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1973 Senate Bill 338

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CHAPTER 159, Laws of 1973

AN ACT to create 140.275, 441.06 (6) and 448.06 (8) of the statutes, relating to exemptions from civil liability for refusal to perform abortions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 140.275 of the statutes is created to read:

140.275 Abortion refused; no liability; no discrimination. (1) No hospital shall be required to admit any patient or to allow the use of the hospital facilities for the purpose of performing a sterilization procedure or removing a human embryo or fetus. A physician or any other person who is a member of or associated with the staff of a hospital, or any employe of a hospital in which such a procedure has been authorized, who shall state in writing his objection to the performance of or providing assistance to such a procedure on moral or religious grounds shall not be required to participate in such medical procedure, and the refusal of any such person to participate therein shall not form the basis of any claim for damages on account of such refusal or for any disciplinary or recriminatory action against such person.

(2) No hospital or employe of any hospital shall be liable for any civil damages resulting from a refusal to perform sterilization procedures or remove a human embryo or fetus from a person, if such refusal is based on religious or moral precepts.

(3) No hospital or employer shall discriminate against any employe or applicant for employment with regard to hiring or firing, tenure or term or condition or privilege of employment, on the ground that such employe or applicant refuses to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus, if such refusal is based on religious or moral precepts.

(4) The receipt of any grant, contract, loan or loan guarantee under any state or federal law does not authorize any court or any public official or other public authority to require:

(a) Such individual to perform or assist in the performance of any sterilization procedure or removal of a human embryo or fetus if his performance or assistance in the performance of such a procedure would be contrary to his religious beliefs or moral convictions; or

(b) Such entity to:

1. Make its facilities available for the performance of any sterilization procedure or removal of a human embryo or fetus if the performance of such a procedure in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions; or

2. Provide any personnel for the performance or assistance in the performance of any sterilization procedure or assistance if the performance or assistance in the performance of such procedure or the removal of a human embryo or fetus by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

SECTION 2. 441.06 (6) of the statutes is created to read:

441.06 (6) No person registered under this section shall be liable for any civil damages resulting from such person's refusal to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus from a person, if such refusal is based on religious or moral precepts.

SECTION 3. 448.06 (8) of the statutes is created to read:

448.06 (8) No person licensed under this section shall be liable for any civil damages resulting from such person's refusal to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus from a person, if such refusal is based on religious or moral precepts.
