

2001 DRAFTING REQUEST

Bill

Received: **01/11/2001**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Jacque Zibrowski**

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

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc
Health - miscellaneous
Health - abortion**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Exempting pharmacists from discipline and liability for refusing to be involved in abortions, sterilizations, euthanasia and certain other procedures.

Instructions:

Same as LRB-1999, except limited to pharmacists.

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>
/?	kunkemd 01/18/2001	wjackson 01/25/2001		_____			State
/1	kunkemd 03/13/2001	wjackson 03/15/2001	martykr 01/28/2001	_____	lrb_docadmin 01/28/2001		
/2	kunkemd 03/19/2001	wjackson 03/19/2001	jfrantze 03/15/2001	_____	lrb_docadmin 03/15/2001		
/3			jfrantze 03/20/2001	_____	lrb_docadmin 03/20/2001	lrb_docadmin 03/21/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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↳ Not Needed

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/1		12 wly 3/15	martykr 01/28/2001	_____	lrb_docadmin 01/28/2001		

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Handwritten signatures and dates:
3/15
3/15
ENDS

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1?	kunkemd	1 WLJ 1/25		cmH KRA			
			cmH 1/25				

FE Sent For:

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Kunkel, Mark

From: Zibrowski, Jacque
Sent: Thursday, January 11, 2001 10:01 AM
To: Kunkel, Mark
Subject: BILL REQUEST

Good Morning,

Representative Carol Owens would like to request a bill draft identical to 1999 AB-324 (Walker) and then another bill draft that would be worded the same, but ONLY for pharmacists. - 1999

These should remain confidential and are urgen requests. - 2001

Please let me know if you have any questions or need additional information.

Thank you,

Jacque

Jacque Zibrowski
P.A. / Family Law Committee Clerk
Office of Rep. Carol Owens
105 West; P.O. Box 8953
Madison, WI 53708-8953

608-267-7990 or toll-free @ 1-888-534-0053
e-mail: Jacque.Zibrowski@legis.state.wi.us

hnh & WJ

2001/1

RM NOT RUN

D-NOTE

2001 BILL

Tuesday 11-30

gen cat

1 AN ACT *to renumber and amend* 111.337 (1), 253.09 (1), 441.06 (6) and 448.03
 2 (5) (a); *to amend* 253.09 (title), 253.09 (2), 253.09 (3), 253.09 (4) (a), 253.09 (4)
 3 (b) 1., 253.09 (4) (b) 2., 441.06 (title) and 448.03 (5) (title); and *to create* 111.337
 4 (1g), 111.337 (1r) (b), 253.09 (1g), 253.09 (1r) (a) 1. to 7., 253.09 (5), 441.06 (6)
 5 (a), 441.06 (6) (b) 1. to 7., 441.06 (7), 448.03 (5) (ag), 448.03 (5) (am), 448.03 (5)
 6 (ar) 1. to 7. and 450.135 of the statutes; **relating to:** employment
 7 discrimination based on creed and exemption from liability and discipline for
 8 ~~physicians, nurses, pharmacists, other health care providers, and hospital~~
 9 ~~employees~~ who refuse to participate in sterilization, abortion, assisted suicide,
 10 and other procedures on moral or religious grounds.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, an employer may not engage in employment discrimination based on creed. "Creed" is defined as a system of religious beliefs, including moral or ethical beliefs about right and wrong, that a person sincerely holds with the strength of traditional religious views. Employment discrimination based on creed is defined to include refusing to reasonably

BILL

accommodate an employee's or prospective employee's religious observances or practices unless the employer can demonstrate that the accommodation would pose an undue hardship.

This bill expands the definition of employment discrimination based on creed to include discriminating against a ~~health care provider~~ ^{pharmacist} on the basis of his or her refusal, based on creed, to participate in any of the following ^{seven} activities: 1) sterilization procedures; 2) certain procedures that prevent the implantation of a fertilized human ovum; 3) abortions; 4) experiments or medical procedures that involve the destruction of a human embryo or that involve a human embryo or unborn child but do not relate to the beneficial treatment of the human embryo or unborn child; 5) procedures using fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage; 6) withholding or withdrawing nutrition or hydration under certain circumstances; or 7) acts causing or assisting in the death of an individual, including assisted suicide, euthanasia, or mercy killing. There is no exception for an employer to show that the refusal poses an undue hardship.

~~Under current law, hospitals, certain health care professionals and hospital employees may not, under certain circumstances, be required to participate in procedures involving sterilization or the removal of a human embryo or fetus. Specifically, a hospital may not be required to admit a patient or allow the use of its facilities for such a procedure. In addition, physicians and other hospital employees who object, in writing, to participating in such a procedure on moral or religious grounds may not be disciplined for refusing to participate in the procedure. Also, a hospital, school, or employer may not take any disciplinary action regarding employment, staff, or student status against a person who refuses to participate in such a procedure if the refusal is based on moral or religious precepts. Finally, under current law, a hospital and the following persons are exempt from liability for damages that result from a refusal to perform such a procedure if the refusal is based on religious or moral precepts: persons employed by or associated with the staff of a hospital, physicians, and other health care professionals licensed or certified by the medical examining board in the department of regulation and licensing (DORL) and registered nurses licensed by the board of nursing in DORL.~~

