

2001 ASSEMBLY BILL 653

November 27, 2001 – Introduced by Representatives GROTHMAN, ALBERS, J. FITZGERALD, GUNDERSON, GUNDRUM, HAHN, HUEBSCH, KEDZIE, KESTELL, KRAWCZYK, KREIBICH, LADWIG, M. LEHMAN, LEIBHAM, LOEFFELHOLZ, MCCORMICK, NASS, OTT, OWENS, PETROWSKI, PETTIS, PLALE, RYBA, SERATTI, STONE, SUDER, SYKORA, URBAN and WALKER, cosponsored by Senators LAZICH, S. FITZGERALD, ROESSLER, SCHULTZ and ZIEN. Referred to Committee on Family Law.

1 **AN ACT** *to create* 20.9274 and 118.289 of the statutes; **relating to:** prohibiting
2 the dispensing, prescribing, or administering of a contraceptive prescription
3 drug or device to a pupil under school-based medical services and prohibiting
4 the payment of public funds for school-based medical services under which
5 contraceptive prescription drugs or devices are dispensed, prescribed, or
6 administered.

Analysis by the Legislative Reference Bureau

This bill prohibits the dispensing, prescribing, or administering of a contraceptive prescription drug or a contraceptive prescription device to a pupil, as part of a school-based medical service, by an employee of, volunteer for, or contractor with a school district, a cooperative educational service agency, a charter school, a private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired.

Further, the bill prohibits state agencies and local governmental units from authorizing state, local, or federal funds for school-based medical services to a school district, a cooperative educational service agency, a charter school, a private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired that violates the prohibition on dispensing, prescribing, or administering the contraceptives. A school district, a cooperative educational service agency, a charter school, a private school, the Wisconsin School for the Deaf, or the Wisconsin

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Center for the Blind and Visually Impaired that receives state, local, or federal moneys for school-based medical services and that violates the prohibition on dispensing, prescribing, or administering the contraceptives may not receive additional funds for the school-based medical services for 24 months and must return all moneys paid for the services; and the grant, subsidy, or other funding under which the funds were received is terminated.

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.** 20.9274 of the statutes is created to read:

2 **20.9274 Prohibitions on funding for contraceptives. (1)** In this section:

3 (a) “Charter school” has the meaning given in s. 115.001 (1).

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

6 (c) “Organization” means a nonprofit corporation, as defined in s. 46.93 (1m)

7 (c), or a public agency, as defined in s. 46.93 (1m) (e).

8 (d) “School” means a school district, a cooperative educational service agency,
9 a charter school, a private school, the Wisconsin School for the Deaf, or the Wisconsin
10 Center for the Blind and Visually Impaired.

11 (e) “State agency” means an office, department, agency, institution of higher
12 education, association, society, or other body in state government created or
13 authorized to be created by the constitution or any law, which is entitled to expend
14 moneys appropriated by law, including the legislature, the courts, and an authority
15 created in ch. 231 or 233.

16 **(2)** No state agency or local governmental unit may authorize payment of funds
17 of this state, of any local governmental unit, or, subject to sub. (3), of federal funds
18 passing through the state treasury as a grant, subsidy, or other funding for

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1 school-based medical services to a school or to an organization or agent working on
2 behalf of a school if the school, organization, or agent using the state, local, or federal
3 funds violates s. 118.289.

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

8 **(4)** If an organization that receives funds specified under sub. (2) violates s.
9 118.289, all of the following shall apply:

10 (a) The school or organization may not receive funds specified under sub. (2)
11 for 24 months after the date on which the state agency or local governmental unit last
12 authorized payment or the date on which the school, organization, or agent last
13 violated s. 118.289, whichever is later.

14 (b) The grant, subsidy, or other funding under which a school or organization
15 has used funds in violation of s. 118.289 is terminated; and the school or organization
16 shall return to the state agency or local governmental unit all funds that have been
17 paid to the school or organization under the grant, subsidy, or other funding.

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

24 **SECTION 2.** 118.289 of the statutes is created to read:

