

2001 DRAFTING REQUEST

Bill

Received: **01/31/2001**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **Maggie Grimm (aide)**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters:

Subject: **Health - abortion
Public Assistance - med. assist.**

Extra Copies: **ISR, PG, MJL**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Prohibit dispensing of prescription birth control in school-based health clinics

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 03/22/2001	gilfokm 03/22/2001	pgreensl 03/23/2001	_____	lrb_docadmin 03/23/2001		S&L
/2	kenneda 08/19/2001	gilfokm 09/28/2001	kfollet 09/28/2001	_____	lrb_docadmin 09/28/2001	lrb_docadminS&L 11/21/2001	

FE Sent For:

L At intro.

<END>

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FE Sent For:

12-9/28
Kmg

Kil
9/28

SL/RS
9/28
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1?	kenneda	1-3/Kmg 1-22-01	3/23 Pg	7/23 Pg / JK			

FE Sent For:

<END>

DAK?

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill. Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <u>1-26-01</u>	Legislator or agency requesting this draft: <u>Grothman</u>
Name/phone number of person submitting request: <u>Maggie Grimm 4-8486</u>	
Persons to contact for questions about this draft (names and phone numbers please):	
Describe the problem, including any helpful examples. How do you want to solve the problem? <u>Rep. Grothman would like a bill introduced that would ban the dispensing of prescription birth control in school-based health clinics. Please use the definition of prescription birth control used in 1999 AB632.</u>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO
If yes, anyone who asks? YES NO
Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?
 YES NO If yes, please sign your name here:



2001 BILL

a contraceptive prescription drug or
a contraceptive prescription device

or a contraceptive
prescription device

a contraceptive
prescription

Gen. Cat.

1 AN ACT... relating to: prohibiting the ~~prescribing or~~ dispensing of ~~the~~ drug
2 ~~RC 486~~ under school-based medical services.

Analysis by the Legislative Reference Bureau

This bill prohibits the ~~prescribing or~~ dispensing of ~~the drug RC 486~~
~~and~~ ~~prescription~~ to a pupil, as part of a school-based medical service, by an employee
of or contractor with a school district, cooperative educational service ~~association,~~ *agency*
charter school, private school, the Wisconsin School for the Deaf or the Wisconsin
Center for the Blind and Visually Impaired.

For further information see the *state and local* fiscal estimate, which will be
printed as an appendix to this bill.

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

3 SECTION 1. 118.289 of the statutes is created to read:

4 118.289 ~~Prescription or dispensing of RC 486~~ prohibited. No person
5 who provides school-based medical services as an employee of or under contract with
6 a school district, cooperative educational service ~~association,~~ *agency* charter school, private
7 school, the Wisconsin School for the Deaf or the Wisconsin Center for the Blind and

contraceptives

(3)

BILL

1 Visually Impaired, may ~~prescribe or~~ dispense the drug RU-486 (mifepristone) to a
2 pupil as part of the school-based medical service.

3

(END)

a contraceptive
prescription drug or
contraceptive
prescription device

Kennedy, Debora

From: Delaporte, Maggie
Sent: Thursday, August 09, 2001 1:01 PM
To: Kennedy, Debora
Subject: Redraft request LRB 2329

Debora:

Please alter LRB 2329 to reflect the following changes:

Prohibit the dispensing, prescribing or administering of a contraceptive prescription drug or a contraceptive prescription device under school-based medical services.

This draft should prohibit the dispensing, prescribing or administering of a contraceptive prescription drug or a contraceptive prescription device to a pupil, as part of a school-based medical service, by an employee of, volunteer of, or contractor with a school district, cooperative educational service agency, charter school, or private school or the Wisconsin School for the Deaf or the Wisconsin Center for the Blind and Visually Impaired.

? what if private school ?
Under this motion, if a school violates this prohibition, the school district to which the school belongs must return the all state moneys received. If an organization or agent working on behalf of an organization prescribes or dispenses the birth control, that organization may not receive any of the state, local, and federal funds to provide the services for 24 months or the date of the organization's last violation, whichever is later; any grant subsidy or other form of the funds to the organization is terminated; and the organization must return to the state agency or local unit of government all funds paid under the grant, subsidy or other funding.

Thanks so much.

Maggie Delaporte
Rep. Glenn Grothman's office

all moneys, or moneys for school medical services?



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2329/22

DAK:kmg:R

Due 10/1
2001 BILL

and prohibiting the payment of public funds for school-based medical services under which contraceptive prescription drugs or devices are dispensed, prescribed, or administered

, prescribing, or administering

- 1 AN ACT to create 118.289 of the statutes; relating to: prohibiting the dispensing
- 2 of a contraceptive prescription drug or ~~a contraceptive prescription~~ device
- 3 to a pupil under school-based medical services.

, volunteer for,

Analysis by the Legislative Reference Bureau

This bill prohibits the dispensing of a contraceptive prescription drug or a contraceptive prescription device to a pupil, as part of a school-based medical service, by an employee of, or contractor with a school district, cooperative educational service agency, charter school, ^{or} private school ~~in~~ the Wisconsin School for the Deaf or the Wisconsin Center for the Blind and Visually Impaired. **INSERT A**

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

INSERT 1-4

- 4 SECTION 1. 118.289 of the statutes is created to read:
- 5 118.289 Dispensing ^{prescribing or administering} of contraceptives prohibited. No person who
- 6 provides school-based medical services as an employee of, or ^{under contract} ~~with~~ a
- 7 school district, ^{for} cooperative educational service agency, ^{or} charter school, ^{or} private

contractor

, volunteer for, or

BILL

- 1 school ~~of~~ the Wisconsin School for the Deaf or the Wisconsin Center for the Blind and
2 Visually Impaired may dispense a contraceptive prescription drug or contraceptive
3 prescription device to a pupil as part of the school-based medical service.

