



May 1, 2026

The Honorable Chuck Gray
Wyoming Secretary of State
Herschler Bldg. East
122 W. 25th Street, Suite 100
Cheyenne, WY 82002

Dear Secretary Gray,

Pursuant to W.S. 35-6-510(b), I acknowledge receipt of the Attorney General's determination, dated April 29, 2026, that W.S. 35-6-401 through 404 are not enforceable unless the recent order of the District Court, Seventh Judicial District, Natrona County, Wyoming issued April 24, 2026 in case no. 116148 is modified or vacated. Therefore, under the authority granted to me in W.S. 35-6-510(b), I certify the effectiveness of Article 5 of Title 35, Chapter 6 of the Wyoming Statutes implementing "[t]he abortion regulations that existed in Wyoming before the United States supreme court's decision in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 2015 (2022)." W.S. 35-6-509(a)(i).

Sincerely,

A handwritten signature in blue ink that reads "Mark Gordon".

Mark Gordon
Governor

MG:ba:kh



Office of the Attorney General

Governor
Mark Gordon

Attorney General
Keith G. Kautz

Administrative Division
109 State Capitol
Cheyenne, Wyoming 82002
307-777-7841 Telephone
307-777-6869 Fax

Chief Deputy Attorney General
Ryan Schelhaas

April 29, 2026

Honorable Mark Gordon
Governor of Wyoming

Honorable Jared Olsen
Honorable Art Washut
Chairmen, Wyoming Joint Judiciary Committee

NOTICE PURSUANT TO W.S. § 35-6-510(b)

This is notice that I reviewed the order of the District Court, Seventh Judicial District, Natrona County, Wyoming, issued on April 24, 2026 in case no. 116148. A copy of that order is attached to this notice. I have determined that based on the attached order, W.S. 35-6-401 through 404 are not enforceable, and will not be enforceable unless the order is modified or vacated. Accordingly, I request that the governor certify the effectiveness of W.S. 35-6-509 and 510 to the secretary of state.

A handwritten signature in black ink that reads "Keith G. Kautz".

Keith G. Kautz
Attorney General

Certificate of Service

This Notice was hand delivered to the Office of the Honorable Mark Gordon on April 29, 2026. It was delivered via email on April 29, 2026 to:

Jared.Olsen@wyoleg.gov
Art.Washut@wyoleg.gov

FILED IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
NATRONA COUNTY, WYOMING

DANIELLE JOHNSON; GIOVANNINA)
ANTHONY, M.D.; RENE HINKLE, M.D.;)
CHELSEA’S FUND; CIRCLE OF HOPE HEALTH)
CARE SERVICES, INC., d/b/a Wellspring Health)
Access,)
Plaintiffs,)

vs.)

No. 116148

STATE OF WYOMING; MARK GORDON,)
Governor of Wyoming; KEITH G. KAUTZ,)
Attorney General for the State of Wyoming; JOHN)
HARLIN, Sheriff of Natrona County, Wyoming;)
SHANE CHANEY, Chief of Police, City of Casper,)
Wyoming,)
Defendants.)

ORDER

This matter is before the court on the plaintiffs’ Motion For Temporary Restraining Order Against The 2026 Abortion Ban, filed March 31, 2026. The court held a hearing on the motion April 22, 2026.¹ The motion was heard by the court on an expedited basis; the case has not been fully litigated and all parties will have opportunities to provide the court additional information, evidence, pertinent legal authority, and argument, as the case proceeds. The court has reviewed and considered the pertinent pleadings, the parties’ arguments, and all the parties’ contentions (even if those contentions are not referenced in this ruling), and finds and orders as follows:

Summaries of Wyoming’s recent abortion legislation and its ensuing litigation appear in the plaintiffs’ and state defendants’ pleadings in this case, and the Wyoming Supreme Court’s opinion in *State v. Johnson*, 2026 WY 1,

¹ This is not a case in which the plaintiffs’ motion for a temporary injunction is before the court *ex parte*, or without notice to adverse parties.

Defendants Harlin and Chaney did not file a written response to the plaintiffs’ motion and did not argue or take a position on the motion at the April 22, 2026 hearing.

