



1997 ASSEMBLY BILL 965

March 26, 1998 - Introduced by Representatives GROTHMAN and OWENS,
cosponsored by Senator WELCH. Referred to Committee on Health.

1 **AN ACT to create** 20.9276 of the statutes; **relating to:** prohibiting the use of
2 funds for family planning services and pregnancy counseling that is provided
3 to a minor without parental consent.

Analysis by the Legislative Reference Bureau

This bill prohibits state agencies and local governmental units from authorizing payments of state or local funds or federal funds passing through the state treasury to an organization that provides family planning services or pregnancy counseling to a minor without first obtaining the written consent of at least one of the minor's parents or his or her legal guardian or custodian. If a state agency or local unit of government violates this prohibition, the organization to which payments were made must return the moneys paid. If an organization provides the family planning services or pregnancy counseling to a minor without the written consent, the organization may not receive any of the state, local or federal funds to provide the services for 24 months or the date of the organization's last violation, whichever is later; any grant, subsidy or other form of the funds to the organization is terminated; and the organization must return to the state agency or local unit of government all funds paid under the grant, subsidy or other funding.

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:

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1 **SECTION 1.** 20.9276 of the statutes is created to read:

2 **20.9276 Prohibitions on funding for services or counseling provided**
3 **without parental consent. (1)** In this section:

4 (a) “Family planning services” has the meaning given in s. 253.07 (1) (b).

5 (b) “Local governmental unit” means a city, village, town or county or an agency
6 or subdivision of a city, village, town or county.

7 (c) “Organization” means a nonprofit corporation, as defined in s. 46.93 (1m)
8 (c), or a public agency, as defined in s. 46.93 (1m) (e).

9 (d) “Program funds” means all of the following funds distributed or attributable
10 to an organization for providing family planning services or pregnancy counseling:

11 1. Funds specified under sub. (2).

12 2. Income derived from a grant, subsidy or other funding specified under sub.
13 (2) or from family planning services or pregnancy counseling funded by a grant,
14 subsidy or other funding specified under sub. (2).

15 3. Funds that are matching funds to a grant, subsidy or other funding specified
16 under sub. (2).

17 (e) “State agency” has the meaning given in s. 20.9275 (1) (g).

18 **(2)** No state agency or local governmental unit may authorize payment of funds
19 of this state, of any local governmental unit or, subject to sub. (4), of federal funds
20 passing through the state treasury as a grant, subsidy or other funding that wholly
21 or partially funds family planning services or pregnancy counseling, if the
22 organization that receives the funding provides family planning services or
23 pregnancy counseling to a minor without the written consent of one of the minor’s
24 parents or his or her legal guardian or custodian.

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1 **(3)** Subject to sub. (4), no organization that receives funds specified under sub.
2 (2) may use program funds to provide family planning services or pregnancy
3 counseling to a minor without the written consent of one of the minor's parents or his
4 or her legal guardian or custodian.

5 **(4)** The restriction under subs. (2) and (3) on the authorization of payment and
6 the use of federal funds passing through the state treasury shall apply only to the
7 extent that the application of the restriction does not result in the loss of any federal
8 funds.

9 **(5)** If an organization that receives funds specified under sub. (2) violates sub.
10 (3), all of the following shall apply:

11 (a) The organization may not receive funds specified under sub. (2) for 24
12 months after the date on which the state agency or local governmental unit last
13 authorized payment or the date on which the organization last violated sub. (3),
14 whichever is later.

15 (b) The grant, subsidy or other funding under which an organization has used
16 funds in violation of sub. (3) is terminated; and the organization shall return to the
17 state agency or local governmental unit all funds that have been paid to the
18 organization under the grant, subsidy or other funding.

19 **(6)** If a state agency or local governmental unit authorizes payment in violation
20 of sub. (2), the grant, subsidy or other funding under which the state agency or local
21 governmental unit authorized payment in violation of sub. (2), is terminated; and the
22 organization shall return to the state agency or local governmental unit funds that
23 have been paid to the organization under the grant, subsidy or other funding.

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(END)