



2023 ASSEMBLY BILL 428

September 19, 2023 - Introduced by Representatives SUBECK, PALMERI, J. ANDERSON, BALDEH, CONLEY, CONSIDINE, EMERSON, JOERS, OHNSTAD, RATCLIFF, SHELTON, STUBBS, CLANCY and MADISON, cosponsored by Senators ROYS, LARSON and SPREITZER. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT to amend** 46.03 (18) (b); and **to create** 252.043 of the statutes; **relating**
2 **to:** vaccination of minors without parental consent.

Analysis by the Legislative Reference Bureau

This bill requires a physician or other health care provider who is authorized to administer a vaccination to administer a medically appropriate vaccine to a minor who is 16 years of age or older and who requests to be vaccinated, regardless of whether or not a parent or guardian consents to the vaccination of the minor. If a parent or guardian is refusing to provide consent to the vaccination, the physician or other health care provider shall obtain the minor's consent before billing a third party for the services. If the minor does not consent to billing a third party, the minor shall be responsible for paying for the services, which the Department of Health Services shall bill to the minor based upon the minor's ability to pay.

For further information see the state 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:

3 **SECTION 1.** 46.03 (18) (b) of the statutes is amended to read:
4 46.03 (18) (b) Except as provided in s. 46.10 (14) (b) and (c), any person
5 receiving services provided or purchased under par. (a) or the spouse of the person

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1 and, in the case of a minor, the parents of the person, and, in the case of a foreign child
2 described in s. 48.839 (1) who became dependent on public funds for his or her
3 primary support before an order granting his or her adoption, the resident of this
4 state appointed guardian of the child by a foreign court who brought the child into
5 this state for the purpose of adoption, shall be liable for the services in the amount
6 of the fee established under par. (a). If a minor receives services without consent of
7 a parent or guardian under s. 51.138 ~~or~~, 51.47, or 252.043, the department or, if
8 applicable, the county department shall base the fee solely on the minor's ability to
9 pay.

10 **SECTION 2.** 252.043 of the statutes is created to read:

11 **252.043 Vaccination of a minor without parental consent.** (1) A
12 physician or other health care provider who is authorized to administer a vaccination
13 shall administer a medically appropriate vaccine to a minor who is 16 years of age
14 or older and who requests to be vaccinated, regardless of whether or not a parent or
15 guardian consents to the vaccination of the minor.

16 (2) For a vaccination administered under this section when a parent or
17 guardian refuses to provide consent, the physician or other health care provider shall
18 obtain the minor's consent before billing a 3rd party for the services. If the minor
19 does not consent to billing a 3rd party, the minor shall be responsible for paying for
20 the services, which the department shall bill to the minor under s. 46.03 (18) (b).

21 (END)