



2019 ASSEMBLY BILL 757

January 21, 2020 - Introduced by Representatives HEBL, LOUDENBECK, ANDERSON, BOWEN, BROOKS, FIELDS, JAMES, MURSAU, OHNSTAD, POPE, SPREITZER, STUBBS, SUBECK and C. TAYLOR, cosponsored by Senators BEWLEY, MILLER, OLSEN, RINGHAND and SCHACHTNER. Referred to Committee on Health.

1 **AN ACT** *to amend* 154.19 (2) (b) 2., 154.19 (3) (b) 2., 154.21 (1) (a), (b) and (c),
2 154.225 (2) (a), (b) and (c), 154.25 (1), 154.29 (1) and 154.29 (2); and *to create*
3 154.17 (1m), 154.19 (2) (b) 1m., 154.25 (6d) and 154.28 of the statutes; **relating**
4 **to:** allowing do-not-resuscitate necklaces or pendants, requiring the exercise
5 of rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill adds do-not-resuscitate necklaces or pendants that meet certain requirements to the types of standardized do-not-resuscitate jewelry that a person may wear to signify that the person is a qualified patient who has obtained a do-not-resuscitate order from a physician and that the order has not been revoked. Under current law, the only type of do-not-resuscitate jewelry allowed for qualifying patients is a do-not-resuscitate bracelet meeting certain criteria.

The bill also requires the Department of Health Services to establish rules for a uniform standard for the size, color, and design of all do-not-resuscitate necklaces and pendants, but as under current law for do-not-resuscitate bracelets, DHS may also approve a do-not-resuscitate necklace or pendant developed and distributed by a commercial vendor if certain requirements are met.

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 154.17 (1m) of the statutes is created to read:

2 154.17 **(1m)** “Do-not-resuscitate necklace or pendant” means a standardized
3 identification necklace or pendant that meets the specifications established under
4 s. 154.28 (1), or that is approved by the department under s. 154.28 (2), that bears
5 the inscription “Do Not Resuscitate” and signifies that the wearer is a qualified
6 patient who has obtained a do-not-resuscitate order and that the order has not been
7 revoked.

8 **SECTION 2.** 154.19 (2) (b) 1m. of the statutes is created to read:

9 154.19 **(2)** (b) 1m. Place around the neck of the patient a do-not-resuscitate
10 necklace or pendant that meets the specifications established under s. 154.28 (1).

11 **SECTION 3.** 154.19 (2) (b) 2. of the statutes is amended to read:

12 154.19 **(2)** (b) 2. Provide an order form from a commercial vendor approved by
13 the department under s. 154.27 (2) or 154.28 (2) to permit the patient to order a
14 do-not-resuscitate bracelet or a do-not-resuscitate necklace or pendant from the
15 commercial vendor.

16 **SECTION 4.** 154.19 (3) (b) 2. of the statutes is amended to read:

17 154.19 **(3)** (b) 2. The do-not-resuscitate bracelet or do-not-resuscitate
18 necklace or pendant appears to have been tampered with or removed.

19 **SECTION 5.** 154.21 (1) (a), (b) and (c) of the statutes are amended to read:

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1 154.21 (1) (a) The patient expresses to an emergency medical services
2 practitioner, to an emergency medical responder, or to a person who serves as a
3 member of an emergency health care facility's personnel the desire to be
4 resuscitated. The emergency medical services practitioner, emergency medical
5 responder, or the member of the emergency health care facility shall promptly
6 remove the do-not-resuscitate bracelet or the do-not-resuscitate necklace or
7 pendant.

8 (b) The patient defaces, burns, cuts or otherwise destroys the
9 do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant.

10 (c) The patient removes the do-not-resuscitate bracelet or the
11 do-not-resuscitate necklace or pendant or another person, at the patient's request,
12 removes the do-not-resuscitate bracelet or the do-not-resuscitate necklace or
13 pendant.

14 **SECTION 6.** 154.225 (2) (a), (b) and (c) of the statutes are amended to read:

15 154.225 (2) (a) The guardian or health care agent directs an emergency medical
16 services practitioner, an emergency medical responder, or a person who serves as a
17 member of an emergency health care facility's personnel to resuscitate the patient.
18 The emergency medical services practitioner, the emergency medical responder, or
19 the member of the emergency health care facility shall promptly remove the
20 do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant.

21 (b) The guardian or health care agent defaces, burns, cuts or otherwise destroys
22 the do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant.

23 (c) The guardian or health care agent removes the do-not-resuscitate bracelet
24 or the do-not-resuscitate necklace or pendant.

25 **SECTION 7.** 154.25 (1) of the statutes is amended to read:

ASSEMBLY BILL 757**SECTION 7**

1 154.25 (1) SUICIDE. Under this subchapter, the withholding or withdrawing of
2 resuscitation from a patient wearing a valid do-not-resuscitate bracelet or
3 do-not-resuscitate necklace or pendant does not, for any purpose, constitute suicide.
4 Requesting a do-not-resuscitate order under this subchapter does not, for any
5 purpose, constitute attempted suicide.

6 **SECTION 8.** 154.25 (6d) of the statutes is created to read:

7 154.25 (6d) VALID DO-NOT-RESUSCITATE NECKLACE OR PENDANT. A
8 do-not-resuscitate necklace or pendant that has not been removed, altered, or
9 tampered with in any way shall be presumed valid, unless the patient, the patient's
10 guardian, or the patient's health care agent expresses to the emergency medical
11 services practitioner, emergency medical responder, or emergency health care
12 facility personnel the patient's desire to be resuscitated.

13 **SECTION 9.** 154.28 of the statutes is created to read:

14 **154.28 Specifications and distribution of do-not-resuscitate necklace**
15 **or pendant.** (1) The department shall establish by rule a uniform standard for the
16 size, color, and design of all do-not-resuscitate necklaces or pendants. Except as
17 provided in sub. (2), the rules shall require that the do-not-resuscitate necklaces or
18 pendants include the inscription "Do Not Resuscitate"; the name, address, date of
19 birth, and gender of the patient; and the name, business telephone number, and
20 signature of the attending physician issuing the order.

21 (2) The department may approve a do-not-resuscitate necklace or pendant
22 developed and distributed by a commercial vendor if the necklace or pendant
23 contains an emblem that displays an internationally recognized medical symbol on
24 the front and the words "Wisconsin Do-Not-Resuscitate-EMS" and the qualified
25 patient's first and last name on the back. The department may not approve a

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1 do-not-resuscitate necklace or pendant developed and distributed by a commercial
2 vendor if the vendor does not require a doctor's order for the necklace or pendant
3 prior to distributing it to a patient.

4 **SECTION 10.** 154.29 (1) of the statutes is amended to read:

5 154.29 (1) Any person who willfully conceals, defaces or damages the
6 do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant of
7 another person without that person's consent may be fined not more than \$500 or
8 imprisoned for not more than 30 days or both.

9 **SECTION 11.** 154.29 (2) of the statutes is amended to read:

10 154.29 (2) Any person who, with the intent to cause the withholding or
11 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
12 transfers a do-not-resuscitate bracelet or a do-not-resuscitate necklace or pendant
13 to that patient or conceals the revocation under s. 154.21 of a do-not-resuscitate
14 order or any responsible person who withholds personal knowledge of a revocation
15 under s. 154.21 is guilty of a Class F felony.

16 (END)