582 P.3d 380 (Wyo. 2026). In response to *Johnson* and related litigation, the Wyoming Legislature passed several more statutes in early 2026 that address the “termination of pregnancy.” Some of the statutes are now effective and legally enforceable.² Amongst these statutes is Wyo. Stat. Ann. § 35-6-403:

(a) Except as provided in subsection (b) of this section, no person shall perform, induce, attempt to perform or attempt to induce a termination of pregnancy if:

(i) The unborn child has a detectable fetal heartbeat; or

(ii) The person fails or has failed to make the determination of whether the unborn child has a detectable fetal heartbeat under W.S. 35-6-402.

(b) The restriction in subsection (a) of this section shall not apply if, in reasonable medical judgment, a medical emergency exists. If a medical emergency exists, a licensed physician may terminate the pregnancy, provided that the termination of the pregnancy shall be in the manner that provides the best opportunity for the unborn child to survive, unless that manner would pose a greater risk of death or substantial and irreversible physical impairment to the pregnant woman.

Others of the statutes define the terms contained in Section 403, guide its application, and establish felony criminal and mandatory civil licensure penalties for statutory violations. *See* Wyo. Stat. Ann. §§ 35-6-401, -402, and -404; 33-21-146(c); 33-24-122(d); 33-26-402(c); and 33-26-508(e).

On March 31, 2026, the plaintiffs filed a complaint for declaratory and injunctive relief, wherein they ask this court to declare certain statutes unconstitutional and enjoin enforcement of the statutes. The plaintiffs also (concomitantly with their complaint) filed a Motion For Temporary Restraining Order Against The 2026 Abortion Ban “request[ing] the entry of a temporary restraining order effective *immediately*, enjoining Defendants

² Wyo. Stat. Ann. §§ 35-6-501 to -510 are referenced in the plaintiffs’ motion, but it is not clear that the statutes are presently effective or enforceable, and the plaintiffs did not cogently argue that the court should temporarily enjoin these statutes.

from enforcement of House Bill 126 pending trial on the merits of this action” (Emphasis in original.)

Temporary Injunctive Relief

Wyo. Stat. Ann. § 1-28-102 provides, in part, as follows with respect to temporary injunctive relief:

When it appears by the petition that [a] plaintiff is entitled to relief consisting of restraining the commission or continuance of some act the commission or continuance of which during the litigation would produce great or irreparable injury to [a] plaintiff, or when during the litigation it appears that [a] defendant is doing, threatens to do, or is procuring to be done some act in violation of [a] plaintiff's rights respecting the subject of the action and tending to render the judgment ineffectual, a temporary order may be granted restraining the act.

See also W.R.C.P. 65. The Wyoming Supreme Court has further said:

The purpose of a temporary injunction is to preserve the status quo until the merits of an action can be determined. And a temporary injunction rests upon an alleged existence of an emergency, or a special reason for such an order, before the case can be regularly heard.

Also, the award of a temporary injunction is an extraordinary remedy which will not be granted except upon a clear showing of probable success and possible irreparable injury to the plaintiff, lest the proper freedom of action of the defendant be circumscribed when no wrong has been committed.

In granting temporary relief by interlocutory injunction courts of equity do not generally anticipate the ultimate determination of the questions of right involved. They merely recognize that a sufficient case has been made out to warrant the preservation of the property or rights in issue *in statu quo* until a hearing upon

the merits, without expressing, and indeed without having the means of forming a final opinion as to such rights.

CBM Geosolutions, Inc. v. Gas Sensing Technology Corp., 2009 WY 113, ¶ 7, 215 P.3d 1054, 1057 (Wyo. 2009) (citations omitted).

Article 1, § 38 of the Wyoming Constitution

Article 1, § 38³ of the Wyoming constitution states that “[e]ach competent adult shall have the right to make his or her own health care decisions.” Wyo. Const. art. 1, § 38(a). In *Johnson*, the Wyoming Supreme Court found that “the phrase ‘health care’ includes abortion care and that the decision whether to terminate or continue a pregnancy is a health care decision” within § 38(a); “[t]here is nothing in the plain language of the amendment which indicates abortion is not health care or otherwise limits access to abortion care.” 2026 WY 1, ¶¶ 40-41, 582 P.3d at 397. The decision on whether to have an abortion is a woman’s own health care decision, and is a fundamental constitutional right in Wyoming. *Id.* at ¶¶ 44, 48, 582 P.3d at 398-99.

Laws that restrict this fundamental constitutional right to make a health care decision are subject to strict scrutiny by a court. *Id.* at ¶ 72, 582 P.3d at 405. Under a strict scrutiny analysis:

restrictions on a woman's right to make her own health care decisions will be “reasonable and necessary,” as those terms are used in Article 1, § 38(c), if the State establishes they do not unduly infringe on the constitutional right because they are narrowly tailored to achieve a compelling government interest. Wyo. Const. art. 1, § 38(c) & (d).

