

# State of Wisconsin



2013 Senate Bill 523

Date of enactment: **March 3, 2014**  
Date of publication\*: **March 4, 2014**

## 2013 WISCONSIN ACT 135

AN ACT *to repeal* 253.13 (1m); *to renumber and amend* 253.13 (4); *to amend* 253.13 (1), (2) and (3) and 253.13 (4) (title); and *to create* 253.13 (4) (b) of the statutes; **relating to:** tests administered to newborns for congenital disorders.

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

**SECTION 1.** 253.13 (1), (2) and (3) of the statutes are amended to read:

253.13 (1) ~~BLOOD TESTS~~ **TESTS: REQUIREMENTS.** The attending physician or nurse licensed under s. 441.15 shall cause every infant born in each hospital or maternity home, prior to its discharge therefrom, to be subjected to ~~blood~~ tests for congenital and metabolic disorders, as specified in rules promulgated by the department. If the infant is born elsewhere than in a hospital or maternity home, the attending physician, nurse licensed under s. 441.15, or birth attendant who attended the birth shall cause the infant, within one week of birth, to be subjected to these ~~blood~~ tests.

(2) **TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM; FEES.** The department shall contract with the state laboratory of hygiene to perform ~~the~~ any tests specified under this section ~~that are laboratory tests~~ and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary treatment as prescribed by a physician for a patient with a congenital disorder as identified by tests under ~~sub. (1) or (1m)~~ this section, and follow-up counseling for the patient and his or her family. The department shall impose a fee, by rule, for tests performed

under this section sufficient to pay for services provided under the contract. The department shall include as part of the fee established by rule amounts to fund the provision of diagnostic and counseling services, special dietary treatment, and periodic evaluation of infant screening programs, the costs of consulting with experts under sub. (5), the costs of administering the hearing screening program under s. 253.115, and the costs of administering the congenital disorder program under this section and shall credit these amounts to the appropriation accounts under s. 20.435 (1) (ja) and (jb).

(3) **EXCEPTIONS.** This section shall not apply if the parents or legal guardian of the child object thereto on the grounds that the test conflicts with their religious tenets and practices or with their personal convictions. No tests may be performed under ~~sub. (1) or (1m)~~ this section unless the parents or legal guardian are fully informed of the purposes of testing under this section and have been given reasonable opportunity to object as authorized in this subsection ~~or in sub. (1m)~~ to such tests.

**SECTION 2.** 253.13 (1m) of the statutes is repealed.

**SECTION 3.** 253.13 (4) (title) of the statutes is amended to read:

253.13 (4) (title) ~~CONFIDENTIALITY OF TESTS AND RELATED INFORMATION REPORTING.~~

**SECTION 4.** 253.13 (4) of the statutes is renumbered 253.13 (4) (a) and amended to read:

\* Section 991.11, WISCONSIN STATUTES: 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."

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253.13 (4) (a) The state laboratory of hygiene shall provide ~~the~~ its laboratory test results to the physician, who shall advise the parents or legal guardian of the results. No information obtained under this section from the parents or guardian or from ~~specimens from the infant tests performed under this section~~ may be disclosed except for use in statistical data compiled by the department without reference to the identity of any individual and except as provided in s. 146.82 (2). The state labora-

tory of hygiene board shall provide to the department the names and addresses of parents of infants who have positive test results.

**SECTION 5.** 253.13 (4) (b) of the statutes is created to read:

253.13 (4) (b) The department may require reporting in connection with the tests performed under this section for use in statistical data compilation and for evaluation of infant screening programs.

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