~~This bill expands all of the provisions described above regarding hospitals, health care professionals, and hospital employees to include a refusal to participate, based on moral or religious grounds, in any of the seven activities described above with respect to employment discrimination based on creed. In addition, the bill allows a person who is adversely affected by conduct that violates these provisions to bring a civil action for injunctive relief, damages, and attorneys fees. Also, the bill provides that pharmacists ~~licensed by the pharmacy examining board in DORL~~ ^{pharmacists} are exempt from liability for damages that result from a refusal to participate in any of the seven activities if the refusal is based on religious or moral precepts. In addition, the bill changes the exemptions from liability under current law for physicians and other health care professionals licensed or certified by the medical examining board and registered nurses licensed by the board of nursing so that they are consistent with the exemption under the bill for pharmacists.~~

described above

Same No 9

the department of regulation and licensing

BILL

a pharmacist

Same 91

In addition, ~~also,~~ the bill specifies that the ~~medical examining board, board of nursing, pharmacy examining board, or DORL~~ *may not take any disciplinary action against any of the following* who, in writing, refuse, or state an intention to refuse, to participate in any of the seven activities if the refusal is based on moral or religious grounds ~~a physician or other health care professional licensed or certified by the medical examining board, registered nurse licensed by the board of nursing, or pharmacist licensed by the pharmacy examining board.~~ *In addition,* the bill allows a pharmacist who is adversely affected by conduct that violates this prohibition to bring a civil action for injunctive relief, damages, and attorneys fees. *Finally,* under the bill, the medical examining board may not take disciplinary action against a physician who makes such a refusal even if the physician refuses to transfer a patient who has executed a declaration authorizing the withholding or withdrawal of life-sustaining procedures or feeding tubes, or who has executed a power of attorney for health care instrument consenting to the withholding or withdrawal of feeding tubes, to another physician who will comply with the declaration or instrument. However, under the bill, the medical examining board may take disciplinary action against a physician who makes such a refusal if the physician refuses to transfer an incapacitated, terminally ill patient who has executed such a declaration.

Finally,

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:

1 SECTION 1. 111.337 (1) of the statutes is renumbered 111.337 (1r) (intro.) and
2 amended to read:

3 111.337 (1r) (intro.) Employment discrimination because of creed includes, but
4 is not limited to, refusing any of the following:

5 (a) Refusing to reasonably accommodate an employee's or prospective
6 employee's religious observance or practice unless the employer can demonstrate
7 that the accommodation would pose an undue hardship on the employer's program,
8 enterprise, or business.

9 SECTION 2. 111.337 (1g) of the statutes is created to read:

10 111.337 (1g) In this section:

11 (a) "Health care provider" means any of the following:

BILL

SECTION 2

1 1. An individual licensed, registered, permitted, or certified by the department
 2 of health and family services or the department of regulation and licensing to provide
 3 health care services in this state.

4 2. An individual who provides health care services as directed, supervised, or
 5 inspected by an individual specified in subd. 1.

6 (b)^a "Human embryo" includes any organism that is derived by fertilization,
 7 parthenogenesis, cloning, or any other means from one or more human gametes or
 8 human diploid cells.

9 (c)^b "Participate in" means to perform, assist in, recommend, counsel in favor
 10 of, make referrals for, prescribe, dispense or administer drugs for, or otherwise
 11 promote, encourage, or aid. *INSERT 4-11*

12 SECTION 3. 111.337 (1r) (b) of the statutes is created to read:

13 111.337 (1r) (b) Discriminating against any ~~health care provider~~^{pharmacist} by engaging
 14 in any of the actions prohibited under s. 111.322¹ on the basis of the ~~health care~~
 15 ~~provider's~~^{pharmacist's} refusal, or statement of an intention to refuse, whether or not in writing,
 16 based on his or her creed, to participate in any of the following:

17 1. A sterilization procedure.

18 2. A procedure involving a drug or device that may prevent the implantation
 19 of a fertilized human ovum.

20 3. An abortion, as defined in s. 253.10 (2) (a).¹

21 4. An experiment or medical procedure involving any of the following:

22 a. The destruction of a human embryo.

23 b. A human embryo or unborn child, at any stage of development, in which the
 24 experiment or procedure is not related to the beneficial treatment of the human
 25 embryo or unborn child.

BILL

1 5. A procedure, including a transplant procedure, that uses fetal tissue or
2 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
3 miscarriage.

4 6. The withholding or withdrawal of nutrition or hydration, unless the
5 administration of nutrition or hydration is medically contraindicated.

6 7. An act that causes or assists in causing the death of an individual, such as
7 by assisted suicide, euthanasia, or mercy killing.

8 **SECTION 4.** 253.09 (title) of the statutes is amended to read:

9 **253.09** (title) ~~Abortion refused~~ Refusal to participate in certain
10 practices; no liability; no discrimination.

11 **SECTION 5.** 253.09 (1) of the statutes is renumbered 253.09 (1r) (a) (intro.) and
12 amended to read:

13 253.09 (1r) (a) (intro.) No hospital shall be ~~is~~ required to admit any patient or
14 to allow the use of the hospital facilities for the purpose of performing ~~a sterilization~~
15 ~~procedure or removing a human embryo or fetus.~~ any of the following:

16 (b) A physician or any other person who is a member of or associated with the
17 staff of a hospital, or any employee of a hospital in which such a procedure ~~the~~
18 performance of an activity specified in par. (a) 1. to 7. has been authorized, who shall
19 state in writing his or her objection to the performance of or providing assistance to
20 such a procedure, in writing, refuses, or states an intention to refuse, to participate
21 in the activity on moral or religious grounds shall not be required to participate in
22 such medical procedure, and ~~the activity.~~

23 (c) A physician or any other person who is a member of or associated with the
24 staff of a hospital, or any employee of a hospital, is immune from liability for any
25 damage caused by, and may not be subjected to any disciplinary or recriminatory

BILL**SECTION 5**

1 ~~action based on, the refusal of any such the person to participate therein shall not~~
2 ~~form the basis of any claim for damages on account of such refusal or for any~~
3 ~~disciplinary or recriminatory action against such person in an activity specified in~~
4 ~~par. (a) 1. to 7. on moral or religious grounds.~~

5 **SECTION 6.** 253.09 (1g) of the statutes is created to read:

6 253.09 (1g) In this section:

7 (a) "Human embryo" includes any organism that is derived by fertilization,
8 parthenogenesis, cloning, or any other means from one or more human gametes or
9 human diploid cells.

10 (b) "Participate in" means to perform, assist in, recommend, counsel in favor
11 of, make referrals for, prescribe, dispense or administer drugs for, or otherwise
12 promote, encourage, or aid.