³ Const. Art. 1, § 38. Right of health care access:

- (a) Each competent adult shall have the right to make his or her own health care decisions. The parent, guardian or legal representative of any other natural person shall have the right to make health care decisions for that person.
- (b) Any person may pay, and a health care provider may accept, direct payment for health care without imposition of penalties or fines for doing so.
- (c) The legislature may determine reasonable and necessary restrictions on the rights granted under this section to protect the health and general welfare of the people or to accomplish the other purposes set forth in the Wyoming Constitution.
- (d) The state of Wyoming shall act to preserve these rights from undue governmental infringement.

Id. In other words, the pertinent issues are:

1) whether the State has a compelling interest in restricting a woman's fundamental right to make her own health care decision to have an abortion; 2) whether the restrictions actually accomplish the compelling state objective; and 3) whether the statutes' methods of accomplishing the objective are least restrictive on the constitutional right.

Id. at ¶ 73, 582 P.3d at 405.

Discussion

A) Likelihood of Success on the Merits

The plaintiffs argue, in part,⁴ that the statutes at issue violate Article 1, § 38 of the Wyoming Constitution and *Johnson*. According to the plaintiffs, the statutes “effectively [prohibit] the termination of pregnancy (absent very narrow exceptions) once the embryonic ‘cardiac activity’ becomes ‘detectable,’ which can occur as early as approximately six weeks gestation.” This is a time when “many women do not yet know they are pregnant or have had sufficient time to confirm the pregnancy and schedule a medical appointment.” The statutes “[function] as a substantial ban on abortion services and [operate] as a complete ban after six weeks . . .,” restrict “women’s health care decisions by mandating ultrasound imaging without any clinical indication,” “operate at several stages of care[,] . . . and collectively function to eliminate meaningful access to abortion services in Wyoming.” According to the plaintiffs, the statutes cannot survive a strict scrutiny analysis because the state “cannot prove [the statutes are] necessary to further any actual ‘compelling interests’” and the state “cannot show [the statutes are] narrowly tailored to achieve their asserted interests.” These arguments are set forth in more detail in the plaintiffs’ pleadings and accompanying argument during the motion hearing.

⁴ The plaintiffs also assert that the statutes at issue are unconstitutionally vague for reasons set forth in more detail in their motion.

The state defendants contend, in part,⁵ that the statutes at issue do not violate Article 1, § 38 of the Wyoming Constitution and *Johnson*. According to the state defendants, the statutes “are justified means of advancing the State’s evidentiarily and scientifically supported compelling interest in protecting life as established by a detectable fetal heartbeat [(the objectively identifiable point where its interest in protecting life becomes compelling)],” and are “narrowly tailored to directly accomplish the State’s compelling interest without constituting undue infringement.” The Wyoming legislature instead, the state defendants argue, “addressed all the problems noted by the Wyoming Supreme Court in *Johnson* and passed [the statutes] according to the authority recognized by the Court.” These arguments are set forth in more detail in the state defendants’ pleadings and accompanying argument during the motion hearing.

The court finds that the plaintiffs have on this record made a sufficient showing of probable success that justifies their request for temporary injunctive relief, particularly when the statutes at issue are evaluated and considered according to Article 1, § 38 of the Wyoming Constitution, and how the Wyoming Supreme Court applied it in *Johnson*.⁶

B) Irreparable Harm

The plaintiffs assert that the statutes at issue have “irreparably harmed and will continue to irreparably harm not just Plaintiffs, but also the Wyomingites whose interests they represent who have been denied constitutional rights that they would have otherwise enjoyed.” They contend that since the statutes would violate “several constitutional rights,” “this alone is sufficient to satisfy the requirement to show irreparable injury.” However, the plaintiffs then cite multiple, specific examples of actual harm (largely supported by sworn declarations) including: 1) the statutes “effectively [ban] all abortion services across the state”; 2) Dr. Anthony, Dr. Hinkle, and/or medical professionals at Wellspring, now facing “the risk of criminal prosecution, imprisonment, and loss of licensure” for violations of the vague statutes, have “delay[ed] or refuse[d] care in situations where the law’s application is uncertain,” suspended telehealth services, canceled

⁵ The state defendants also argue that the statutes at issue are not unconstitutionally vague for reasons set forth in more detail in their response to the plaintiffs’ motion.

