

1999 DRAFTING REQUEST

Bill

Received: **09/01/1999**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **Matt Sande**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Mental Health - AODA**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Alcohol or other drug testing of minors; consent requirement

Instructions:

Draft as a separate bill the provision of AB 411 relating to AODA testing (SECTION 35).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 09/01/1999	jgeller 09/08/1999		_____			S&L
/1			martykr 09/09/1999	_____	lrb_docadmin 09/09/1999	lrb_docadmin 09/13/1999	

FE Sent For: **09/10/1999.**

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/01/1999

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Rick Skindrud (608) 266-3520

By/Representing: Matt Sande

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Mental Health - AODA

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Alcohol or other drug testing of minors; consent requirement

Instructions:

Draft as a separate bill the provision of AB 411 relating to AODA testing (SECTION 35).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 09/01/1999	ygeller 09/08/1999		_____			S&L
/1			martykr 09/09/1999	_____	lrb_docadmin 09/09/1999		

<END>

FE Sent For:

09-10-99
1/1"

Requested
By
Matt Sande
of ARC

1999 DRAFTING REQUEST

Bill

Received: **09/01/1999**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **Matt Sande**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Mental Health - AODA**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Alcohol or other drug testing of minors; consent requirement

Instructions:

Draft as a separate bill the provision of AB 411 relating to AODA testing (SECTION 35).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm	1 9/8 jlg	km 8/9	kt 9/9 km 9/9			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3542/2

GMM.....

Handwritten signature

gen cat

1 AN ACT ...; relating to: alcohol or other drug testing of a minor. ✓

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, before a minor 14 ✓ years of age or over may receive outpatient mental health treatment, the written, informed consent of the minor and the minor's parent or guardian is required. This bill permits the parent or guardian of a minor to consent to having the minor tested for the presence of drugs or alcohol in the minor's body without the consent of the minor.

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:

2 SECTION 1. 51.48^x of the statutes is created to read:

3 **51.48 Alcohol and other drug testing for minors.** The parent or guardian
4 of a minor may consent to having the minor tested for the presence of alcohol or other
5 drugs in the minor's body. Consent of the minor is not required under this section. ✓

6 SECTION 2. 51.61^x (6) of the statutes is amended to read:

7 51.61 (6) Subject to the rights of patients provided under this chapter, the
8 department, county departments under s. 51.42 or 51.437 and any agency providing

1 services under an agreement with the department or those county departments have
2 the right to use customary and usual treatment techniques and procedures in a
3 reasonable and appropriate manner in the treatment of patients who are receiving
4 services under the mental health system, for the purpose of ameliorating the
5 conditions for which the patients were admitted to the system. The written,
6 informed consent of any patient shall first be obtained, unless the person has been
7 found not competent to refuse medication and treatment under s. 51.61 (1) (g). In
8 the case of a minor, the written, informed consent of the parent or guardian is
9 required. Except as provided under s. 51.48 or an order issued under s. 51.14 (3) (h)
10 or (4) (g), if the minor is 14 years of age or older, the written, informed consent of the
11 minor and the minor's parent or guardian is required. A refusal of either a minor 14
12 years of age or older or the minor's parent or guardian to provide written, informed
13 consent for outpatient mental health treatment is reviewable under s. 51.14.

History: 1975 c. 430; 1977 c. 428 ss. 96 to 109, 115; 1981 c. 20; 1981 c. 314 s. 144; 1983 a. 189 s. 329 (5); 1983 a. 293, 357, 538; 1985 a. 176; 1987 a. 366, 367, 403; 1989 a. 31; 1993 a. 184, 445, 479; 1995 a. 27 s. 9126 (19); 1995 a. 92, 268, 292; 1997 a. 292.

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 09/09/1999

To: Representative Skindrud

Relating to LRB drafting number: LRB-3542

Topic

Alcohol or other drug testing of minors; consent requirement

Subject(s)

Mental Health - AODA

1. **JACKET** the draft for introduction _____ ✓

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738