, or the imposition of other sanctions by a hospital, person, firm, association, or group. Moreover, any person injured because of a violation of his or her right of conscience may bring a civil action for damages or injunctive relief.
- A private hospital, clinic, or facility is not required to perform an abortion nor required to admit a woman for the purposes of performing an abortion. The objection to permitting an abortion within the facility or admitting a patient for an abortion cannot be a basis for civil liability.
- Wyoming voters approved a state constitutional amendment providing that no one can be compelled to participate in any healthcare system. By doing so, they voted to protect the freedom of conscience of individuals, employers, and healthcare providers who object to providing or paying for certain services, such as abortion and drugs with life-ending mechanisms of action.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Wyoming currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider’s moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal up to viability and possibly throughout pregnancy.

RECOMMENDATIONS FOR WYOMING

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Right to Know Act
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Involvement Enhancement Act
 - Components of the Child Protection Act related to evidence retention and remedies for third-party interference with parental rights
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Unborn Infants Wrongful Death Act
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PATIENTS' PROTECTION ACT PRIORITIES

- Suicide by Physician Ban Act
 - Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act