⁶ Court decisions from other states that have considered similar statutes or issues do not appear to have done so under a constitutional provision like Article 1, § 38 of the Wyoming Constitution. *See, for example, Wrigley v. Romanick*, 2023 ND 50, ¶ 19, 988 N.W.2d 231, 239-40 (N.D. 2023) (collecting cases).

appointments, referred care out of state, and/or reduced their patient load; 3) the statutes “[compel] physicians to perform [invasive] medically unnecessary procedures”; and 4) “[t]elemedicine providers [who normally lawfully provide medication abortion care or other telehealth pregnancy care in Wyoming] cannot comply with the statute[s].” These arguments are set forth in more detail in the plaintiffs’ pleadings and accompanying argument during the motion hearing.

“What makes an injury ‘irreparable’ is the inadequacy of, and the difficulty of calculating, a monetary remedy after a full trial. Any deprivation of any constitutional right fits that bill.” *Free the Nipple-Fort Collins v. City of Fort Collins, Colorado*, 916 F.3d 792, 806 (10th Cir. 2019)(citations omitted). *See also CBM Geosolutions, Inc.*, ¶ 10, 215 P.3d at 1058 (an “injury is irreparable where it is of a peculiar nature, so that compensation in money cannot atone for it”) (citation omitted).

The court finds that the plaintiffs have on this record made a sufficient showing of irreparable injury that justifies their request for temporary injunctive relief. The state defendants did not persuasively argue otherwise.

C) Conclusion

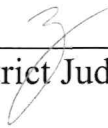
The issue before the court is whether, on an expedited record, the plaintiffs made a sufficient showing for temporary injunctive relief until the court holds subsequent hearings on the case’s merits. In finding that the plaintiffs have made such a showing at this time, the court is not issuing a final decision or determination on the merits of the parties’ arguments.

Bond

No one has requested that the plaintiffs post a bond, and there is no persuasive legal or factual basis in the record that would justify or require the plaintiffs to post a bond at this time.

THEREFORE, it is hereby ORDERED, that the plaintiffs' motion for temporary injunctive relief is granted, in part. This court hereby immediately and temporarily (pending further order of the court) orders, enjoins, and restrains the defendants, their officers, agents, servants, employees, attorneys, appointees, successors, or anyone who are in active concert or participation with the defendants, from enforcing Wyo. Stat. Ann. §§ 35-6-401, -402, -403 and -404; 33-21-146(c); 33-24-122(d); 33-26-402(c); and 33-26-508(e).

DATED this 24th day of April 2026.



District Judge

Copies to: Counsel

ORIGINAL HOUSE
BILL NO. HB0126

ENGROSSED

ENROLLED ACT NO. 29, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to public health and safety; providing legislative findings; specifying requirements associated with the termination of pregnancies; prohibiting procedures that terminate the life of a child with a detectable heartbeat; specifying exceptions to the prohibition; specifying penalties; providing definitions; making conforming amendments; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) In State v. Johnson, 2026 WY 1, the Wyoming supreme court interpreted article 1, section 38 of the Wyoming constitution to include a right to make health care decisions but acknowledged the legislature's authority under article 1, section 38(c) of the Wyoming constitution to enact reasonable and necessary restrictions to protect the general welfare of the people;

(ii) Article 1, section 2 of the Wyoming constitution recognizes that all members of the human race have an equal right to life. Unborn children are members of the human race. The general welfare of the state of Wyoming and its people necessarily includes the preservation of life. In State v. Johnson, 2026 WY 1, the Wyoming supreme court acknowledged that the state has an interest "in protecting the life that an abortion would end." The legislature finds that a right to life is the most fundamental of all rights, and the state has a compelling interest in protecting that life;

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(iii) Protecting the general welfare of the state of Wyoming and its people necessarily includes the obligation of the state to act in *parens patriae*, protecting those who cannot protect themselves. The state has a compelling interest in protecting the life of unborn members of the human race who cannot protect themselves;

(iv) Protecting the general welfare of the state of Wyoming and its people necessarily includes the obligation to support and encourage childbirth as an essential element in the future stability of our societal and economic structures. The state asserts a compelling interest in providing for the state's future population and societal and economic security by promoting childbirth;

(v) Medical evidence shows a fetal heartbeat is a key indicator that an unborn child is alive and will reach live birth. The state has a compelling interest, beginning at least at the time a fetal heartbeat is detected, in protecting the life of the unborn child.