13 **SECTION 7.** 253.09 (1r) (a) 1. to 7. of the statutes are created to read:

14 253.09 (1r) (a) 1. A sterilization procedure.

15 2. A procedure involving a drug or device that may prevent the implantation
16 of a fertilized human ovum.

17 3. An abortion, as defined in s. 253.10 (2) (a).

18 4. An experiment or medical procedure involving any of the following:

19 a. The destruction of a human embryo.

20 b. A human embryo or unborn child, at any stage of development, in which the
21 experiment or procedure is not related to the beneficial treatment of the human
22 embryo or unborn child.

23 5. A procedure, including a transplant procedure, that uses fetal tissue or
24 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
25 miscarriage.

BILL

1 6. The withholding or withdrawal of nutrition or hydration, unless the
2 administration of nutrition or hydration is medically contraindicated.

3 7. An act that causes or assists in causing the death of an individual, such as
4 by assisted suicide, euthanasia, or mercy killing.

5 **SECTION 8.** 253.09 (2) of the statutes is amended to read:

6 253.09 (2) ~~No A hospital or employee of any a hospital shall be liable for any~~
7 ~~civil damages resulting from~~ is immune from liability for any damage caused by a
8 ~~refusal to perform sterilization procedures or remove a human embryo or fetus from~~
9 ~~a person, if such~~ participate in an activity specified in sub. (1r) (a) 1. to 7., if the
10 ~~refusal is based on religious or moral precepts.~~

11 **SECTION 9.** 253.09 (3) of the statutes is amended to read:

12 253.09 (3) No hospital, school, or employer may discriminate against any
13 person with regard to admission, hiring or firing, tenure, term, condition, or privilege
14 of employment, student status, or staff status on the ground that the person refuses
15 ~~to recommend, aid or perform procedures for sterilization or the removal of a human~~
16 ~~embryo or fetus, or states an intention to refuse, whether or not in writing, to~~
17 participate in an activity specified in sub. (1r) (a) 1. to 7., if the refusal is based on
18 ~~religious or moral precepts.~~

19 **SECTION 10.** 253.09 (4) (a) of the statutes is amended to read:

20 253.09 (4) (a) ~~Such individual to perform or assist in the performance of any~~
21 ~~sterilization procedure or removal of a human embryo or fetus~~ participate in an
22 activity specified in sub. (1r) (a) 1. to 7., if the individual's performance or assistance
23 participation in the performance of such a procedure would be activity is ~~contrary to~~
24 ~~the individual's religious beliefs or moral convictions; or~~

25 **SECTION 11.** 253.09 (4) (b) 1. of the statutes is amended to read:

BILL

1 253.09 (4) (b) 1. ~~Make its facilities available for the performance of any~~
2 ~~sterilization procedure or removal of a human embryo or fetus~~ an individual to
3 participate in an activity specified in sub. (1r) (a) 1. to 7., if the performance of such
4 a procedure in such facilities is prohibited by the entity prohibits the activity from
5 taking place in the facilities on the basis of religious beliefs or moral convictions; or

6 **SECTION 12.** 253.09 (4) (b) 2. of the statutes is amended to read:

7 253.09 (4) (b) 2. Provide any personnel ~~for the performance or assistance in the~~
8 ~~performance of any sterilization procedure or assistance~~ to participate in an activity
9 specified in sub. (1r) (a) 1. to 7., if the performance or assistance in the performance
10 of such procedure or the removal of a human embryo or fetus by such personnel would
11 be activity is contrary to the religious beliefs or moral convictions of such the
12 personnel.

13 **SECTION 13.** 253.09 (5) of the statutes is created to read:

14 253.09 (5) A person who is adversely affected by, or who reasonably may be
15 expected to be adversely affected by, conduct that is in violation of this section may
16 bring a civil action for injunctive relief, including reinstatement, damages, including
17 damages for emotional or psychological distress, or both injunctive relief and
18 damages. In an action under this subsection, the court shall award reasonable
19 attorney fees, notwithstanding s. 814.04 (1), to a person who obtains injunctive relief,
20 an award of damages, or both.

21 **SECTION 14.** 441.06 (title) of the statutes is amended to read:

22 **441.06 (title) Licensure; civil liability and disciplinary exemption.**

23 **SECTION 15.** 441.06 (6) of the statutes is renumbered 441.06 (6) (b) (intro.) and
24 amended to read:

BILL

1 441.06 (6) (b) (intro.) ~~No~~ A person licensed as a registered nurse under this
2 section is ~~liable for any civil damages resulting from~~ immune from liability for any
3 damage caused by his or her refusal to perform sterilization procedures or to remove
4 or aid in the removal of a human embryo or fetus from a person, assist in, recommend,
5 counsel in favor of, make referrals for, prescribe, dispense or administer drugs for,
6 or otherwise promote, encourage, or aid any of the following, if the refusal is based
7 on religious or moral precepts:

8 **SECTION 16.** 441.06 (6) (a) of the statutes is created to read:

9 441.06 (6) (a) In this subsection, "human embryo" includes any organism that
10 is derived by fertilization, parthenogenesis, cloning, or any other means from one or
11 more human gametes or human diploid cells.

12 **SECTION 17.** 441.06 (6) (b) 1. to 7. of the statutes are created to read:

13 441.06 (6) (b) 1. A sterilization procedure.

14 2. A procedure involving a drug or device that may prevent the implantation
15 of a fertilized human ovum.

16 3. An abortion, as defined in s. 253.10 (2) (a).

17 4. An experiment or medical procedure involving any of the following:

18 a. The destruction of a human embryo.

19 b. A human embryo or unborn child, at any stage of development, in which the
20 experiment or procedure is not related to the beneficial treatment of the human
21 embryo or unborn child.

22 5. A procedure, including a transplant procedure, that uses fetal tissue or
23 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
24 miscarriage.

BILL

1 6. The withholding or withdrawal of nutrition or hydration, unless the
2 administration of nutrition or hydration is medically contraindicated.

3 7. An act that causes or assists in causing the death of an individual, such as
4 by assisted suicide, euthanasia, or mercy killing.

