

**ASSEMBLY BILL 377 (LRB -1387)**

An Act to renumber 50.38 (1); to amend 50.38 (2); and to create 50.375 and 50.38 (1) (b) of the statutes; relating to: requiring a hospital to provide to a sexual assault victim information and, upon her request, emergency contraception and providing a penalty. (FE)

**2007**

05-31.	A.	Introduced by Representatives <b>Musser, Pocan, Wood, Kaufert, Richards, Hilgenberg, Hintz, Molepske, Wasserman, Kreuser, Hebl, Soletski, Toles, Benedict, Berceau, Black, Boyle, Grigsby, Hraychuck, Kessler, Parisi, Pope-Roberts, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Travis, Turner, Vruwink, Young and Zepnick</b> ; cosponsored by Senators <b>Robson, Taylor, Miller, Plale, Risser, Erpenbach, Lehman, Wirch, Hansen, Jauch, Carpenter, Kreitlow, Coggs, Lassa and Sullivan.</b>	
05-31.	A.	Read first time and referred to committee on Judiciary and Ethics	204
06-05.	A.	Fiscal estimate received.	
09-06.	A.	Public hearing held.	
09-18.	A.	Assembly amendment 1 offered by Representative Gundrum ( <b>LRB a0710</b> )	277
09-18.	A.	Executive action taken.	
09-25.	A.	Report Assembly Amendment 1 adoption recommended by committee on Judiciary and Ethics, Ayes 6, Noes 4	284
09-25.	A.	Report passage as amended recommended by committee on Judiciary and Ethics, Ayes 6, Noes 4	284
09-25.	A.	Referred to committee on Rules	284
12-06.	A.	Placed on calendar 12-11-2007 by committee on Rules.	
12-11.	A.	Read a second time	392
12-11.	A.	Assembly substitute amendment 1 offered by Representatives Wood, Musser and Pocan ( <b>LRB s0197</b> )	392
12-11.	A.	Assembly amendment 1 to Assembly substitute amendment 1 offered by Representative LeMahieu ( <b>LRB a0976</b> )	392
12-11.	A.	Assembly amendment 1 to Assembly substitute amendment 1 <u>laid on table</u> , Ayes 54, Noes 43	392
12-11.	A.	Assembly amendment 2 to Assembly substitute amendment 1 offered by Representatives Vos and Gottlieb ( <b>LRB a0991</b> )	393
12-11.	A.	Assembly amendment 2 to Assembly substitute amendment 1 <u>laid on table</u> , Ayes 54, Noes 43	393
12-11.	A.	Assembly amendment 3 to Assembly substitute amendment 1 offered by Representatives Gottlieb, Vos, LeMahieu and Nygren ( <b>LRB a0995</b> )	393
12-11.	A.	Assembly amendment 3 to Assembly substitute amendment 1 <u>laid on table</u> , Ayes 53, Noes 44	393
12-11.	A.	Refused to table Assembly substitute amendment 1, Ayes 41, Noes 56	393
12-11.	A.	Assembly substitute amendment 1 <b>adopted</b> , Ayes 56, Noes 41	393
12-11.	A.	Ordered to a third reading	394
12-11.	A.	Refused to suspend rules to read a third time, Ayes 47, Noes 50	394

**2008**

01-23.	A.	Read a third time and <b>passed</b> , Ayes 61, Noes 35	458
01-23.	A.	Refused to suspend rules to order immediately messaged, Ayes 46, Noes 50	458
02-26.	S.	Received from Assembly.	
02-26.	S.	Placed on calendar 2-28-2008 by committee on Senate Organization.	
02-28.	S.	Read a second time.	
02-28.	S.	Ordered to a third reading.	
02-28.	S.	Rules suspended.	
02-28.	S.	Read a third time and <b>concurred in</b> , Ayes 25, Noes 6.	
02-28.	S.	Ordered immediately messaged.	
02-28.	A.	Received from Senate concurred in.	

SB

2007

ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig     Engr

A SubAmdt 1

075 0197/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-28-08

Date

J. Miller

Enrolling Drafter

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 377**

December 11, 2007 – Offered by Representatives WOOD, MUSSER and POCAN.

- 1     **AN ACT** *to create* 50.375 and 50.389 of the statutes; **relating to:** requiring a  
2           hospital to provide to a sexual assault victim information and, upon her  
3           request, emergency contraception and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This substitute amendment requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the substitute amendment, of sexual assault: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception, her option to report the sexual assault to a law enforcement agency, and any available options for her to receive an examination to gather evidence regarding the sexual assault; and 3) immediately provide emergency contraception to her upon her request. If the medication is taken in more than one dosage, the hospital shall provide all subsequent dosages to the victim for later self administration. “Emergency contraception” is defined in the substitute amendment to be a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device that is approved by the federal Food and Drug Administration and that prevents a pregnancy after

sexual intercourse. The definition of “emergency contraception” specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

The substitute amendment also requires a hospital that provides emergency care to ensure that each hospital employee who provides care to a victim of sexual assault has available medically and factually accurate and unbiased information about emergency contraception. DHFS must respond to complaints about violations of these requirements and must periodically review procedures of hospitals to determine whether they are in compliance. Violators of the requirements are subject to forfeitures.