(b) Acting under the specific authority to determine reasonable and necessary restrictions on the right of health care access to protect the health and general welfare of the people granted in article 1, section 38(c) of the Wyoming constitution, the purpose of this act is to restrict abortion procedures on unborn children with detectable heartbeats.

Section 2. W.S. 35-6-401 through 35-6-404 are created to read:

ARTICLE 4
PROTECTION OF UNBORN CHILDREN WITH HEARTBEATS

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35-6-401. Definitions.

(a) As used in this article:

(i) "Detectable fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac that is detectable using standard medical equipment;

(ii) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate termination of her pregnancy to avert the woman's death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the woman;

(iii) "Termination of pregnancy" means the use of any instrument, medicine, drug or other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead unborn child.

35-6-402. Determination of detectable fetal heartbeat required.

(a) Except in the case of a medical emergency, no person shall perform, induce, attempt to perform or attempt to induce a termination of a pregnancy unless the person has first made a determination of whether the unborn child has a detectable fetal heartbeat.

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(b) The determination of whether an unborn child has a detectable fetal heartbeat shall be made using standard medical practices and techniques, including ultrasound measurement if necessary.

35-6-403. Prohibition of terminations of unborn children with detectable fetal heartbeats.

(a) Except as provided in subsection (b) of this section, no person shall perform, induce, attempt to perform or attempt to induce a termination of pregnancy if:

(i) The unborn child has a detectable fetal heartbeat; or

(ii) The person fails or has failed to make the determination of whether the unborn child has a detectable fetal heartbeat under W.S. 35-6-402.

(b) The restriction in subsection (a) of this section shall not apply if, in reasonable medical judgment, a medical emergency exists. If a medical emergency exists, a licensed physician may terminate the pregnancy, provided that the termination of the pregnancy shall be in the manner that provides the best opportunity for the unborn child to survive, unless that manner would pose a greater risk of death or substantial and irreversible physical impairment to the pregnant woman.

35-6-404. Penalties; sanctions.

(a) Any person who intentionally or knowingly violates this article shall be guilty of a felony punishable by imprisonment for not more than five (5)

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years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(b) A violation of this article constitutes unprofessional conduct and shall result in the mandatory revocation of the person's professional license by the appropriate licensing board in this state.

Section 3. W.S. 33-21-146 by creating a new subsection (c), 33-24-122 by creating a new subsection (d), 33-26-402 by creating a new subsection (c) and 33-26-508 by creating a new subsection (e) are amended to read:

33-21-146. Disciplining licensees and certificate holders; grounds.

(c) The board of nursing shall revoke the license, certificate or temporary permit of any person if the person is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

33-24-122. Revocation or suspension of license and registration; letter of admonition; summary suspension; administrative penalties; probation; grounds.

(d) The board of pharmacy shall revoke the license and registration of any pharmacist if the person is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

33-26-402. Grounds for suspension; revocation; restriction; imposition of conditions; refusal to renew or other disciplinary action.

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(c) The board shall revoke the license of any physician if the physician is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

33-26-508. Suspension, restriction, revocation or nonrenewal of license.

(e) The board shall revoke the license of any physician assistant if the physician assistant is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

Section 4. W.S. 35-6-501 through 35-6-510 are created to read:

ARTICLE 5
ABORTION REGULATIONS AND RESTRICTIONS

35-6-501. Definitions.

(a) As used in this article, unless the context otherwise requires:

(i) "Abortion" means an act, procedure, device or prescription administered to or prescribed for a pregnant woman by any person with knowledge of the pregnancy, including the pregnant woman herself, with the intent of producing the premature expulsion, removal or termination of a human embryo or fetus, except that in cases in which the viability of the embryo or fetus is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion;

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(ii) "Accepted medical procedures" means procedures of the type and performed in a manner and in a facility that is equipped with surgical, anesthetic, resuscitation and laboratory equipment sufficient to meet the standards of medical care that physicians engaged in the same or similar lines of work in the community would ordinarily exercise and devote to the benefit of their patients;

(iii) "Conception" means the fecundation of the ovum by the spermatozoa;

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

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

(A) Is legally married;

(B) Has received a declaration of emancipation under W.S. 14-1-203;

(C) Is in active military service; or

(D) Has lived apart from her parents or guardian, has been financially independent and has managed her own affairs for at least six (6) months prior to a proposed abortion.