5 **SECTION 18.** 441.06 (7) of the statutes is created to read:

6 441.06 (7) A person licensed as a registered nurse under this section who, in
7 writing, refuses, or states an intention to refuse, on moral or religious grounds to
8 engage in a practice of professional nursing that is related to an activity specified in
9 sub. (6) (b) 1. to 7. shall not be required to engage in the practice with respect to the
10 activity and may not be disciplined by the board or the department for refusing or
11 stating an intention to refuse to engage in the practice with respect to the activity.

12 **SECTION 19.** 448.03 (5) (title) of the statutes is amended to read:

13 448.03 (5) (title) CIVIL LIABILITY AND DISCIPLINARY EXEMPTION; CERTAIN MEDICAL
14 PROCEDURES AND REPORTS.

15 **SECTION 20.** 448.03 (5) (a) of the statutes is renumbered 448.03 (5) (ar) (intro.)
16 and amended to read:

17 448.03 (5) (ar) (intro.) No A person licensed or certified under this subchapter
18 shall be liable for any civil damages resulting from such is immune from liability for
19 any damage caused by the person's refusal to perform sterilization procedures or to
20 remove or aid in the removal of a human embryo or fetus from a person if such, assist
21 in, recommend, counsel in favor of, make referrals for, prescribe, dispense or
22 administer drugs for, or otherwise promote, encourage, or aid any of the following if
23 the refusal is based on religious or moral precepts.:

24 **SECTION 21.** 448.03 (5) (ag) of the statutes is created to read:

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1 448.03 (5) (ag) In this subsection, “human embryo” includes any organism that
2 is derived by fertilization, parthenogenesis, cloning, or any other means from one or
3 more human gametes or human diploid cells.

4 **SECTION 22.** 448.03 (5) (am) of the statutes is created to read:

5 448.03 (5) (am) A person licensed or certified under this subchapter who, in
6 writing, refuses, or states an intention to refuse, on moral or religious grounds to
7 engage in a practice within the scope of his or her license or certification that is
8 related to an activity specified in par. (ar) 1. to 7. shall not be required to engage in
9 the practice with respect to the activity and, notwithstanding s. 154.07 (1) (a) 3. or
10 155.50 (1) (b), may not be disciplined by the board or the department for refusing or
11 stating an intention to refuse to engage in the practice with respect to the activity,
12 including refusing or stating an intention to refuse to transfer a patient to another
13 physician who will comply with a declaration, as defined in s. 154.02 (1), instrument
14 for power of attorney for health care, as defined in s. 155.01 (10), or health care
15 decision, as defined in s. 155.01 (5), of a health care agent, as defined in s. 155.01 (4).
16 This paragraph does not apply to the refusal to make a good faith attempt to transfer
17 a declarant with incapacity, as defined in s. 155.01 (8) and with a terminal condition,
18 as defined in s. 154.01 (8), to another physician who will comply with the declaration
19 of the declarant.

20 **SECTION 23.** 448.03 (5) (ar) 1. to 7. of the statutes are created to read:

21 448.03 (5) (ar) 1. A sterilization procedure.

22 2. A procedure involving a drug or device that may prevent the implantation
23 of a fertilized human ovum.

24 3. An abortion, as defined in s. 253.10 (2) (a).

25 4. An experiment or medical procedure involving any of the following:

BILL

- 1 a. The destruction of a human embryo.
- 2 b. A human embryo or unborn child, at any stage of development, in which the
3 experiment or procedure is not related to the beneficial treatment of the human
4 embryo or unborn child.
- 5 5. A procedure, including a transplant procedure, that uses fetal tissue or
6 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
7 miscarriage.
- 8 6. The withholding or withdrawal of nutrition or hydration, unless the
9 administration of nutrition or hydration is medically contraindicated.
- 10 7. An act that causes or assists in causing the death of an individual, such as
11 by assisted suicide, euthanasia, or mercy killing.

12 **SECTION 24.** 450.135 of the statutes is created to read:

13 **450.135 Pharmacist's refusal to be involved in certain activities.** (1)

14 In this section, "human embryo" includes any organism that is derived by
15 fertilization, parthenogenesis, cloning, or any other means from one or more human
16 gametes or human diploid cells.

17 (2) A person licensed as a pharmacist under this chapter is immune from
18 liability for any damage caused by his or her refusal to be involved in the performance
19 of, assistance in, recommendation of, counseling in favor of, making referrals for,
20 prescribing, dispensing or administering drugs for, or otherwise promoting,
21 encouraging, or aiding any of the following, if the refusal is based on religious or
22 moral precepts:

23 (a) A sterilization procedure.

24 (b) A procedure involving a drug or device that may prevent the implantation
25 of a fertilized human ovum.

BILL

1 (c) An abortion, as defined in s. 253.10 (2) (a). ✓

2 (d) An experiment or medical procedure involving any of the following:

3 1. The destruction of a human embryo.

4 2. A human embryo or unborn child, at any stage of development, in which the
5 experiment or procedure is not related to the beneficial treatment of the human
6 embryo or unborn child.

7 (e) A procedure, including a transplant procedure, that uses fetal tissue or
8 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
9 miscarriage.

10 (f) The withholding or withdrawal of nutrition or hydration, unless the
11 administration of nutrition or hydration is medically contraindicated.

12 (g) An act that causes or assists in causing the death of an individual, such as
13 by assisted suicide, euthanasia, or mercy killing.

14 (3) (a) A person licensed as a pharmacist under this chapter who, in writing,
15 refuses, or states an intention to refuse, on moral or religious grounds to engage in
16 a practice of pharmacy that is related to an activity specified in sub. (2) (a) to (g) ✓ shall
17 not be required to engage in the practice with respect to the activity and may not be
18 disciplined by the board or department for refusing or stating an intention to refuse
19 to engage in the practice with respect to the activity.

