

2013 Assembly Bill 675 (LRB -3028)

An Act to renumber 146.0255 (1) (a); to renumber and amend 146.0255 (2); to amend 46.238, 146.0255 (title), 146.0255 (3) (intro.) and 146.0255 (3) (b); and to create 146.0255 (1) (ag), 146.0255 (1) (c), 146.0255 (2) (a) (title), 146.0255 (2) (b) and 146.0257 of the statutes; relating to: evaluation of infants for fetal alcohol spectrum disorder and referral of infants who have that condition for services and treatment. (FE)

2014

- 01-27. A. Introduced by Representatives **Krug, Skowronski, Murphy, Kahl, Bies, Ballweg, A. Ott, Kestell and Thiesfeldt**; cosponsored by Senators **Olsen, Schultz and Lassa**. ..... 559
- 01-27. A. Read first time and referred to Committee on Children and Families ..... 559
- 01-29. A. Fiscal estimate received
- 01-29. A. Public hearing held
- 02-04. A. **Assembly Amendment 1** offered by Representative **Krug (LRB a1600)** ..... 578
- 02-05. A. Executive action taken
- 02-06. A. Fiscal estimate received
- 02-07. A. Report Assembly Amendment 1 adoption recommended by Committee on Children and Families, Ayes 11, Noes 0 ..... 588
- 02-07. A. Report passage as amended recommended by Committee on Children and Families, Ayes 11, Noes 0 ..... 588
- 02-07. A. Referred to Committee on Rules ..... 588
- 02-11. A. Placed on calendar 2-13-2014 by Committee on Rules
- 02-13. A. Read a second time ..... 636
- 02-13. A. **Assembly Amendment 1 adopted** ..... 636
- 02-13. A. Ordered to a third reading ..... 636
- 02-13. A. Rules suspended ..... 637
- 02-13. A. Read a third time and **passed** ..... 637
- 02-13. A. Ordered immediately messaged ..... 637
- 02-14. S. Received from Assembly ..... 671
- 02-17. S. Read first time and referred to committee on Health and Human Services ..... 677
- 02-19. S. Public hearing held
- 03-05. S. Executive action taken
- 03-05. S. Report concurrence recommended by Committee on Health and Human Services, Ayes 5, Noes 0 ..... 735
- 03-05. S. Available for scheduling
- 03-31. S. Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1) ..... 822
- 04-01. S. Senator Carpenter added as a cosponsor
- 04-01. S. Senator L. Taylor added as a cosponsor
- 04-01. S. Read a second time
- 04-01. S. Ordered to a third reading
- 04-01. S. Rules suspended
- 04-01. S. Read a third time and **concurred in**
- 04-01. S. Ordered immediately messaged
- 04-02. A. Received from Senate concurred in ..... 818

**2013**  
**ENROLLED BILL**

13en A B-675

---

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**     **SubAmdt**

13-302813

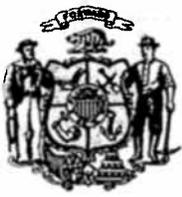
Amendments to above (if none, write "NONE"): AA1 ——— a1600/1

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

Topic Rel as amended

4-3-14  
Date

*J. Rindler*  
Enrolling Drafter



State of Wisconsin  
2013-2014 LEGISLATURE

**CORRECTIONS IN:**

**2013 ASSEMBLY BILL 675**

Prepared by the Legislative Reference Bureau  
(April 3, 2014)

In enrolling, the following correction was made:

1. Page 6, line 16: delete "that that" and substitute "that".

(END)



## 2013 ASSEMBLY BILL 675

January 27, 2014 - Introduced by Representatives KRUG, SKOWRONSKI, MURPHY, KAHL, BIES, BALLWEG, A. OTT, KESTELL and THIESFELDT, cosponsored by Senators OLSEN, SCHULTZ and LASSA. Referred to Committee on Children and Families.

