

1987 Assembly Bill 678

Date of enactment: November 13, 1987
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1987 Wisconsin Act 70

AN ACT to renumber and amend 146.023 (1); to amend 103.15 (title) and (1) (a), 118.125 (1) (a), 118.125 (1) (d), 118.125 (3), 146.022 (1) (a), 146.023 (title), 146.023 (2) to (4), 146.025 (title) and (1) (b), 146.025 (2) (a) 1, 146.025 (2) (b) (intro.) and 2, 146.025 (5) (a) 2, 3, 7, 9 and 10. a, 146.025 (5) (b), 146.025 (6), (8) and (9), 146.81 (4), 619.12 (1) (e) and 631.90 (title) and (1); and to create 118.125 (1) (cm), 118.125 (2m), 146.023 (1) and (1r), 146.023 (5), 146.025 (1) (em), 146.025 (2) (a) 1g and 1r, 146.025 (2) (a) 3, 146.025 (2) (bm), 146.025 (5) (a) 11, 146.025 (5) (a) 12, 146.025 (5) (a) 13, 146.025 (5) (a) 14, 146.025 (5m), 146.35 (9), 146.50 (12), 146.82 (2) (a) 2. d, 146.82 (2) (a) 12, 619.10 (4m) and 901.05 of the statutes, relating to disclosure of the results of a test for the presence of the virus or an antibody to the virus that causes acquired immunodeficiency syndrome, required testing of residents of centers for the developmentally disabled or mental health institutes, required testing of body fluids or body parts prior to distribution, required testing of corpses, access to patient health care records by persons who prepare or store records, granting rule-making authority and providing a penalty.

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

SECTION 1. 103.15 (title) and (1) (a) of the statutes are amended to read:

103.15 (title) Restrictions on use of a test for HIV or an antibody to HIV.

(1) (a) ~~“HTLV-III”~~ “HIV” means ~~the human T-cell lymphotropic virus type III that~~ immunodeficiency virus, which causes acquired immunodeficiency syndrome.

SECTION 2. 118.125 (1) (a) of the statutes is amended to read:

118.125 (1) (a) “Behavioral records” means those pupil records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil’s behavior, tests relating specifically to achievement or measurement of ability, ~~the pupil’s physical health records~~ and any other pupil records which are not progress records.

SECTION 3. 118.125 (1) (cm) of the statutes is created to read:

118.125 (1) (cm) “Pupil health care records” means all records related to the health of an elementary or high school pupil prepared by or under the supervision of a health care provider, as defined under s. 146.81 (1), except those records subject to s. 51.30 or records of tests administered under s. 343.305.

SECTION 4. 118.125 (1) (d) of the statutes is amended to read:

118.125 (1) (d) “Pupil records” means all records, except pupil health care records, relating to individual pupils maintained by an elementary or high school but does not include notes or records maintained for personal use by a teacher or other person who is required by the department under s. 115.28 (7) to hold a certificate, license or permit if such records and notes are not available to others nor does it include records necessary for, and available only to persons involved in, the psychological treatment of a pupil.

SECTION 5. 118.125 (2m) of the statutes is created to read:

118.125 (2m) **CONFIDENTIALITY OF PUPIL HEALTH CARE RECORDS.** (a) Except as provided in par. (b), for the purposes of this section, a pupil health care record

shall be treated as is a patient health care record under ss. 146.81 to 146.83.

(b) Any part of a pupil health care record that concerns the results of a test for the presence of HIV or an antibody to HIV shall be treated as provided under s. 146.025.

SECTION 6. 118.125 (3) of the statutes is amended to read:

118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in writing specifying the content of pupil records and the time during which pupil records shall be maintained, except that no behavioral records may be maintained for more than one year after the date upon which the pupil graduated from or last attended the school, unless the pupil specifies in writing that individual behavioral records may be maintained. Rules adopted under this subsection shall be published by the school board as a class 1 notice under ch. 985. ~~Pupils~~ Pupil records need not be maintained and pupil health care records may not be maintained for a period of longer than 5 years after the pupil ceases to be enrolled in the school. School districts may maintain ~~such pupil~~ records on microfilm or in such form as the board deems appropriate.

