

## SENATE FILE NO. SF0108

Protecting water from chemical abortion waste.

Sponsored by: Senator(s) Biteman, Boner, Bouchard, French, Hutchings, Ide, McKeown, Salazar and Steinmetz and Representative(s) Allemand, Andrew, Bear, Heiner, Hornok, Jennings, Locke, Ottman, Penn, Styvar, Washut and Winter

## A BILL

for

1 AN ACT relating to abortions and environmental quality;  
2 specifying requirements for the provision of chemical  
3 abortions; specifying criminal and civil penalties and  
4 liability; specifying exceptions to criminal liability;  
5 specifying requirements for manufacturers of chemical  
6 abortion drugs; specifying environmental and disposal  
7 requirements for abortion drugs; specifying duties of the  
8 department of environmental quality; specifying  
9 applicability; providing for the conflict of laws;  
10 providing definitions; requiring rulemaking; and providing  
11 for an effective date.

12

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

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2       **Section 1.** W.S. 35-6-201 through 35-6-203 are created  
3 to read:

4

5

## ARTICLE 2

6

## REGULATION OF CHEMICAL ABORTIONS

7

8

**35-6-201. Definitions.**

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10       (a) As used in this article:

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12               (i) "Abortion" means the act of using or  
13 prescribing any instrument, medicine, drug or any other  
14 substance, device or means with the intent to terminate the  
15 pregnancy of a woman, including the elimination of one (1)  
16 or more unborn babies in a multifetal pregnancy, with  
17 knowledge that the termination by those means will, with  
18 reasonable likelihood, cause the death of the unborn baby.  
19 "Abortion" shall not include any use, prescription or means  
20 specified in this paragraph if the use, prescription or  
21 means are done with the intent to:

22

1                   (A) Save the life or preserve the health of  
2 the unborn baby;

3

4                   (B) Remove a dead unborn baby caused by  
5 spontaneous abortion or intrauterine fetal demise;

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7                   (C) Treat a woman for an ectopic pregnancy;  
8 or

9

10                   (D) Treat a woman for cancer or another  
11 disease that requires medical treatment which treatment may  
12 be fatal or harmful to the unborn baby.

13

14                   (ii) "Abortion drug" means any medicine, drug or  
15 other substance, or combination thereof, when used to  
16 intentionally:

17

18                   (A) Kill the unborn baby of a woman known  
19 to be pregnant; or

20

21                   (B) Terminate the pregnancy of a woman  
22 known to be pregnant with an intention other than to  
23 produce a live birth or to remove a dead unborn baby.

1

2 (iii) "Catch kit" means a collection container  
3 designed to catch and hold medical waste or infectious  
4 waste, including containers used for collecting samples for  
5 testing;

6

7 (iv) "Chemical abortion" means the use of an  
8 abortion drug to intentionally:

9

10 (A) Kill the unborn baby of a woman known  
11 to be pregnant; or

12

13 (B) Terminate the pregnancy of a woman  
14 known to be pregnant, with an intention other than to  
15 produce a live birth or to remove a dead unborn baby.

16

17 (v) "Health care provider" means any person  
18 licensed to prescribe prescription drugs under federal law  
19 or state law;

20

21 (vi) "Medical waste bag" means a biohazardous  
22 waste container made to contain medical or biohazardous  
23 waste;

1

2           (vii) "Pregnancy" or "pregnant" means the human  
3 female reproductive condition of having a living unborn  
4 baby or human being within a human female's body throughout  
5 the entire embryonic and fetal stages of the unborn human  
6 being from fertilization, when a fertilized egg has  
7 implanted in the wall of the uterus, to full gestation and  
8 childbirth;

9

10           (viii) "Unborn baby" means an individual living  
11 member of the species homo sapiens throughout the entire  
12 embryonic and fetal stages from fertilization to full  
13 gestation and childbirth.

14

15           **35-6-202. Chemical abortions; requirements;**  
16 **penalties; liability; exceptions.**

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18           (a) No health care provider shall knowingly provide  
19 or attempt to provide a chemical abortion without  
20 completing all of the following:

21

22           (i) Physically examining the patient;

23

1           (ii) Being physically present with the pregnant  
2 woman at a hospital or the health care provider's facility  
3 when the woman ingests the first abortion drug or drugs  
4 necessary for a chemical abortion;

5

6           (iii) Scheduling a follow-up visit for the  
7 patient that occurs not later than seven (7) days after the  
8 administration or use of the abortion drug in order to  
9 assess the patient's condition;

10

11           (iv) Providing a catch kit and medical waste bag  
12 to the patient, including instructions for the patient to  
13 bring the catch kit and medical waste bag to the health  
14 care provider for proper disposal.