1 AN ACT *to renumber* 146.0255 (1) (a); *to renumber and amend* 146.0255 (2);  
2 *to amend* 46.238, 146.0255 (title), 146.0255 (3) (intro.) and 146.0255 (3) (b);  
3 and *to create* 146.0255 (1) (ag), 146.0255 (1) (c), 146.0255 (2) (a) (title),  
4 146.0255 (2) (b) and 146.0257 of the statutes; **relating to:** evaluation of infants  
5 for fetal alcohol spectrum ~~disorder~~ <sup>INS. AA 1-1</sup> and referral of infants who have that  
6 condition for services and treatment.

### *Analysis by the Legislative Reference Bureau*

Under current law, if a hospital employee who provides health care, social worker, or intake worker of the court assigned to exercise jurisdiction under the Children's Code (juvenile court intake worker) suspects that an infant has controlled substances in the infant's bodily fluids because of the use of those substances by the infant's mother while she was pregnant with the infant, the hospital employee, social worker, or juvenile court intake worker may refer the infant to a physician for testing of the infant's bodily fluids for those substances. If the physician determines that there is a serious risk that there are controlled substances in the infant's bodily fluids because of the use of those substances by the mother and that the health of the infant may be adversely affected by those substances, the physician may test the infant to ascertain whether the infant has those substances in the infant's bodily fluids. If the test indicates that the infant does have controlled substances in the infant's bodily fluids, the physician must report that condition to the agency that is responsible for

**ASSEMBLY BILL 675**

conducting child abuse and neglect investigations under the Children's Code and that agency must offer services and treatment for the infant and mother.

This bill: 1) requires a hospital employee who provides health care, a social worker, or a juvenile court intake worker who suspects that an infant has fetal alcohol spectrum disorder to refer the infant to a physician for an evaluation to diagnose whether the infant has that disorder; 2) requires a physician who determines that there is a serious risk that an infant has fetal alcohol spectrum disorder to evaluate the infant to diagnose whether the infant has that disorder; 3) requires a physician who diagnoses that an infant has fetal alcohol spectrum disorder to report that diagnosis to the agency responsible for conducting child abuse and neglect investigations; and 4) requires that agency to offer services and treatment for the infant and the infant's mother.

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:*

1           SECTION 1. 46.238 of the statutes is amended to read:

2           **46.238 Infants and unborn children whose mothers abuse controlled**

3 **substances ~~or~~, controlled substance analogs, or alcohol.** If an agency, as

4 defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) (a) 3. or (b) 3. or

5 146.0257 (2) and that agency is a county department under s. 46.22 or 46.23 or a

6 licensed child welfare agency under contract with that county department, the

7 agency shall offer to provide appropriate services and treatment to the ~~child and the~~

8 child's infant and the infant's mother or to the unborn child, as defined in s. 48.02

9 (19), and the expectant mother of the unborn child or the agency shall make

10 arrangements for the provision of appropriate services and treatment. If an agency

11 receives a report under s. 146.0255 (2) (a) 3. or (b) 3. or 146.0257 (2) and that agency

12 is the department or a licensed child welfare agency under contract with the

13 department, the agency shall refer the report to the county department under s.

## ASSEMBLY BILL 675

1 51.42 or 51.437 and that county department shall offer to provide, or make  
2 arrangements for the provision of, those services and that treatment.

3 **SECTION 2.** 146.0255 (title) of the statutes is amended to read:

4 **146.0255 (title) Testing infants and expectant mothers for controlled**  
5 **substances or controlled substance analogs.**

6 **SECTION 3.** 146.0255 (1) (a) of the statutes is renumbered 146.0255 (1) (ar).

7 **SECTION 4.** 146.0255 (1) (ag) of the statutes is created to read:

8 146.0255 (1) (ag) "Agency" has the meaning given in s. 48.981 (1) (ag).

9 **SECTION 5.** 146.0255 (1) (c) of the statutes is created to read:

10 146.0255 (1) (c) "Unborn child" has the meaning given in s. 48.02 (19).