20 (b) A person who is adversely affected by, or who reasonably may be expected
21 to be adversely affected by, conduct that is in violation of par. (a) ✓ may bring a civil
22 action for injunctive relief, including reinstatement, damages, including damages
23 for emotional or psychological distress, or both injunctive relief and damages. In an
24 action under this paragraph, the court shall award reasonable attorney fees,

BILL

1 notwithstanding s. 814.04 (1), to a person who obtains injunctive relief, an award of
2 damages, or both.

3 **SECTION 25. Initial applicability.**

4 (1) This act first applies to refusals or statements of an intention to refuse that
5 are made on the effective date of this subsection.

6 (END)

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2001/lins
MDK:.....

1

INSERT 4-11:

2

(c) "Pharmacist" means an individual who is licensed as a pharmacist under

3

ch. 450. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2001/1dn

MDK: /.....
WJ

Representative Owens:

This bill is identical to your other request (LRB-1999/1), except that it only applies to pharmacists. Please review the seven activities described in the analysis. Are all of them relevant to pharmacists? For example, would a pharmacist be involved in withholding or withdrawing nutrition or hydration? If not, you may want to revise the bill so that it only applies to activities in which pharmacists may be involved. Of course, if there is some uncertainty about a pharmacist's involvement, you could continue to include them in the bill.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2001/1dn
MDK:wlj:cmh

January 26, 2001

Representative Owens:

This bill is identical to your other request (LRB-1999/1), except that it applies only to pharmacists. Please review the seven activities described in the analysis. Are all of them relevant to pharmacists? For example, would a pharmacist be involved in withholding or withdrawing nutrition or hydration? If not, you may want to revise the bill so that it only applies to activities in which pharmacists may be involved. Of course, if there is some uncertainty about a pharmacist's involvement, you could continue to include them in the bill.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

01-2001
redraft instructions

MDK

36-11-70. Refusal to dispense medication. No pharmacist may be required to dispense medication if there is reason to believe that the medication would be used to:

- (1) Cause an abortion; or
- (2) Destroy an unborn child as defined in subdivision 22-1-2(50A); or
- (3) Cause the death of any person by means of an assisted suicide, euthanasia, or mercy killing.

No such refusal to dispense medication pursuant to this section may be the basis for any claim for damages against the pharmacist or the pharmacy of the pharmacist or the basis for any disciplinary, recriminatory, or discriminatory action against the pharmacist.

not used
in chs. 440-480

vague?

Statutes Menu | LRC Menu

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Mark —

Here is the South Dakota law —
any way possible to have the exact wording
for our legislation?

Will wait to hear from you next week —
hope you have a great weekend. Thank you,

Joey Zibranski

political subdivisions, who is not a public officer;

(38) "Public office," the position held by a public officer or employee;

(39) "Public officer," an individual who holds a position in the state government or in any of its political subdivisions, by election or appointment, for a definite period, whose duties are fixed by law, and who is invested with some portion of the sovereign functions of government;

(40) "Public record," any official book, paper, or record created, received, or used by or in any office or agency of the state or of any of its political subdivisions;

(41) "Publish," to disseminate, circulate or place before the public in any way, other than by speech which is not mechanically or electronically amplified;

(42) "Receive," to acquire possession, control or title, or to lend or borrow on the security of the property;

(43) "Service," labor that does not include a tangible commodity. The term includes, but is not limited to: labor; professional advice; telephone, cable television and other utility service; accommodations in hotels, restaurants or elsewhere; admissions to exhibits and entertainments; the use of machines designed to be operated by coin or other thing of value; and the use of rental property;

(44) "Seller," any person or employee engaged in the business of selling pistols at retail;

(45) "Short rifle," a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(46) "Short shotgun," a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;

(47) "Signature," any name, mark or sign written with intent to authenticate any instrument or writing;

(48) "Steal," to commit any act of theft;

(49) "Structure," any house, building, outbuilding, motor vehicle, watercraft, aircraft, railroad car, truck, trailer, tent, or other edifice, vehicle or shelter, or any portion thereof;

(50) "Stun gun," any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person;

(50A) "Unborn child," an individual organism of the species homo sapiens from fertilization until live birth.

(51) "Unoccupied structure," any structure which is not an occupied structure;

Otto (1995) 529 NW 2d 193.

OCCUPIED STRUCTURE,

House used as residence by occupant for 48 years was an occupied structure and did not lose its status as an occupied structure by a temporary three months absence by the occupant to visit relatives. *State v. Wilson (1980) 297 NW 2d 477.*

SUBDIVISION (49).

STRUCTURE.

The definition of "structure" includes the open, uncovered box of a pickup truck. *State v. Cloud (1982) 324 NW 2d 287.*

§

SUBDIVISION (50A).

UNBORN CHILD.

Legislature chose not to use embryo or fetus or some other medico-legal designation in its revision to the wrongful death statute but instead chose simply "unborn child." Its intent in using this term was to include any child still within its mother's womb, no distinction was made between viable and nonviable and the Legislature has subsequently defined "unborn child" in criminal statutes in a manner which reinforces the legislative interpretation of § 21-5-1. *Wiersma v. Maple Leaf Farms, 1996 SD 16, 543 NW 2d 787.*

SUBDIVISION (53).

INSURANCE COMPANY.

An insurance company, indirectly affected by a crime, is not a "victim" in the ordinary and popular use of the word and, therefore, is not entitled to restitution under victim restitution statutes. *State v. Fryer (1993) 496 NW 2d 54.*

POLITICAL SUBDIVISIONS.

By the plain language of subdivision (53) of this section, a political subdivision of the state was not a victim in a case involving the creation and maintenance of a public nuisance on property, because it did not own the property that was the subject of a crime. *State v. Sprecher, 2000 SD 17, 606 NW 2d 138.*

OPINIONS OF ATTORNEY GENERAL.

"Law enforcement officer" as defined in § 23-3-27, and not as defined in subdivision (20) of this section, controls with respect to certification under chapter 23-3, Opinion No. 78-3.

Parole officers are not law enforcement officers, Opinion No. 77-78.

Passing a check for purposes of playing a state video lottery machine would constitute a service which satisfies the present consideration definition, Opinion No. 89-24.