SECTION 7. 146.022 (1) (a) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

146.022 (1) (a) "HIV" means ~~the~~ human immunodeficiency virus ~~that, which~~ causes acquired immunodeficiency syndrome.

SECTION 8. 146.023 (title) of the statutes is amended to read:

146.023 (title) Blood tests for HIV or antibody to HIV.

SECTION 9. 146.023 (1) of the statutes is renumbered 146.023 (1m) and amended to read:

146.023 (1m) Except as provided under sub. (3), any blood bank, blood center or plasma center in this state that purchases or receives ~~voluntarily donated~~ whole blood, blood plasma, a blood product or a blood derivative shall, prior to its distribution or use and with informed consent under the requirements of s. 146.025 (2) (b), subject that blood, plasma, product or derivative to a test approved by the federal food and drug administration and the department for or series of tests that the state epidemiologist finds medically significant and sufficiently reliable under sub. (1r) (a) to detect the presence of HIV or an antibody to the human T-cell lymphotropic virus type III that causes acquired immunodeficiency syndrome HIV. This subsection does not apply to a blood bank that purchases or receives whole blood, blood plasma, a blood product or a blood derivative from a blood bank, blood center or plasma center in this state if the whole blood, blood plasma, blood product or blood derivative has previously been subjected to a test or series of tests that the state epidemiologist finds medically significant and sufficiently reliable under sub. (1r) (a) to detect the presence of HIV or an antibody to HIV.

SECTION 10. 146.023 (1) and (1r) of the statutes are created to read:

146.023 (1) In this section:

(a) "Autologous transfusion" means the receipt by an individual, by transfusion, of whole blood, blood plasma, a blood product or a blood derivative, which the individual has previously had withdrawn from himself or herself for his or her own use.

(b) "HIV" has the meaning specified under s. 146.025 (1) (b).

(c) "State epidemiologist" has the meaning specified in s. 146.025 (1) (f).

(d) "Validated test result" has the meaning specified in s. 146.025 (1) (g).

(1r) For the purposes of this section, the state epidemiologist shall make separate findings of medical significance and sufficient reliability for a test or a series of tests to detect the presence of HIV or an antibody to HIV for each of the following purposes:

(a) Subjecting whole blood, blood plasma, a blood product or a blood derivative to a test prior to distribution or use of the whole blood, blood plasma, blood product or blood derivative.

(b) Providing disclosure of test results to the subject of the test.

SECTION 11. 146.023 (2) to (4) of the statutes are amended to read:

146.023 (2) If performance of a validated test as defined under s. 146.025 (1) (g) under sub. (1m) yields a validated test result positive for the presence of HIV or an antibody to the human T-cell lymphotropic virus type III HIV, the whole blood, blood plasma, blood product or blood derivative so tested with this result may not be distributed or used except for purposes of research or as provided under sub. (5).

(3) If a medical emergency, including a threat to the preservation of life of a potential donee, exists under which whole blood, blood plasma, a blood product or a blood derivative that has been subjected to testing under sub. ~~(1)~~ (1m) is unavailable, the requirement of sub. ~~(1)~~ (1m) shall not apply.

(4) Subsections ~~(1)~~ (1m) and (2) do not apply to the extent that federal law or regulations require that a blood bank, blood center or plasma center test whole blood, blood plasma, a blood product or a blood derivative.

SECTION 12. 146.023 (5) of the statutes is created to read:

146.023 (5) Whole blood, blood plasma, a blood product or a blood derivative described under sub. (2) that is voluntarily donated solely for the purpose of an autologous transfusion may be distributed to or used by the person who has donated the whole blood, blood plasma, blood product or blood derivative. No person other than the person who has donated the whole blood, blood plasma, blood product or blood derivative may receive or use the whole blood, blood plasma, blood product or blood derivative unless it

has been subjected to a test under sub. (1m) and the test has yielded a negative result for the presence of HIV or an antibody to HIV.

SECTION 13. 146.025 (title) and (1) (b) of the statutes are amended to read:

146.025 (title) Restrictions on use of a test for HIV or an antibody to HIV.

(1) (b) ~~“HTLV-III”~~ “HIV” means ~~the human T-cell lymphotropic virus type III that immunodeficiency virus, which~~ causes acquired immunodeficiency syndrome.