11 **SECTION 6.** 146.0255 (2) of the statutes is renumbered 146.0255 (2) (a) 1. and  
12 amended to read:

13 146.0255 (2) (a) 1. ~~Any~~ If a hospital employee who provides health care, social  
14 worker, or intake worker under ch. 48 may refer an infant or an expectant mother  
15 of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily  
16 fluids of the infant or expectant mother for controlled substances or controlled  
17 substance analogs if the hospital employee who provides health care, social worker,  
18 or intake worker suspects that the an infant or expectant mother has controlled  
19 substances or controlled substance analogs in the infant's bodily fluids of the infant  
20 or expectant mother because of the use of controlled substances or controlled  
21 substance analogs by the mother while she was pregnant with the infant or by the  
22 expectant mother while she is pregnant with the unborn child. The physician may  
23 test the infant or expectant mother to ascertain whether or not the infant or  
24 expectant mother has controlled substances or controlled substance analogs in the  
25 bodily fluids of the infant or expectant mother, if the, the hospital employee, social

## ASSEMBLY BILL 675

1 worker, or intake worker may refer the infant to a physician for testing of the bodily  
2 fluids of the infant for controlled substances or controlled substance analogs.

3 2. If a physician determines that there is a serious risk that there are controlled  
4 substances or controlled substance analogs in the bodily fluids of the ~~an~~ infant or  
5 expectant mother because of the use of controlled substances or controlled substance  
6 analog by the mother while she was pregnant with the infant or by the expectant  
7 mother while she is pregnant with the unborn child and that the health of the infant,  
8 the unborn child or the child when born may be adversely affected by the controlled  
9 substances or controlled substance analogs, the physician may test the infant to  
10 ascertain whether or not the infant has controlled substances or controlled substance  
11 analog in the infant's bodily fluids.

12 3. If the results of the a test under subd. 2. indicate that the infant does have  
13 controlled substances or controlled substance analogs in the infant's bodily fluids,  
14 the physician shall report the occurrence of that condition in the infant to the agency,  
15 as defined in s. 48.981 (1) (ag), that is responsible for conducting child abuse and  
16 neglect investigations under s. 48.981, and that agency shall offer to provide, or  
17 arrange or refer for the provision of, services and treatment for the child and the  
18 child's mother ~~infant and the infant's mother~~ as provided under s. 46.238.

19 (b) 3. If the results of the a test under subd. 2. test indicate that the expectant  
20 mother does have controlled substances or controlled substance analogs in the  
21 expectant mother's bodily fluids, the physician may report the occurrence of that  
22 condition in the expectant mother to the agency, as defined in s. 48.981 (1) (ag), that  
23 is responsible for conducting unborn child abuse investigations under s. 48.981, and  
24 that agency shall offer to provide, or arrange or refer for the provision of, services and  
25 treatment for the unborn child and expectant mother as provided under s. 46.238.

**ASSEMBLY BILL 675**

1 Under this ~~subsection~~ paragraph, no physician may test an expectant mother  
2 without first receiving her informed consent to the testing.

3 **SECTION 7.** 146.0255 (2) (a) (title) of the statutes is created to read:

4 146.0255 (2) (a) (title) *Testing of infants.*

5 **SECTION 8.** 146.0255 (2) (b) of the statutes is created to read:

6 146.0255 (2) (b) *Testing of expectant mothers.* 1. If a hospital employee who  
7 provides health care, social worker, or intake worker under ch. 48 suspects that an  
8 expectant mother has controlled substances or controlled substance analogs in her  
9 bodily fluids because of the use of controlled substances or controlled substance  
10 analogs, the hospital employee, social worker, or intake worker may refer the  
11 expectant mother to a physician for testing of the bodily fluids of the expectant  
12 mother for controlled substances or controlled substance analogs.

13 2. If a physician determines that there is a serious risk that there are controlled  
14 substances or controlled substance analogs in the bodily fluids of an expectant  
15 mother because of the use of controlled substances or controlled substance analogs  
16 by the expectant mother and that the health of the unborn child or the child when  
17 born may be adversely affected by the controlled substances or controlled substance  
18 analogs, the physician may test the expectant mother to ascertain whether or not the  
19 expectant mother has controlled substances or controlled substance analogs in her  
20 bodily fluids.