Mayors of municipalities do not have the status of "law enforcement officers," and therefore may not issue traffic citations, engage in traffic control or carry out other functions assigned by statute to "law enforcement officers," Opinion No. 87-04.

The uniformed officers of the South Dakota Highway Patrol fall under the exemption found in § 22-14-9, and therefore, they are not required to possess a

Kennedy, Debora

From: Kennedy, Debora
Sent: Monday, March 12, 2001 9:33 AM
To: Kunkel, Mark
Subject: South Dakota laws

First, I think it would be best to define all of the terms that you use in this, because some of the words used are virtually identical to others.

Second, for (1), probably the best definitions of "abortion" that are in our statutes are either s.253.10 (2) (a) or 939.75 (2) (a).

Third, there are several definitions of "unborn child"; the ones in ss. 20.927 (4) and 940.04 (6) are flawed, because not all unborn children are born alive; probably the simplest is s. 48.02 (19), although you could also use (without the cross-references) s. 939.75 (1), which is more like South Dakota's. However, there are two main problems with (2):

a. The phrase "destroy an unborn child" doesn't mention intent; thus, its application is very broad. It might mean, for instance, that a pharmacist employed by a hospital could refuse to dispense chemotherapy to a woman who had missed a period: i.e., there would be reason to believe that the medication would be used to, among other things, destroy an unborn child, but there may be no intent specifically to do that, particularly if the woman is unsure whether or not she's pregnant.

b. If the requester indicates that (2) means the intentional destruction of an unborn child, (1) and (2) are the same.

Fourth, (3) has redundant terms; "mercy killing" is defined as "euthanasia" in Webster's, and "euthanasia" is defined as "mercy killing" in Dorland's Illustrated Medical Dictionary, 26th Edition, W. B. Saunders Company, Philadelphia (1985). The Webster's definition of "euthanasia" is pretty good.

Lastly, "assisted suicide" is a Class D felony in this state, under s. 940.12; you might want to refer to that as something like "in contravention of s. 940.12" if you include it.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
debora.kennedy@legis.state.wi.us

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, March 12, 2001 11:40 AM
To: Zibrowski, Jacque
Cc: Kennedy, Debora
Subject: SD language and 01-2001/1

Jacque:

There are several problems with the South Dakota language.

Here is the language with my comments in brackets and italics:

No pharmacist may be required to dispense medication [*Under Wisconsin law, a pharmacist dispenses a "prescribed drug or device", not a "medication".*] if there is reason to believe that the medication would be used to: *in the purpose of any of the following:*

(1) Cause an abortion [*This language is okay, except I would add a reference to the definition of abortion at either s. 253.10 (2) (a) or 939.75 (2) (a), Wis. Stats.*]- *okay*

Some (2) Destroy an *of any* unborn child as defined in subdivision 22-1-2(50A); [*According to Debora Kennedy, the drafting attorney at the LRB who deals with abortion issues, this language has problems with respect to intent. Do you want to say whether the medication is used to intentionally destroy an unborn child? If so, then the language isn't needed, because to intentionally destroy an unborn child is the same as to perform an abortion. Therefore, the language is redundant and not necessary. If you don't want to require intentional destruction, and instead want to refer to any destruction, then the language is very broad in its application. It could apply, for example, to a pharmacist in a hospital who refuses to provide drugs for chemotherapy for a woman who missed a period. Under this example, the pharmacist could have a reason to believe that the woman is pregnant, even if she really isn't, and could believe that the drugs would destroy the unborn child.*]

ok (3) Cause the death of any person by means of an assisted suicide [*Under Wisconsin law, assisted suicide is a Class D felony. See s. 940.12, Wis. Stats. Therefore, I would add language that refers to an assisted suicide "in contravention of s. 940.12, Wis. Stats."*], euthanasia, or mercy killing. [*"Euthanasia" and "mercy killing" are the same thing. For example, Merriam-Webster's Collegiate dictionary defines "euthanasia" as "the act or practice of killing or permitting the death of hopelessly sick or injured individuals (as persons or domestic animals) in a relatively painless way for reasons of mercy". Therefore, I would only refer to euthanasia, and not mention mercy killing.*]

No such refusal to dispense medication pursuant to this section may be the basis for any claim for damages against the pharmacist or pharmacy of the pharmacist [*Except for the reference to "medication", this language is generally okay.*] or the basis for any disciplinary, reprimatory or discriminatory action against the pharmacist. [*The problem with this language is that, in the professional licensing context, Wisconsin statutes don't refer to reprimatory action, so there is an issue as to what it means. Also, the word "discriminatory" is broad and, therefore, potentially ambiguous. There could be disputes as to what type of discrimination it is intended to apply to.*]

After you review the above, please give me a call. On the abortion issue, it will probably be more helpful if Debora Kennedy is included in the discussion.

Mark Kunkel
Legislative Attorney
Legislative Reference Bureau
(608) 266-0131 mark.kunkel@legis.state.wi.us

focus on "morning after" pill - so stay away "intent"

change okay

in the purpose of any of the following:

STAY with language already in bill

2

SOON

2001 BILL

INSERT 1A ✓

Religion cat.

dispense for

1 AN ACT ^{to renumber and amend} 111.337 (1); and ^{to create} 111.337 (1g),
 2 111.337 (1r) (b) and 450.135 of the statutes; relating to: ~~employment~~
 3 ~~discrimination based on creed and exemption from liability and discipline for~~
 4 pharmacists who refuse to ~~participate in sterilization, abortion,~~ ^{assisted}
 5 suicide, ^{and other} procedures on moral or religious grounds. ^{ethanasia}

Analysis by the Legislative Reference Bureau

~~Under current law, with certain exceptions, an employer may not engage in employment discrimination based on creed. "Creed" is defined as a system of religious beliefs, including moral or ethical beliefs about right and wrong, that a person sincerely holds with the strength of traditional religious views. Employment discrimination based on creed is defined to include refusing to reasonably accommodate an employee's or prospective employee's religious observances or practices unless the employer can demonstrate that the accommodation would pose an undue hardship.~~

~~This bill expands the definition of employment discrimination based on creed to include discriminating against a pharmacist on the basis of his or her refusal, based on creed, to participate in any of the following seven activities: 1) sterilization procedures; 2) certain procedures that prevent the implantation of a fertilized human ovum; 3) abortions; 4) experiments or medical procedures that involve the destruction of a human embryo or that involve a human embryo or unborn child but do not relate to the beneficial treatment of the human embryo or unborn child; 5)~~

BILL

procedures using fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage; 6) withholding or withdrawing nutrition or hydration under certain circumstances; or 7) acts causing or assisting in the death of an individual, including assisted suicide, euthanasia, or mercy killing. There is no exception for an employer to show that the refusal poses an undue hardship.