SECTION 14. 146.025 (1) (em) of the statutes is created to read:

146.025 (1) (em) “Significantly exposed” means sustained a contact which carries a potential for a transmission of HIV, by one or more of the following:

1. Transmission of blood, semen or other body fluid into a body orifice.
2. Exchange of blood during the accidental or intentional infliction of a penetrating wound, including a needle puncture.
3. Blood or other body fluid exchange into an eye, an open wound, an oozing lesion, or where a significant breakdown in the epidermal barrier has occurred.
4. Exposure to saliva as the result of a bite during the course of which skin is broken.
5. The provision of cardiopulmonary resuscitation.
6. Other routes of exposure, defined as significant in rules promulgated by the department. The department in promulgating the rules shall consider all potential routes of transmission of HIV identified by the centers for disease control of the federal public health service.

SECTION 15. 146.025 (2) (a) 1 of the statutes is amended to read:

146.025 (2) (a) 1. A Except as provided in subd. 1g, a health care provider who procures, processes, distributes or uses a human body part or human tissue donated for a purpose specified under s. 155.06 (3) [157.06 (3)] may shall, without obtaining consent to the testing, test for the presence of HIV or an antibody to HTLV-III HIV in order to assure medical acceptability of the gift for the purpose intended. The health care provider shall use as a test for the presence of HIV or an antibody to HIV a test or series of tests that the state epidemiologist finds medically significant and sufficiently reliable to detect the presence of HIV or an antibody to HIV. If the validated test result of the donor from the test or series of tests performed is positive, the human body part or human tissue donated for use or proposed for donation may not be used.

SECTION 16. 146.025 (2) (a) 1g and 1r of the statutes are created to read:

146.025 (2) (a) 1g. If a medical emergency, as determined by the attending physician of a potential donee and including a threat to the preservation of life of the potential donee, exists under which a human body

part or human tissue that has been subjected to testing under subd. 1 is unavailable, the requirement of subd. 1 does not apply.

1r. A health care provider who procures, processes, distributes or uses human sperm or ova donated for a purpose specified under s. 157.06 (3) shall, prior to the procurement, processing, distribution or use and with informed consent under the requirements of par. (b), test the proposed donor for the presence of HIV or an antibody to HIV in order to assure medical acceptability of the gift for the purpose intended. The health care provider shall use as a test for the presence of HIV or an antibody to HIV a test or series of tests that the state epidemiologist finds medically significant and sufficiently reliable under s. 146.023 (1r) to detect the presence of HIV or an antibody to HIV. The health care provider shall test the donor initially and, if the initial test result is negative, shall perform a 2nd test on a date that is not less than 90 days from the date of initial testing. If the donor continues after the date of the 2nd test to donate sperm or ova, the health care provider shall test the donor at least every 3 months from the date of the 2nd test. If any validated test result of the donor for the presence of HIV or an antibody to HIV is positive, the sperm or ova donated for use may not be used and, if donated, shall be destroyed.

SECTION 17. 146.025 (2) (a) 3 of the statutes is created to read:

146.025 (2) (a) 3. The medical director of a center for the developmentally disabled, as defined in s. 51.01 (3), or a mental health institute, as defined in s. 51.01 (12), may, without obtaining consent to the testing, subject a resident or patient of the center or institute to a test for the presence of HIV or an antibody to HIV if he or she determines that the conduct of the resident or patient poses a significant risk of transmitting HIV to another resident or patient of the center or institute.

SECTION 18. 146.025 (2) (b) (intro.) and 2 of the statutes are amended to read:

146.025 (2) (b) (intro.) The health care provider, blood bank, blood center or plasma center that subjects a person to a test for the presence of HIV or an antibody to HTLV-III HIV under par. (a) shall, in instances under that paragraph in which consent is required, provide the potential test subject with an informed consent form for testing or disclosure that shall contain the following information and shall obtain the potential test subject's signature on the form:

2. A statement of explanation to the potential test subject that the test results may be disclosed as specified under sub. (5) (a) and either a listing that duplicates the persons or circumstances specified under sub. (5) (a) 2 to ~~14~~ or a statement that the listing is available upon request.

