

**ASSEMBLY AMENDMENT 5,  
TO 2001 ASSEMBLY BILL 850**

March 7, 2002 – Offered by Representative SUDER.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 13, line 18: after that line insert:

3           “**SECTION 27m.** 252.01 (9) of the statutes is created to read:

4           252.01 **(9)** “Voluntary informed consent” means making a decision to consent  
5 to a specific medically–related action after all of the following conditions are met:

6           (a) The decision maker has been provided an explanation of all benefits or  
7 potential detrimental side effects, including any contraindications, that affect the  
8 decision.

9           (b) The decision maker has been provided an opportunity to ask questions and  
10 receive understandable answers to the questions, in the language commonly spoken  
11 by and in terms understandable to him or her, from a competent authority who is  
12 knowledgeable about the subject and the circumstances or conditions involving the  
13 consent.

1 (c) The decision maker has received a reasonable period of time to make a fully  
2 voluntary decision free of any form of coercion.

3 (d) The consent, with the signature of the decision maker, has been  
4 documented.

5 (e) The decision maker has received, in writing, acknowledgement of his or her  
6 right to withdraw his or her consent.”.

7 **2.** Page 14, line 4: after “may” insert “, after having first complied with sub.  
8 (1m),”.

9 **3.** Page 14, line 10: after that line insert:

10 “**(1m)** (a) Except as specified in par. (b), the department shall provide to each  
11 individual sufficient information about a proposed vaccination to enable the  
12 individual to provide a voluntary informed consent to the vaccination and shall  
13 receive from the individual the voluntary informed consent before the vaccination is  
14 administered.

15 (b) If the individual under par. (a) is one of the following, the department shall  
16 provide the information specified under par. (a) to and obtain the voluntary informed  
17 consent from the following applicable person:

18 1. If a minor, the minor’s parent, guardian, or legal custodian.

19 2. If adjudicated incompetent under ch. 880, the individual’s guardian.

20 3. If incapacitated and the principal of a health care power of attorney, the  
21 agent under the health care power of attorney.”.

22 (END)