



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 168

**Assembly
Amendments 1 and 2**

Memo published: May 16, 2001

Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)

Assembly Amendment 1

Among other things, Assembly Bill 168 extends the protection of the Wisconsin Fair Employment Act, which generally prohibits workplace discrimination, to certain health care providers who refuse, based on the health care provider's creed, to participate in certain medical procedures. Those procedures are: (1) a sterilization procedure; (2) a procedure involving a drug or device that may prevent the implantation of a fertilized human ovum; (3) an abortion; (4) an experiment or medical procedure involving the destruction of a human embryo or involving a human embryo or unborn child, at any stage of development, in which the experiment or procedure is not related to the beneficial treatment of the embryo or unborn child; (5) a procedure, including a transplant procedure, that uses fetal tissue or organs other than fetal tissue or organs, from a stillbirth, spontaneous abortion or miscarriage; (6) the withholding or withdrawal of nutrition or hydration, unless administration of nutrition or hydration is medically contraindicated; or (7) an act that causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia, or mercy killing.

Assembly Amendment 1 extends the protection of the Wisconsin Fair Employment Act to **medical equipment sellers** whose employment duties include selling or supplying medical equipment or supplies and who refuse, based on creed, to sell or provide medical equipment or supplies used for any of the above procedures.

Assembly Amendment 2

Generally, under Assembly Bill 168, in addition to being covered by the Wisconsin Fair Employment Act for refusing to engage in the above-described procedures, a health care provider or a pharmacist is not subject to employment discipline, discipline from a licensing agency or civil liability if the person, in writing, refuses or states an intention to refuse to participate in one of those activities on moral or religious grounds.

Assembly Amendment 2 modifies the final two procedures identified above. First, Assembly Amendment 2 provides that the protections in the bill apply to a refusal by a health care provider to participate in the withholding or withdrawal of nutrition or hydration ***only if the withholding or withdrawal of nutrition or hydration would result in the patient's death from malnutrition or dehydration or complications of malnutrition or dehydration, rather than from the underlying terminal illness or injury***, unless the administration of nutrition or hydration is medically contraindicated. Additionally, Assembly Amendment 2 provides that the protections in the bill apply to a refusal by a health care provider to refuse to participate in an act that ***intentionally*** causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia or mercy killing.

Assembly Amendment 1 was recommended for adoption by the Assembly Committee on Labor and Workforce Development on a vote of Ayes, 5, Noes, 2.

Assembly Amendment 2 was recommended for adoption by the Assembly Committee on Labor and Workforce Development by a vote of Ayes, 7, Noes, 0.

The bill was recommended for passage, as amended, by the Assembly Committee on Labor and Workforce Development on a vote of Ayes, 5, Noes, 2.

RJC:tl;jal;tl