



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

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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