(vi) "Parents" means both parents of a minor if they are both living, or one (1) parent of the minor if only one (1) parent of the minor is living or if the second parent does not have custody of the minor or cannot be located through a reasonably diligent effort;

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

(viii) "Pregnant" means that condition of a woman who has a human embryo or fetus within her as the result of conception;

(ix) "Viability" means that state of human development when the embryo or fetus is able to live by natural or life-supportive systems outside the womb of the mother, according to appropriate medical judgment;

(x) "Woman" means any female person.

(b) The singular, where used in this article, includes the plural, the plural includes the singular and the masculine gender includes the feminine or neuter genders, when consistent with the intent of this article and when necessary to effectuate its purpose.

35-6-502. No abortion after viability; exception.

An abortion shall not be performed after the embryo or fetus has reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical judgment.

35-6-503. Viability not affected by abortion.

A physician who performs an abortion procedure employed pursuant to W.S. 35-6-502 shall not intentionally terminate the viability of the unborn infant prior to, during or following the procedure.

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35-6-504. Means of treatment for viable abortion.

The commonly accepted means of care that would be rendered to any other infant born alive shall be employed in the treatment of any viable infant who survives an abortion or attempted abortion. Any physician performing an abortion shall take medically appropriate and reasonable steps to preserve the life and health of an infant born alive.

35-6-505. Penalty for violation of W.S. 35-6-502, 35-6-503 or 35-6-504.

Any physician or other person who violates any provision of W.S. 35-6-502, 35-6-503 or 35-6-504 is guilty of a felony punishable by imprisonment in the penitentiary for not more than fourteen (14) years.

35-6-506. Penalty for a person other than a physician to perform abortion.

Any person other than a licensed physician who performs an abortion is guilty of a felony punishable by imprisonment in the penitentiary for not less than one (1) year and not more than fourteen (14) years.

35-6-507. Procedure governing abortion performed upon minor.

(a) An abortion shall not be performed upon a minor unless at least one (1) of the minor's parents or her guardian are notified in writing at least forty-eight (48) hours before the abortion, and the attending physician has obtained the written consent of the minor and at least one (1) parent or guardian of the minor, unless:

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(i) The minor, in a closed hearing, is granted the right to self-consent to an abortion by court order pursuant to subparagraph (b)(v)(B) of this section and the attending physician receives a certified copy of the court order and the written consent of the minor; or

(ii) The abortion is authorized by court order pursuant to subparagraph (b)(v)(C) of this section and the attending physician receives a certified copy of the court order.

(b) A juvenile court of competent jurisdiction may grant the right of a minor to self-consent to an abortion or may authorize an abortion upon a minor, in accordance with the following procedure:

(i) The minor shall apply to the juvenile court for assistance, either in person or through an adult of the minor's choice. The court shall assist the minor in preparing the petition and notices required under this section;

(ii) Notwithstanding W.S. 14-6-212, the minor or an adult of the minor's choice shall file a petition with the court, signed by the minor and setting forth:

(A) The initials of the minor and the minor's date of birth;

(B) The names and addresses, if known, of the minor's parents, guardian, custodian or, if the minor's parents are deceased and a guardian or custodian has not been appointed, any other person standing in loco parentis of the minor;

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(C) That the minor has been informed by her treating physician of the risks and consequences of an abortion;

(D) That the minor is mature and wishes to have an abortion; and

(E) Facts indicating why an abortion is in the best interest of the minor.

(iii) The court may appoint a guardian ad litem of the minor and may appoint legal counsel for the minor;

(iv) Not later than five (5) days after the petition is filed under paragraph (ii) of this subsection, a hearing on the merits of the petition shall be held on the record. Any appointed counsel shall be appointed and notified by the court at least forty-eight (48) hours before the time set for the hearing. At the hearing, the court shall hear evidence relating to:

(A) The maturity and understanding of the minor;

(B) The nature of the abortion, risks and consequences of the abortion and alternatives to the abortion; and

(C) Whether an abortion is in the best interest of the minor.

(v) In its order, which shall be issued not later than twenty-four (24) hours from the conclusion of the hearing, the court shall enter findings of fact and

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conclusions of law, order the record of the hearing sealed and shall:

(A) Deny the petition, setting forth the grounds on which the petition is denied;

(B) Grant the minor the right to self-consent to the abortion, based upon a finding by clear and convincing evidence that the minor is sufficiently mature and adequately informed to make her own decision, in consultation with her physician, independently of the wishes of her parent or guardian; or

(C) Authorize the abortion based upon a finding by clear and convincing evidence that the abortion is in the best interest of the minor.