Also, the bill provides that pharmacists are exempt from liability for damages that result from a refusal to participate in any of the seven activities described above if the refusal is based on religious or moral precepts. In addition, the bill specifies that the pharmacy examining board or the department of regulation and licensing may not take any disciplinary action against a pharmacist who, in writing, refuses, or states an intention to refuse, to participate in any of the seven activities if the refusal is based on moral or religious grounds. Finally, the bill allows a pharmacist who is adversely affected by conduct that violates this prohibition to bring a civil action for injunctive relief, damages, and attorney fees.

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:

1 **SECTION 1.** 111.337 (1) of the statutes is renumbered 111.337 (1r) (intro.) and
2 amended to read:

3 111.337 (1r) (intro.) Employment discrimination because of creed includes, but
4 is not limited to, refusing any of the following:

5 (a) Refusing to reasonably accommodate an employee's or prospective
6 employee's religious observance or practice unless the employer can demonstrate
7 that the accommodation would pose an undue hardship on the employer's program,
8 enterprise, or business.

9 **SECTION 2.** 111.337 (1g) of the statutes is created to read:

10 111.337 (1g) In this section:

11 (a) "Human embryo" includes any organism that is derived by fertilization,
12 parthenogenesis, cloning, or any other means from one or more human gametes or
13 human diploid cells.

BILL

9

1 (b) "Participate in" means to perform, assist in, recommend, counsel in favor
2 of, make referrals for, prescribe, dispense or administer drugs for, or otherwise
3 promote, encourage, or aid.

4 (c) "Pharmacist" means an individual who is licensed as a pharmacist under
5 ch. 450.

6 **SECTION 3.** 111.337 (1r) (b) of the statutes is created to read:

7 111.337 (1r) (b) Discriminating against any pharmacist by engaging in any of
8 the actions prohibited under s. 111.322 on the basis of the pharmacist's refusal, or
9 statement of an intention to refuse, whether or not in writing, based on his or her
10 creed, to participate in any of the following:

- 11 1. A sterilization procedure.
- 12 2. A procedure involving a drug or device that may prevent the implantation
13 of a fertilized human ovum.
- 14 3. An abortion, as defined in s. 253.10 (2) (a).
- 15 4. An experiment or medical procedure involving any of the following:
 - 16 a. The destruction of a human embryo.
 - 17 b. A human embryo or unborn child, at any stage of development, in which the
18 experiment or procedure is not related to the beneficial treatment of the human
19 embryo or unborn child.
- 20 5. A procedure, including a transplant procedure, that uses fetal tissue or
21 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
22 miscarriage.
- 23 6. The withholding or withdrawal of nutrition or hydration, unless the
24 administration of nutrition or hydration is medically contraindicated.

BILL

SECTION 3

INSERT 4-7

assisted suicide, and euthanasia

1 7. An act that causes or assists in causing the death of an individual, such as
2 by assisted suicide, euthanasia, or mercy killing.

3 SECTION 4 450.135 of the statutes is created to read:

4 450.135 Pharmacist's refusal to be involved in certain activities. (1)

5 In this section, "human embryo" includes any organism that is derived by
6 fertilization, parthenogenesis, cloning, or any other means from one or more human
7 gametes or human diploid cells. ("abortion" has the meaning given in s. 253.10(2)(a))

8 (2) A person licensed as a pharmacist under this chapter is immune from
9 liability for any damage caused by his or her refusal to be involved in the performance
10 of, assistance in, recommendation of, counseling in favor of, making referrals for,
11 prescribing, dispensing or administering drugs for, or otherwise promoting,
12 encouraging, or aiding any of the following, if the refusal is based on religious or
13 moral precepts:

- 14 (a) A sterilization procedure.
- 15 (b) A procedure involving a drug or device that may prevent the implantation
- 16 of a fertilized human ovum.
- 17 (c) An abortion, as defined in s. 253.10 (2) (a).
- 18 (d) An experiment or medical procedure involving any of the following:
 - 19 1. The destruction of a human embryo.
 - 20 2. A human embryo or unborn child, at any stage of development, in which the
 - 21 experiment or procedure is not related to the beneficial treatment of the human
 - 22 embryo or unborn child.
- 23 (e) A procedure, including a transplant procedure, that uses fetal tissue or
- 24 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
- 25 miscarriage.

BILL

1 (f) The withholding or withdrawal of nutrition or hydration, unless the
2 administration of nutrition or hydration is medically contraindicated.

3 (g) An act that causes or assists in causing the death of an individual, such as
4 by assisted suicide, euthanasia, or mercy killing.

5 ~~(3) (a) A person licensed as a pharmacist under this chapter who, in writing,
6 refuses, or states an intention to refuse, on moral or religious grounds, to engage in
7 a practice of pharmacy that is related to an activity specified in sub. (2) (a) to (g) shall
8 not be required to engage in the practice with respect to the activity and may not be
9 disciplined by the board or department for refusing or stating an intention to refuse
10 to engage in the practice with respect to the activity.~~

11 ~~(b) A person who is adversely affected by, or who reasonably may be expected
12 to be adversely affected by, conduct that is in violation of par. (a) may bring a civil
13 action for injunctive relief, including reinstatement, damages, including damages
14 for emotional or psychological distress, or both injunctive relief and damages. In an
15 action under this paragraph, the court shall award reasonable attorney fees,
16 notwithstanding s. 814.04 (1), to a person who obtains injunctive relief, an award of
17 damages, or both.~~

18 **SECTION 5. Initial applicability.**

19 (1) This act first applies to refusals or statements of an intention to refuse that
20 are made on the effective date of this subsection.