SECTION 19. 146.025 (2) (bm) of the statutes is created to read:

146.025 (2) (bm) The health care provider that subjects a person to a test for the presence of HIV or an antibody to HIV under par. (a) 3 shall provide the test subject and the test subject's guardian, if the test subject is incompetent under ch. 880, with all of the following information:

1. A statement of explanation concerning the test that was performed, the date of performance of the test and the test results.

2. A statement of explanation that the test results may be disclosed as specified under sub. (5) (a) and either a listing that duplicates the persons or circumstances specified under sub. (5) (a) 2 to 14 or a statement that the listing is available upon request.

SECTION 20. 146.025 (5) (a) 2, 3, 7, 9 and 10. a of the statutes are amended to read:

146.025 (5) (a) 2. To ~~the test subject's~~ a health care provider who provides care to the test subject, including those instances in which a health care provider provides emergency care to the subject.

3. To an agent or employe of ~~the test subject's~~ a health care provider under subd. 2 who prepares or stores patient health care records, as defined in s. 146.81 (4), for the purposes of preparation or storage of those records; provides patient care; or handles or processes specimens of body fluids or tissues.

7. To a funeral director, as defined under s. 445.01 (5) or to other persons who prepare the body of a decedent for burial or other disposition or to a person who performs an autopsy or assists in performing an autopsy.

9. Under a lawful order of a court of record except as provided under s. 972.11 (3m).

10. a. Is affiliated with ~~the test subject's~~ a health care provider under subd. 3.

SECTION 21. 146.025 (5) (a) 11 of the statutes is created to read:

146.025 (5) (a) 11. To a person, including a person exempted from civil liability under the conditions specified under s. 895.48, who renders to the victim of an emergency or accident emergency care during the course of which the emergency caregiver is significantly exposed to the emergency or accident victim, if a physician, based on information provided to the physician, determines and certifies in writing that the emergency caregiver has been significantly exposed and if the certification accompanies the request for disclosure.

SECTION 22. 146.025 (5) (a) 12 of the statutes is created to read:

146.025 (5) (a) 12. To a coroner, medical examiner or an appointed assistant to a coroner or medical examiner, if one or more of the following conditions exist:

a. The possible HIV-infected status is relevant to the cause of death of a person whose death is under direct investigation by the coroner, medical examiner or appointed assistant.

b. The coroner, medical examiner or appointed assistant is significantly exposed to a person whose death is under direct investigation by the coroner, medical examiner or appointed assistant, if a physician, based on information provided to the physician, determines and certifies in writing that the coroner, medical examiner or appointed assistant has been significantly exposed and if the certification accompanies the request for disclosure.

SECTION 23. 146.025 (5) (a) 13 of the statutes is created to read:

146.025 (5) (a) 13. To a sheriff, jailer or keeper of a prison, jail or house of correction or a person designated with custodial authority by the sheriff, jailer or keeper, for whom disclosure is necessitated in order to permit the assigning of a private cell to a prisoner who has a positive test result.

SECTION 24. 146.025 (5) (a) 14 of the statutes is created to read:

146.025 (5) (a) 14. If the test results of a test administered to an individual are positive and the individual is deceased, by the individual's attending physician, to persons, if known to the physician, with whom the individual has had sexual contact or has shared intravenous drug use paraphernalia.

SECTION 25. 146.025 (5) (b) of the statutes is amended to read:

146.025 (5) (b) A private pay patient may deny access to disclosure of his or her test results granted under par. (a) 10 if he or she annually submits to the ~~maintenance~~ maintainer of his or her test results under sub. (4) (c) a signed, written request that denial be made.

SECTION 26. 146.025 (5m) of the statutes is created to read:

146.025 (5m) AUTOPSIES; TESTING OF CERTAIN CORPSES. Notwithstanding s. 157.05, a corpse may be subjected to a test for the presence of HIV or an antibody to HIV and the test results disclosed to the person who has been significantly exposed under any of the following conditions:

(a) If a person, including a person exempted from civil liability under the conditions specified under s. 895.48, who renders to the victim of an emergency or accident emergency care during the course of which the emergency caregiver is significantly exposed to the emergency or accident victim and the emergency or accident victim subsequently dies prior to testing for the presence of HIV or an antibody to HIV, and if a physician, based on information provided to the physician, determines and certifies in writing that the emergency caregiver has been significantly exposed and if the certification accompanies the request for testing and disclosure. Testing of a corpse under this paragraph shall be ordered by the coroner, medical examiner or physician who certifies the victim's cause of death under s. 69.18 (2) (b), (c) or (d).