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

1           **SECTION 1.** 50.375 of the statutes is created to read:

2           **50.375 Emergency contraception for sexual assault victims.** (1) In this  
3 section:

4           (a) “Emergency contraception” means a drug, medicine, oral hormonal  
5 compound, mixture, preparation, instrument, article, or device that is approved by  
6 the federal food and drug administration and that prevents a pregnancy after sexual  
7 intercourse. “Emergency contraception” does not include a drug, medicine, oral  
8 hormonal compound, mixture, preparation, instrument, article, or device of any  
9 nature that is prescribed to terminate the pregnancy of a female.

10           (b) “Sexual assault” means a violation of s. 940.225 (1), (2), or (3).

11           (c) “Victim” means a female who alleges or for whom it is alleged that she  
12 suffered sexual assault and who, as a result of the sexual assault, presents as a  
13 patient at a hospital that provides emergency services.

14           (2) A hospital that provides emergency services to a victim shall do all of the  
15 following:

1 (a) Provide to the victim medically and factually accurate and unbiased written  
2 and oral information about emergency contraception and its use and efficacy.

3 (b) Orally inform the victim of all of the following:

- 4 1. Her option to receive emergency contraception at the hospital.
- 5 2. Her option to report the sexual assault to a law enforcement agency.
- 6 3. Any available options for her to receive an examination to gather evidence  
7 regarding the sexual assault.

8 (c) Except as specified in sub. (4), immediately provide to the victim upon her  
9 request emergency contraception, in accordance with instructions approved by the  
10 federal food and drug administration. If the medication is taken in more than one  
11 dosage, the hospital shall provide all subsequent dosages to the victim for later self  
12 administration.

13 **(3)** A hospital that provides emergency care shall ensure that each hospital  
14 employee who provides care to a victim has available medically and factually  
15 accurate and unbiased information about emergency contraception.

16 **(4)** No hospital may be required to provide emergency contraception to a victim  
17 who is pregnant, as indicated by a test for pregnancy.

18 **(5)** The department shall respond to any complaint received by the department  
19 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)  
20 and shall periodically review hospital procedures to determine whether a hospital  
21 is in compliance with the requirements.

22 **SECTION 2.** 50.389 of the statutes is created to read:

23 **50.389 Forfeiture.** (1) Whoever violates a requirement under s. 50.375 (2)  
24 or (3) may be required to forfeit not less than \$2,500 nor more than \$5,000 for each  
25 violation.

1           **(2)** The department may directly assess forfeitures provided for under sub. (1).  
2 If the department determines that a forfeiture should be assessed for a particular  
3 violation, the department shall send a notice of assessment to the hospital. The  
4 notice shall specify the amount of the forfeiture assessed, the violation and the  
5 statute or rule alleged to have been violated, and shall inform the hospital of the right  
6 to a hearing under sub. (3).

7           **(3)** A hospital may contest an assessment of a forfeiture by sending, within 10  
8 days after receipt of notice under sub. (2), a written request for a hearing under s.  
9 227.44 to the division of hearings and appeals created under s. 15.103 (1). The  
10 administrator of the division may designate a hearing examiner to preside over the  
11 case and recommend a decision to the administrator under s. 227.46. The decision  
12 of the administrator of the division shall be the final administrative decision. The  
13 division shall commence the hearing within 30 days after receipt of the request for  
14 a hearing and shall issue a final decision within 15 days after the close of the hearing.  
15 Proceedings before the division are governed by ch. 227. In any petition for judicial  
16 review of a decision by the division, the party, other than the petitioner, who was in  
17 the proceeding before the division shall be the named respondent.

18           **(4)** All forfeitures shall be paid to the department within 10 days after receipt  
19 of notice of assessment or, if the forfeiture is contested under sub. (3), within 10 days  
20 after receipt of the final decision after exhaustion of administrative review, unless  
21 the final decision is appealed and the order is stayed by court order. The department  
22 shall remit all forfeitures paid to the secretary of administration for deposit in the  
23 school fund.

24           **(5)** The attorney general may bring an action in the name of the state to collect  
25 any forfeiture imposed under this section if the forfeiture has not been paid following

1 the exhaustion of all administrative and judicial reviews. The only issue to be  
2 contested in any such action shall be whether the forfeiture has been paid.

3 (END)

# State of Wisconsin



Wrong bill  
- Should be  
AB 377

Added  
03-17-08

Corrected  
copy

2007 Senate Bill 377

Date of enactment: **March 13, 2008**  
Date of publication: **March 27, 2008**

## 2007 WISCONSIN ACT 102

**AN ACT** to renumber 20.434 of the statutes; and to affect 2007 Wisconsin Act 20, section 9101 (10q); relating to: renumbering the appropriation accounts for the Board for People with Developmental Disabilities (suggested as remedial legislation by the Department of Administration).

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

**SECTION 1.** 20.434 of the statutes, as created by 2007 Wisconsin Act 20, is renumbered 20.438.

**SECTION 2.** 2007 Wisconsin Act 20, section 9101 (10q) is amended to read:

[2007 Wisconsin Act 20] Section 9101 (10q) POSITION AUTHORIZATIONS; BOARD FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES. There is authorized for the board for people with developmental disabilities 7.75 FTE FED positions to be funded from the appropriation under section 20.434 20.438 (1) (mc) of the statutes, as created by this act.

\* Section 991.11, WISCONSIN STATUTES 2005-06: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].