1

INSERT 1A:

This bill provides that a pharmacist licensed by the pharmacy examining board (board) in the department of regulation and licensing (DORL) may not be required to dispense a prescribed drug or device if the pharmacist has reason to believe that the ~~the~~ drug or device would be used for causing an abortion. An "abortion" is defined as the use of an instrument, medicine, drug, or other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant or for whom there is reason to believe that she may be pregnant. In addition, there must be no intent to increase the probability of a live birth, to preserve the life or health of the infant after live birth, or to remove a dead fetus. Also under the bill, a licensed pharmacist may not be required to dispense a drug or device if the pharmacist has reason to believe ~~the~~ ~~the~~ drug or device would be used for causing the death of a person by assisted suicide or euthanasia.

that

The bill also provides that a pharmacist's refusal to dispense a prescribed drug or device because he or she has reason to believe that the drug or device would be used for a purpose described above may not be the basis for a claim for damages against the pharmacist or the pharmacist's pharmacy. Also, such a refusal may not be the basis for disciplinary action by the board or DORL against the pharmacist.

2

INSERT 4-7:

3

(2) No pharmacist may be required to dispense a prescribed drug or device if the pharmacist has reason to believe that the drug or device would be used for the purpose of any of the following:

4

5

(a) Causing an abortion.

6

(b) Causing the death of any person by assisted suicide in contravention of s. 940.12 or by euthanasia.

7

8

(3) A pharmacist's refusal to dispense a prescribed drug or device because he or she has reason to believe that the drug or device would be used for a purpose described in sub. (2) (a) or (b) may not be the basis for any of the following:

9

10

11

(a) A claim for damages against the pharmacist or the pharmacy of the pharmacist.

12

13

(b) Disciplinary action by the board or department against the pharmacist.

14

✓

1 ~~#~~
SECTION ~~1~~ **Initial applicability.**

2 (1) This act first applies to refusals made on the effective date of this subsection. ✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2001/3dn

MDK:.....
WJ

Representative Owens:

This version is identical to the previous version, except that it includes the provisions regarding employment discrimination.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

D-NOTE

tomorrow
3/20 pm

2001 BILL

regm cat

employment discrimination
based on creed and

1 AN ACT *to create* 450.135 of the statutes; **relating to:** exemption from liability
 2 and discipline for pharmacists who refuse to dispense for abortions, assisted
 3 suicides, and euthanasia.

Analysis by the Legislative Reference Bureau

This bill provides that a pharmacist licensed by the pharmacy examining board (board) in the department of regulation and licensing (DORL) may not be required to dispense a prescribed drug or device if the pharmacist has reason to believe that the drug or device would be used for causing an abortion. An "abortion" is defined as the use of an instrument, medicine, drug, or other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant or for whom there is reason to believe that she may be pregnant. In addition, there must be no intent to increase the probability of a live birth, to preserve the life or health of the infant after live birth, or to remove a dead fetus. Also under the bill, a licensed pharmacist may not be required to dispense a drug or device if the pharmacist has reason to believe that the drug or device would be used for causing the death of a person by assisted suicide or euthanasia.

The bill ~~also~~ provides that a pharmacist's refusal to dispense a prescribed drug or device because he or she has reason to believe that the drug or device would be used for a purpose described above may not be the basis for a claim for damages against

1

INSERT 2A:

^{This}
~~The bill also~~ expands the definition of employment discrimination based on creed. Under current law, "creed" is defined as a system of religious beliefs, including moral or ethical beliefs about right and wrong, that a person sincerely holds with the strength of traditional religious views. Employment discrimination based on creed is defined to include refusing to reasonably accommodate an employee's or prospective employee's religious observances or practices unless the employer can demonstrate that the accommodation would pose an undue hardship.

^e ^{also}
This bill expands the definition of employment discrimination based on creed to include discriminating against a pharmacist on the basis of his or her refusal, based on creed, to dispense a prescribed drug or device that the pharmacist has reason to believe would be used for causing an abortion or causing the death of a person by assisted suicide or euthanasia. Under the bill, discrimination includes refusing to hire a pharmacist, terminating a pharmacist's employment, and discriminating against a pharmacist with respect to promotions, compensation, or terms, conditions, or privileges of employment. There is no exception for an employer to show that the pharmacist's refusal poses an undue hardship.

2

INSERT 2-1:

3

~~SECTION 1~~, 111.337 (1) of the statutes is renumbered 111.337 (1) (intro.) and amended to read:

4

5

111.337 (1) (intro.) Employment discrimination because of creed includes, but is not limited to, refusing any of the following:

6

7

(a) Refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

9

10

History: 1981 c. 334; 1983 a. 189 s. 329 (25); 1987 a. 149.

11

~~SECTION 2~~, 111.337 (1) (b) of the statutes is created to read:

12

111.337 (1) (b) Discriminating against any pharmacist licensed under ch. 450

13

by engaging in any of the actions prohibited under s. 111.322 on the basis of the

1 pharmacist's refusal to dispense a prescribed drug or device because the pharmacist
2 believes that the drug or device would be used for the purpose of any of the following:

- 3 1. Causing an abortion, as defined in s. 253.10 (2) (a).[√]
4 2. Causing the death of any person by assisted suicide in contravention of s.
5 940.12 or by euthanasia.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2001/3dn
MDK:wlj:jf

March 20, 2001

Representative Owens:

This version is identical to the previous version, except that it includes the provisions regarding employment discrimination.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN H. MILLEH
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 20, 2001

MEMORANDUM

To: Representative Owens

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-2001 Exempting pharmacists from discipline and liability for refusing to be involved in abortions, sterilizations, euthanasia and certain other procedures.

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

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