(b) If a funeral director, coroner, medical examiner or appointed assistant to a coroner or medical exam-

iner who prepares the corpse of a decedent for burial or other disposition or a person who performs an autopsy or assists in performing an autopsy is significantly exposed to the corpse, and if a physician, based on information provided to the physician, determines and certifies in writing that the funeral director, coroner, medical examiner or appointed assistant has been significantly exposed and if the certification accompanies the request for testing and disclosure. Testing of a corpse under this paragraph shall be ordered by the attending physician of the funeral director, coroner, medical examiner or appointed assistant who is so exposed.

(c) If a health care provider or an agent or employe of a health care provider is significantly exposed to the corpse or to a patient who dies subsequent to the exposure and prior to testing for the presence of HIV or an antibody to HIV, and if a physician who is not the health care provider, based on information provided to the physician, determines and certifies in writing that the health care provider, agent or employe has been significantly exposed and if the certification accompanies the request for testing and disclosure. Testing of a corpse under this paragraph shall be ordered by the physician who certifies that the significant exposure has occurred.

SECTION 27. 146.025 (6), (8) and (9) of the statutes are amended to read:

146.025 (6) EXPANDED DISCLOSURE OF TEST RESULTS PROHIBITED. No person to whom the results of a test for the presence of HIV or an antibody to ~~HTLV-III~~ HIV have been disclosed under sub. (5) (a) or (5m) may disclose the test results except as authorized under sub. (5) (a) or (5m).

(8) CIVIL LIABILITY. (a) Any person violating sub. (2), (5) (a), (5m), (6) or (7) (c) is liable to the subject of the test for actual damages and costs, plus exemplary damages of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

(b) The plaintiff in an action under par. (a) has the burden of proving by a preponderance of the evidence that a violation occurred under sub. (2), (5) (a), (5m), (6) or (7) (c). A conviction under sub. (2), (5) (a), (5m), (6) or (7) (c) is not a condition precedent to bringing an action under par. (a).

(9) CRIMINAL PENALTY. Whoever intentionally discloses the results of a blood test in violation of sub. (5) (a) or (5m) and thereby causes bodily harm or psychological harm to the subject of the test may be fined not more than \$10,000 or imprisoned not more than 9 months or both.

SECTION 28. 146.35 (9) of the statutes is created to read:

146.35 (9) CONFIDENTIALITY OF RECORDS. (a) All records made by a licensed emergency medical technician — advanced (paramedic) relating to the administration of emergency care procedures to and the handling and transportation of sick, disabled or injured persons shall be maintained as confidential

patient health care records subject to the requirements of ss. 146.82 and 146.83 and, if applicable, s. 146.025 (5) (a) (intro.), (6), (8) and (9). For the purposes of this paragraph, an emergency medical technician — advanced (paramedic) shall be considered to be a health care provider under s. 146.81 (1). Nothing in this paragraph permits disclosure to a licensed emergency medical technician — advanced (paramedic) under s. 146.025 (5) (a), except under s. 146.025 (5) (a) 11.

(b) Notwithstanding par. (a), a licensed emergency medical technician — advanced (paramedic) who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained in a record covered under par. (a) which identifies the emergency medical technician — advanced (paramedic) involved; date of the call; ambulance dispatch and response times, location to which the ambulance was dispatched; and, destination, if any, to which a patient was transported by ambulance. No information disclosed may contain patient names or details of the medical history or condition of or emergency treatment rendered to any patient.

SECTION 29. 146.50 (12) of the statutes is created to read:

146.50 (12) CONFIDENTIALITY OF RECORDS. (a) All records made by a licensed ambulance service provider or an ambulance attendant relating to the administration of emergency care procedures to and the handling and transportation of sick, disabled or injured persons shall be maintained as confidential patient health care records subject to the requirements of ss. 146.82 and 146.83 and, if applicable, s. 146.025 (5) (a) (intro.), (6) (8) and (9). For the purposes of this paragraph, a licensed ambulance service provider and a licensed ambulance attendant shall be considered to be a health care provider under s. 146.81 (1). Nothing in this paragraph permits disclosure to a licensed ambulance service provider or a licensed ambulance attendant under s. 146.025 (5) (a), except under s. 146.025 (5) (a) 11.

