



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2017 Wisconsin Act 191**  
[2017 Assembly Bill 128]

**Prohibition on Abortion Services**

### **BACKGROUND**

#### **Coverage of Therapeutic Abortions**

Under the Wisconsin Retirement System, eligible current and former public employees may receive health insurance coverage offered by the state Group Insurance Board (GIB) within the Department of Employee Trust Funds. GIB establishes the coverage requirements for the state health plan, which include coverage for therapeutic abortions under benefits for maternity services for prenatal and postnatal care.

#### **Prohibition on Public Funds for Abortion**

Wisconsin statutes prohibit the use of public funds for the performance of an abortion, except in certain cases of medical necessity, sexual assault, or incest. In a case of medical necessity, the physician who performs the abortion must first sign a certification attesting to the direct medical necessity of the procedure, based on criteria specified in the statute. In a case of sexual assault or incest, the crime must have been reported to law enforcement authorities and the physician who performs the abortion must first sign a certification attesting to his or her belief that sexual assault or incest has occurred.

#### **Definitions**

For purposes of the state health plan, “therapeutic abortion” is not specifically defined in the requirements, but the term is generally understood to refer to a nonelective abortion.

For purposes of the prohibition on public funds for an abortion, “abortion” is defined as the intentional destruction of the life of an unborn child. An “unborn child” is defined as a human being from the time of conception until it is born alive.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

## **2017 WISCONSIN ACT 191**

2017 Wisconsin Act 191 provides that no abortion coverage or services may be provided in a plan offered by GIB, unless it is included in one of the exceptions to the prohibition on use of public funds for an abortion, as described above. The Act generally defines an “abortion” as follows:

The use of an instrument, medicine, drug or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant or for whom there is reason to believe that she may be pregnant and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove a dead fetus.

However, the general definition of “abortion” under the Act does not apply to the application of exceptions for medical necessity, sexual assault, or incest. In those cases where exceptions may arise, the Act retains the definition of “abortion” that would otherwise apply in conjunction with the exceptions (i.e., the intentional destruction of the life of an unborn child).

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BL:mcm;ksm