

1999 ASSEMBLY BILL 632

December 30, 1999 – Introduced by Representatives GROTHMAN, OWENS, JENSEN, GUNDRUM, GUNDERSON, ALBERS, HAHN, HANDRICK, HUEBSCH, KESTELL, KREIBICH, NASS, PETTIS, LEIBHAM, PETROWSKI, URBAN, SYKORA, VRAKAS, WALKER, WIECKERT, ZIEGELBAUER, SUDER and SPILLNER, cosponsored by Senators LAZICH, FARROW, DRZEWIECKI, A. LASEE and WELCH. Referred to Committee on Family Law.

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 to prescribe,
3 dispense or administer a contraceptive prescription drug or device to a minor
4 without parental notification.

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 (defined as a nonprofit corporation or a public agency) that provides family planning services or pregnancy counseling to a minor if the organization prescribes, dispenses or administers to a minor a contraceptive prescription drug or device, without first performing several actions related to notifying one of the minor's parents or guardian or legal custodian. ("Family planning services" are defined to mean counseling and distribution of information about family planning and referral to licensed nurse practitioners or physicians or local health departments for consultation, examination, medical treatment and prescriptions for the purpose of family planning; "family planning" is voluntary action by individuals to prevent or aid conception that does not include performance, promotion, encouragement, counseling in favor of or referral for voluntary termination of pregnancy.) The organization must notify the minor's parent, guardian or custodian by certified mail, with restricted delivery; must receive a return receipt for the notice delivery that is signed by the addressee or his or her agent; and may not prescribe, dispense or administer the contraceptive prescription

ASSEMBLY BILL 632

drug or device to the minor until five business days have elapsed following the date on which the organization received the return receipt.

Under the bill, 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 prescribes, dispenses or administers the birth control to a minor without the required notification, 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:

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

2 **20.9276 Prohibitions on funding for birth control provided to a minor**
3 **without parental notification. (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).

ASSEMBLY BILL 632

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

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

4 **(2)** No state agency or local governmental unit may authorize payment of funds
5 of this state, of any local governmental unit or of federal funds passing through the
6 state treasury as a grant, subsidy or other funding that wholly or partially funds
7 family planning services or pregnancy counseling, if the organization that receives
8 the funding prescribes, dispenses or administers to a minor a contraceptive
9 prescription drug or a contraceptive prescription device without first notifying one
10 of the minor’s parents or his or her legal guardian or custodian.

11 **(3)** No organization that receives funds specified under sub. (2) may use
12 program funds to prescribe, dispense or administer to a minor a contraceptive
13 prescription drug or a contraceptive prescription device, unless all of the following
14 has first taken place:

15 (a) The organization has notified by certified mail, with restricted delivery, one
16 of the minor’s parents or his or her guardian or legal custodian of the organization’s
17 intent to prescribe, dispense or administer the contraceptive prescription drug or
18 contraceptive prescription device to the minor.

19 (b) The organization has received a return receipt for delivery of the
20 notification specified in par. (a), signed by the addressee requested or his or her
21 agent.

22 (c) Five business days, as defined in s. 562.01 (3m), following the day on which
23 the organization received the return receipt specified in par. (b) have elapsed.

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