(b) Notwithstanding par. (a), a licensed ambulance service provider, who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained on a record of an ambulance run which identifies the ambulance service provider and ambulance attendants involved; date of the call; dispatch and response times of the ambulance; location to which the ambulance was dispatched; and, destination, if any, to which the patient was transported by ambulance. No information disclosed under this paragraph may contain names or details of the medical history, condition or emergency treatment of any patient.

SECTION 30. 146.81 (4) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

146.81 (4) "Patient health care records" means all records, including pupil health care records, as defined in s. 118.125 (1) (cm), related to the health of a

patient prepared by or under the supervision of a health care provider, but not those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 343.305 or fetal monitor tracings, as defined under s. 146.817 (1).

SECTION 31. 146.82 (2) (a) 2. d of the statutes is created to read:

146.82 (2) (a) 2. d. The person prepares or stores records, for the purposes of the preparation or storage of those records.

SECTION 31m. 146.82 (2) (a) 12 of the statutes is created to read:

146.82 (2) (a) 12. To a school district employe or agent, with regard to patient health care records maintained by the school district by which he or she is employed or is an agent, if any of the following apply:

a. The employe or agent has responsibility for preparation or storage of patient health care records.

b. Access to the patient health care records is necessary to comply with a requirement in federal or state law.

SECTION 32. 619.10 (4m) of the statutes is created to read:

619.10 (4m) "HIV" means human immunodeficiency virus, which causes acquired immunodeficiency syndrome.

SECTION 33. 619.12 (1) (e) of the statutes is amended to read:

619.12 (1) (e) A notice of rejection or cancellation of coverage from one insurer and evidence of a positive test for the presence of HIV or an antibody to the human T-cell lymphotropic virus type III that HIV, which causes acquired immunodeficiency syndrome.

SECTION 34. 631.90 (title) and (1) of the statutes are amended to read:

631.90 (title) Restrictions on use of a test for HIV or for an antibody to HIV. (1) In this section, "~~HTLV-III~~" "HIV" means the human T-cell lymphotropic virus type III that immunodeficiency virus, which causes acquired immunodeficiency syndrome.

SECTION 35. 901.05 of the statutes is created to read:

901.05 Admissibility of certain test results. (1) In this section, "HIV" means human immunodeficiency virus, which causes acquired immunodeficiency syndrome.

(2) The results of a test for the presence of HIV or an antibody to HIV are not admissible during the course of a civil or criminal action or proceeding or an administrative proceeding, as evidence of a person's character or a trait of his or her character for the purpose of proving that he or she acted in conformity with that character on a particular occasion unless the evidence is admissible under s. 904.04 (1) or 904.05 (2) and unless the following procedures are used:

(a) The court may determine the admissibility of evidence under this section only upon a pretrial motion.

(b) Evidence which is admissible under this section must be determined by the court upon pretrial motion to be material to a fact at issue in the case and of sufficient probative value to outweigh its inflammatory and prejudicial nature before it may be introduced at trial.

SECTION 36. **Terminology changes.** (1) **HEALTH AND SOCIAL SERVICES.** (a) Wherever the term "HTLV-III" appears in the following sections of the statutes, the term "HIV" is substituted: 103.15 (1) (b) and (2) (intro.) and 146.025 (1) (c), (5) (a) 4. c and (7) (b) 6.

(b) Wherever the term "presence of an antibody to HTLV-III" appears in the following sections of the statutes, the term "presence of HIV or an antibody to HIV" is substituted: 103.15 (2) (a) and (b) and (3), 146.025 (1) (d), (e) and (g), (2) (a) (intro.) and 2, (3), (4) (intro.), (5) (a) (intro.) and (7) (a) and (b) (intro.) and 631.90 (2) (a) to (c) and (3).

SECTION 37. **Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 118.125 (1) (a) and (d), (2m) (a) and (3) and 146.81 (4) of the statutes takes effect on September 1, 1989.