21 **SECTION 9.** 146.0255 (3) (intro.) of the statutes is amended to read:

22 146.0255 (3) TEST RESULTS. (intro.) The A physician who performs a test under  
23 sub. (2) (a) 2. or (b) 2. shall provide the infant's parents or guardian or the expectant  
24 mother with all of the following information:

25 **SECTION 10.** 146.0255 (3) (b) of the statutes is amended to read:

ASSEMBLY BILL 675

1 146.0255 (3) (b) A statement of explanation that the test results of an infant  
2 must, and that the test results of an expectant mother may, be disclosed to an agency  
3 under sub. (2) (a) 3. or (b) 3. if the test results are positive.

4 SECTION 11. 146.0257 of the statutes is created to read:

5 146.0257 Evaluation of infants for fetal alcohol spectrum disorder (1)

6 DEFINITION. In this section, "agency" has the meaning given in s. 48.981 (1) (ag).

7 (2) EVALUATION. If a hospital employee who provides health care, social worker,  
8 or intake worker under ch. 48 suspects that an infant has fetal alcohol spectrum  
9 disorder, the hospital employee, social worker, or intake worker shall refer the infant  
10 to a physician for an evaluation to diagnose whether the infant has that disorder.

11 If a physician determines that there is a serious risk that an infant has fetal alcohol  
12 spectrum disorder, the physician shall evaluate the infant to diagnose whether the  
13 infant has that disorder. If a physician diagnoses that an infant has fetal alcohol  
14 spectrum disorder, the physician shall report that diagnosis to the agency that is  
15 responsible for conducting child abuse and neglect investigations under s. 48.981,  
16 and that <sup>or CCC</sup> that agency shall offer to provide, or arrange or refer for the provision of,  
17 services and treatment for the infant and the infant's mother as provided under s.  
18 46.238.

19 (3) DIAGNOSIS. A physician who performs an evaluation under sub. (2) shall  
20 provide the infant's parents or guardian with all of the following information:

21 (a) An explanation concerning the evaluation that was performed, the date of  
22 that evaluation, and the diagnosis resulting from that evaluation.

23 (b) An explanation that the results of the evaluation must be disclosed to an  
24 agency under sub. (2) if the evaluation indicates a diagnosis of fetal alcohol spectrum  
25 disorder.

INS.  
AAI-5

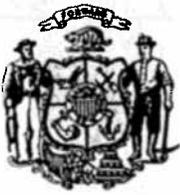
INS,  
AAI-6

INS.  
AAI-7

INS.  
AAI-8

INS.  
AAI-9





State of Wisconsin  
2013-2014 LEGISLATURE

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 675**

Prepared by the Legislative Reference Bureau  
(April 3, 2014)

In enrolling, the following correction was made:

1. Page 1, line 10: delete that line and substitute:  
"8. Page 6, line 13: delete "has fetal" and substitute "has a fetal"."

(END)



ASSEMBLY AMENDMENT 1,

TO ASSEMBLY BILL 675

*Editor: please enter a correction  
in enrolling - ITEM 8.*

February 4, 2014 - Offered by Representative KRUG.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 5: delete "disorder" and substitute "disorders".
- 3 **2.** Page 2, line 4: delete "(a) 3. or (b) 3.".
- 4 **3.** Page 2, line 11: delete "(a) 3. or (b) 3.".
- 5 **4.** Page 3, line 3: delete the material beginning with that line and ending with
- 6 page 6, line 3.
- 7 **5.** Page 6, line 5: delete "disorder" and substitute "disorders".
- 8 **6.** Page 6, line 8: delete "has" and substitute "has a".
- 9 **7.** Page 6, line 11: delete "has" and substitute "has a".
- 10 **8.** Page 6, line 13: delete "has" and substitute "has a".
- 11 **9.** Page 6, line 24: delete "of" and substitute "of a".

AA1-1

AA1-5

AA1-6

AA1-7

AA1-8

AA1-9

(END)