(vi) Any order entered under paragraph (v) of this subsection may be appealed to the supreme court in accordance with the Wyoming Rules of Appellate Procedure. Notwithstanding W.S. 14-6-233, the supreme court shall, by rule, provide for expedited appellate review of appeals under this paragraph.

(c) This section shall not apply in an emergency medical situation when, to a reasonable degree of medical probability, the attending physician determines that an abortion is necessary to preserve the minor from an imminent peril that substantially endangers her life, and so certifies in the minor's medical record.

(d) The written notifications required under this section shall be delivered:

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(i) Personally by the minor, attending physician or an agent; or

(ii) By certified mail addressed to the parent at the usual place of abode of the parent with return receipt requested and restricted delivery to the addressee.

(e) No parent, guardian or spouse shall require a minor to submit to an abortion against her wishes.

(f) Any physician or other person who knowingly performs an abortion on a minor in violation of this section is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

35-6-508. Information provided to patient; exceptions.

(a) Except in a case of medical emergency, the physician performing the abortion on the patient, the referring physician or a person designated by either physician shall inform the patient of the opportunity to view an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The active ultrasound image and auscultation of the fetal heart tone shall be of a quality consistent with standard medical practice in the community.

(b) This section shall not apply to a procedure performed with the intent to:

(i) Save the life of the patient;

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(ii) Ameliorate a serious risk of causing the patient substantial and irreversible impairment of a major bodily function;

(iii) Preserve the health of the unborn child;

(iv) Remove a dead unborn child; or

(v) Remove an ectopic pregnancy.

35-6-509. Applicability; intent.

(a) It is the intent of the legislature that, subject to W.S. 35-6-510:

(i) The abortion regulations that existed in Wyoming before the United States supreme court's decision in Dobbs v. Jackson Women's Health Organization, 597 U.S. 2015 (2022) be in effect;

(ii) In light of the Wyoming supreme court's decision in State v. Johnson, 2026 WY 1, the abortion regulations that existed before the enactment of the Life is a Human Right Act be in effect so that abortion in Wyoming is regulated as it was before the United States Supreme Court's decision in Dobbs and the enactment of the Life is a Human Right Act and any subsequent enacted law regulating abortion in the state.

35-6-510. Whether article is effective.

(a) This article shall be effective only if a court has enjoined the enforcement or applicability of W.S. 35-6-401 through 35-6-404 or has held that W.S. 35-6-401

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through 35-6-404 violates the Wyoming constitution or the United States constitution.

(b) The attorney general shall review the decisions of any court that challenges W.S. 35-6-401 through 35-6-404 to determine whether W.S. 35-6-401 through 35-6-404 are enforceable. If the attorney general determines that W.S. 35-6-401 through 35-6-404 are not enforceable or cannot take effect, the attorney general shall, within thirty (30) days of the date of the decision, report that fact to the governor, the joint judiciary interim committee and the governor, who may certify the effectiveness of this article to the secretary of state.

(c) After receiving certification from the governor that this article is effective, the secretary of state shall report that fact to the management council of the legislature, the joint judiciary interim committee and the Wyoming state board of medicine and shall immediately publish the effective date of this article on the website of the secretary of state, which effective date shall be five (5) days after the secretary of state receives certification under subsection (b) of this section.

(d) To the extent that W.S. 35-6-401 through 35-6-404 are enjoined but later determined to be legal, constitutional or enforceable after this article has taken effect, the provisions of W.S. 35-6-401 through 35-6-404 shall control and take precedence over this article.

Section 5. W.S. 5-8-102(a) by creating a new paragraph (vii) is amended to read:

5-8-102. Jurisdiction.

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(a) The juvenile court has general jurisdiction in all matters and proceedings commenced therein or transferred to it by order of the district court concerning:

(vii) Procedures governing abortions performed on minors as provided under W.S. 35-6-507, subject to W.S. 35-6-510. For proceedings under this paragraph, "minor" shall mean as defined in W.S. 35-6-501(a)(v).