(END)

, prescribe, or administer

20.9274

Section #. ~~20.9275~~ of the statutes is created to read:

contraceptives

20.9274

~~20.9275~~ Prohibitions on funding for ~~abortion-related activities~~. (1) In this section:

(a) ~~Abortion~~ has the meaning given in ~~s. 23.10(2)(a)~~, "charter school" has the meaning given in s. 115.001 (1).

(b) "Local governmental unit" means a city, village, town, county ^{or} ~~family care district~~ ~~or~~ ~~s. 46.28(1)~~ or an agency or subdivision of a city, village, town or county.

(c) "Organization" means a nonprofit corporation, as defined in s. 46.93 (1m) (c), or a public agency, as defined in s. 46.93 (1m) (e).

~~(e) "Pregnancy program, project or service" means a program, project or service of an organization that provides services for pregnancy prevention, family planning, as defined in s. 253.07 (1) (a), pregnancy testing, pregnancy counseling, prenatal care, pregnancy services and reproductive health care services that are related to pregnancy.~~

~~(f) "Program funds" means all of the following funds distributed or attributable to an organization for operation of a pregnancy program, project or service:~~

~~1. Funds specified under sub. (2) (intro.).~~

~~2. Income derived from a grant, subsidy or other funding specified under sub. (2) (intro.) or from a pregnancy program, project or service funded by a grant, subsidy or other funding specified under sub. (2) (intro.).~~

~~3. Funds that are matching funds to a grant, subsidy or other funding specified under sub. (2) (intro.).~~

(e) "State agency" means an office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature, the courts, and an authority created in ch. 231 or 233.

(2) No state agency or local governmental unit may authorize payment of funds of this state, of any local governmental unit, or, subject to sub. (3), of federal funds passing through the state trea-

INSERT X

for school-based medical services

to a school or to an organization or agent working on behalf of a school if the school, organization, or agent

sure as a grant, subsidy or other funding that wholly or partially or directly or indirectly involves pregnancy programs, projects or services, that is a grant, subsidy or other funding under s. 46.93, 46.94, 46.95, 253.03, 253.07, 253.08 or 253.085 or 42 USC 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

using the state, local or federal funds does any of the following:
 Violates s. 118.289.

- 1. Provides abortion services.
- 2. Promotes, encourages or counsels in favor of abortion services.
- 3. Makes abortion referrals either directly or through an intermediary in any instance other than when an abortion is directly and medically necessary to save the life of the pregnant woman.

(b) The pregnancy program, project or service is funded from any other source that requires, as a condition for receipt of the funds, that the pregnancy program, project or service perform any of the activities specified in par. (a) 1. to 3.

(2m) Nothing in sub. (2) prohibits the providing of nondirective information explaining any of the following:

- (a) Prenatal care and delivery.
- (b) Infant care, foster care or adoption.
- (c) Pregnancy termination.

(3) Subject to sub. (3m), no organization that receives funds specified under sub. (2) (intro.) may use program funds for an activity that is specified under sub. (2) (a) 1. to 3.

(3m) The restriction under sub. (2) and (3) on the authorization of payment and the use of federal funds passing through the state treasury shall apply only to the extent that the application of the restriction does not result in the loss of any federal funds.
 to the state

s. 118.289

(4) If an organization that receives funds specified under sub. (2) violates sub. (2), all of the following shall apply:

(a) The ^{school or} organization may not receive funds specified under sub. (2) ~~for~~ for 24 months after the date on which the state agency or local governmental unit last authorized payment or the date on which the ^{school,} organization, ~~under a pregnancy program, project or service,~~ last violated ~~sub. (2)~~, whichever is later.

(b) The grant, subsidy ^{or agent} or other funding under which ^{a school or} an organization, ~~under a pregnancy program, project or service,~~ has used funds in violation of ~~sub. (2)~~ is terminated; and the ^{s. 118.289} organization shall return to the state agency or local governmental unit all funds that have been paid to the ^{school or} organization under the grant, subsidy ^{or} or other funding.

(5) If a state agency or local governmental unit authorizes payment in violation of sub. (2), the grant, subsidy ^{or} or other funding under which the state agency or local governmental unit authorized payment in violation of sub. (2) is terminated; and the ^{school or} organization shall return to the state agency or local governmental unit funds that have been paid to the organization under the grant, subsidy ^{or} or other funding.

History: 1997 a. 27, 237; 1999 a. 9.

End of INSERT 1-4

INSERT A

Further, the bill prohibits state agencies and local governmental units from authorizing state, local, or federal funds for school-based medical services to a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired that violates the prohibition on dispensing, prescribing, or administering the contraceptives. A school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired that receives state, local, or federal moneys for school-based medical services and that violates the prohibition on dispensing, prescribing, or administering the contraceptives may not receive additional funds for the school-based medical services for 24 months and must return all moneys paid for the services; and the grant, subsidy, or other funding under which the funds were received is terminated.

INSERT X

- 1 (d) "School" means a school district, cooperative educational service agency,
- 2 charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin
- 3 Center for the Blind and Visually Impaired.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266 3561
LEGAL FAX: (608) 264-6948

September 28, 2001

MEMORANDUM

To: Representative Grothman

From: Debora A. Kennedy, Managing Attorney

Re: LRB-2329/2 Prohibit dispensing of prescription birth control in school-based health clinics

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY _____ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0137 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.