15

16           (b) Any health care provider who violates subsection  
17 (a) of this section shall be guilty of a felony punishable  
18 by imprisonment for not to exceed three (3) years, a fine  
19 not to exceed ten thousand dollars (\$10,000.00), or both.

20

21           (c) Subsection (a) of this section shall not apply  
22 to:

23

1           (i) A pregnant woman who procures or attempts to  
2 procure a chemical abortion;

3

4           (ii) Efforts by a health care provider to treat  
5 a diagnosed ectopic pregnancy.

6

7           (d) Medical waste bags provided to pregnant women  
8 seeking a chemical abortion under this article shall:

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10           (i) Contain warning labels that state  
11 "BIOHAZARD" and the universal biological hazard symbol;

12

13           (ii) Be fluorescent orange or orange-red with  
14 lettering and symbols in a contrasting color.

15

16           **35-6-203. Applicability; conflict of laws.**

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18 If any provision of this article conflicts with the Life is  
19 a Human Right Act or W.S. 35-6-139, the provisions of the  
20 Life is a Human Right Act and W.S. 35-6-139 shall control  
21 over this article to the extent that the Life is a Human  
22 Right Act and W.S. 35-6-139 are enforceable.

23

1           **Section 2.** W.S. 35-6-133, 35-11-301 by creating new  
2 subsections (b) and (c) and 35-11-302(a) by creating a new  
3 paragraph (xii) are amended to read:

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5           **35-6-133. Rules and regulations for disposal of**  
6 **bodies and parts thereof.**

7

8 The state department of health ~~may~~shall prescribe rules  
9 and regulations for the disposal of the bodies, tissues,  
10 organs and parts thereof of an unborn child, human fetus or  
11 human embryo which has been aborted.

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13           **35-11-301. Prohibited acts.**

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15           (b) No abortion drug as defined by W.S.  
16 35-6-201(a)(ii) shall enter any public water supply or  
17 community water system. The manufacturer of any abortion  
18 drug shall be responsible for proper disposal of discarded  
19 abortion drugs and for the mitigation and remediation of  
20 any environmental effects of abortion drugs, including  
21 endocrine-disrupting chemical byproducts of abortion drugs,  
22 that may enter any disposal system, sewerage system, public  
23 water supply, community water system or the waters of the



1 state as a result of the disposal of tainted human remains  
2 from at-home abortions.

3  
4 (c) If endocrine-disrupting chemicals from abortion  
5 drugs as defined by W.S. 35-6-201(a)(ii) are found in  
6 wastewater, a public water supply, a community water system  
7 or the waters of the state, the manufacturer of the  
8 abortion drugs shall be responsible for cleanup,  
9 remediation and any further preventative measures that the  
10 department may require.

11  
12 **35-11-302. Administrator's authority to recommend**  
13 **standards, rules, regulations or permits.**

14  
15 (a) The administrator, after receiving public comment  
16 and after consultation with the advisory board, shall  
17 recommend to the director rules, regulations, standards and  
18 permit systems to promote the purposes of this act. Such  
19 rules, regulations, standards and permit systems shall  
20 prescribe:

21  
22 (xii) Standards for the collection and disposal  
23 of discarded abortion drugs as defined by W.S.

1 35-6-201(a)(ii) and for the mitigation and remediation  
2 necessary to address the environmental effects of abortion  
3 drugs that are discharged into any disposal system,  
4 sewerage system, public water supply, community water  
5 system or the waters of the state. Rules promulgated under  
6 this paragraph shall include requirements for the testing  
7 of community water systems and public water supplies to  
8 ensure that endocrine-disrupting chemical byproducts of  
9 abortion drugs do not enter a water system or water supply.

10

11 **Section 3.**

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13 (a) The department of health shall promulgate all  
14 rules within its authority necessary to implement this act.

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16 (b) The environmental quality council, upon  
17 recommendation from the department of environmental  
18 quality, shall promulgate all rules within its authority  
19 necessary to implement this act.

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

5

6

(END)