ORIGINAL HOUSE
BILL NO. HB0126

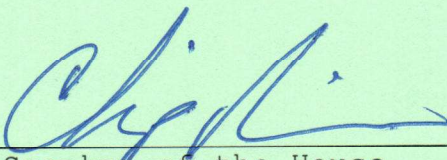
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ENROLLED ACT NO. 29, HOUSE OF REPRESENTATIVES

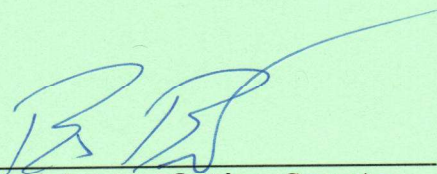
SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

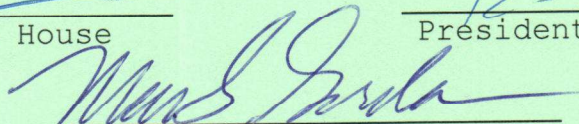
(END)



Speaker of the House



President of the Senate



Governor

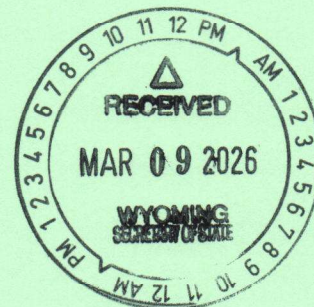
TIME APPROVED: 08:15

DATE APPROVED: 9 Mar 2026

I hereby certify that this act originated in the House.



Chief Clerk



Chapter Eighty-One

HEA # 29

HB # 126

Human Heartbeat Act



March 9, 2026

The Honorable Chip Neiman
Speaker of the Wyoming House of Representatives
State Capitol, 200 West 24th Street
Cheyenne, Wyoming 82002

Re: Signing of House Enrolled Act No. 29 / House Bill 0126 - Human Heartbeat Act

Dear Speaker Neiman,

In my recent State of the State address to the 68th Legislature, I called for a durable solution to the fact that successive efforts to strengthen abortion prohibitions have only weakened Wyoming's laws on this matter. I remain deeply committed to protecting the lives of the unborn, and continue to urge proper resolution to the abortion issue in our state. I am pro-life, with exceptions, as I have stated throughout my tenure.

Despite the upright, moral intentions behind HEA 29, I believe this Act very likely puts us back in the all too familiar and unfortunate territory of pro-life litigation. It does not offer the durable solution I had hoped for, and it does not put the issue before the people of Wyoming from whom, according to Article 1 of our Wyoming Constitution, all governmental power derives. Those efforts were shot down in favor of this sole remaining and flawed Act. Nonetheless, I am signing the Human Heartbeat Act, Enrolled Act 29, into law with both support and concern. Life is sacred.

The central obstacle remains the Wyoming Supreme Court's interpretation of Article 1, Section 38 of the Wyoming Constitution in *State v. Johnson*, 582 P.3d 380 (Wyo. 2026). The Court concluded that abortion is a fundamental right under Article 1, Section 38, which allows adults to make their own healthcare decisions. *Id.* at 398-99. Whether we agree with that interpretation or not, it is the current constitutional framework governing abortion policy in Wyoming. Thus, it will take a constitutional amendment (or narrowly crafted solution) to define that balance. We cannot ignore or disregard the legal complexity of abortion policy in Wyoming. The State must protect unborn life while acting carefully within the constraints of the Wyoming Constitution and court decisions.

The Human Heartbeat Act recognizes the moral significance of a detectable heartbeat and to protect unborn children at an earlier stage of development, a moral aspiration shared by many

people across our state, including myself. Where the act does not align to my pro-life stance is in the concern for specific vulnerable populations. I have continually identified my position on exceptions for women facing pregnancy caused by rape or incest, and risk of the woman's life or substantial and irreversible physical impairment. While the act does include the exception in cases that "preserve the woman from an imminent peril that substantially endangers her life or health," it does not address rape or incest. This is in my mind an unfortunate flaw.

To reaffirm, I resoundingly share the determination to defend the lives of unborn children and support the intentions behind the Human Heartbeat Act. Regrettably, this Act represents another well-intentioned but likely fragile legal effort with significant risk of ending in the courts rather than in lasting, durable policy. Rather than finding a remedy that saves the unborn, I fear we have only added another chapter to the sad saga of repeatedly trying to force a specific solution.

Sincerely,



Mark Gordon
Governor

MG:cb:kh

cc: The Honorable Bo Biteman, President of the Senate
The Honorable Chuck Gray, Secretary of State
Chief Clerk, Wyoming Senate
Chief Clerk, Wyoming House of Representatives

