

2003 DRAFTING REQUEST

Bill

Received: 11/25/2002

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Insurance - health

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring insurance coverage of vaccinations against agents of terrorist attacks

Instructions:

See Attached

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>
/?	pkahler 11/25/2002	kfollett 12/03/2002 kfollett 12/05/2002					S&L
/1			jfrantze 12/09/2002		amentkow 12/09/2002	mbarman 12/10/2002	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

At  
Intro.

<END>

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Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

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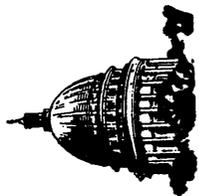
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		11/11/02	12/4/02	12/9/02			

FE Sent For:

11/11/02  
12/4/02  
12/9/02  
12/9/02  
<END>

HOME:  
3820 Southbrook Lane  
Wisconsin Rapids, WI 54494  
(715) 423-1223

Co-Chair Task Force on  
Digital Democracy



STATE REPRESENTATIVE  
**Marlin D. Schneider**

D E A N O F T H E A S S E M B L Y

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Madison, WI 53708  
(608) 266-0215  
Fax: (608) 266-8955  
Toll-free: 1-888-529-0072  
Email: Rep.Schneider@legis.state.wi.us

TO: Steve Miller  
FROM: Marlin Schneider  
DATE: November 21, 2002  
RE: Bill Drafts

Enclosed is a copy of the August 7, 2002 Legislator Drafting Status Report. I would like those items which I have checked to be redrafted for the 2003-04 Legislative Session.

August 7, 2002

09:42:21

Legislator Drafting Status Report  
(sorted by LRB No): Page 10

LRB	Most recent draft sent to requester	Date placed on hold or cancelled	Attorney - Phone No.
received initial request			

Topic

LRB No. Introduced As

Insurance - health

Requiring insurance coverage of vaccinations for agents of terrorist attacks -4163/1

10/31/01 03/01/02

Pamela J. Kahler  
266-2682



State of Wisconsin  
2001-2002 LEGISLATURE

3 4

0907/1

LRB-4168/1

PJK:rs&jld:kjf

kjf dcs

2003

2001 BILL

D-vote  
PWF-  
all amended

Regen

1 AN ACT to amend 40.51 (8), 40.51 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g),  
2 185.981 (4t), 185.983 (1) (intro.) and 609.88; and to create 166.35 and 632.895  
3 (15) of the statutes; relating to: health insurance coverage of vaccinations  
4 against small pox, anthrax, and other diseases caused by biological agents of  
5 potential terrorist attacks and granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

This bill requires health care plans to cover the cost of vaccinations against small pox, anthrax, and any other disease or biological malfunction that is caused by a biological agent specified by the division of emergency management in the department of military affairs ~~as having~~ as having the potential for use in terrorist attacks. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans (formerly called managed care plans in the statutes) and cooperative sickness care associations; to health plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, such as vision or dental plans, or to policies covering only certain specified diseases. The requirement may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

The bill requires the division to specify by rule biological agents that have the potential for use in terrorist attacks. A biological agent is generally defined as a

of emergency management

**BILL**

microorganism, pathogen, or infectious substance that is capable of causing disease or other biological malfunction, including death, in a human.

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. 40.51<sup>X</sup> (8) of the statutes is amended to read:

2           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)  
4 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to  
5 (5), 632.895 (5m) and (8) to ~~(14)~~ <sup>✓</sup>(15), and 632.896.

6           SECTION 2. 40.51<sup>X</sup> (8m) of the statutes is amended to read:

7           40.51 (8m) Every health care coverage plan offered by the group insurance  
8 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
9 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ <sup>✓</sup>(15).  
10

11           SECTION 3. 66.0137<sup>X</sup> (4) of the statutes is amended to read:

12           66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
13 a village provides health care benefits under its home rule power, or if a town  
14 provides health care benefits, to its officers and employees on a self-insured basis,  
15 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
16 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),  
632.895 (9) to ~~(14)~~ <sup>✓</sup>(15), 632.896, and 767.25 (4m) (d).

17           SECTION 4. 111.91 (2) (n)<sup>X</sup> of the statutes is amended to read:

18           111.91 (2) (n) The provision to employees of the health insurance coverage  
19 required under s. 632.895 (11) to ~~(14)~~ <sup>✓</sup>(15).

20           SECTION 5. 120.13 (2) (g)<sup>X</sup> of the statutes is amended to read:

**BILL**

1           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
2           49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
3           632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and  
4           767.25 (4m) (d).

5           **SECTION 6.** 166.35<sup>X</sup> of the statutes is created to read:

6           **166.35 Rules specifying biological agents of terrorist attacks.** (1) In  
7           this section, "biological agent" means any microorganism; including a bacterium,  
8           virus, fungus, rickettsia, or protozoan; pathogen; or infectious substance; or any  
9           naturally occurring, bioengineered, or synthesized component of a microorganism,  
10          pathogen, or infectious substance; that is capable of causing disease or other  
11          biological malfunction, including death, in a human. ✓

12          (2) The division shall promulgate rules that specify biological agents that have  
13          the potential for use in terrorist attacks. ✓

14          **SECTION 7.** 185.981<sup>X</sup> (4t) of the statutes is amended to read:

15          185.981 (4t) A sickness care plan operated by a cooperative association is  
16          subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,  
17          632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897  
18          (10) and chs. 149 and 155.

19          **SECTION 8.** 185.983<sup>X</sup> (1) (intro.) of the statutes is amended to read:

20          185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
21          exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
22          601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,  
23          631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,  
24          632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and

**BILL**

1 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association  
2 shall:

3 **SECTION 9.** 609.88 of the statutes, as affected by 2001 Wisconsin Act 16, is  
4 amended to read:

5 **609.88 Coverage of immunizations.** Defined network plans are subject to  
6 s. 632.895 (14) and (15).

7 **SECTION 10.** 632.895 (15) of the statutes is created to read:

8 **632.895 (15) COVERAGE FOR VACCINATIONS RELATED TO BIOTERRORISM.** (a) Subject  
9 to par. (b) and except as provided in par. (c), every disability insurance policy, and  
10 every self-insured health plan of the state or a county, city, village, town, or school  
11 district, shall provide coverage of the cost of vaccines, and administration of the  
12 vaccines, against all of the following:

13 1. Small pox.

14 2. Anthrax.

15 3. Any other disease or biological malfunction that is caused by a biological  
16 agent that the division of emergency management specifies by rule under s. 166.35  
17 as having the potential for use in a terrorist attack.

18 (b) The coverage required under this subsection may be subject to any  
19 limitations, exclusions, or cost-sharing provisions that apply generally under the  
20 disability insurance policy or self-insured health plan.

21 (c) This subsection does not apply to any of the following:

22 1. A disability insurance policy that covers only certain specified diseases.

23 2. A health care plan offered by a limited service health organization, as defined  
24 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not  
25 a defined network plan, as defined in s. 609.01 (1b).

RJR

CS  
OF

✓

**BILL****SECTION 11. Initial applicability.**

(1) This act first applies to all of the following:

(a) Except as provided in paragraphs (b) and (c), disability insurance policies that are issued or renewed, and self-insured health plans that are established, extended, modified, or renewed, on the effective date of this paragraph.

(b) Disability insurance policies covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(c) Self-insured health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

**SECTION 12. Effective date.**

(1) This act takes effect on the first day of the 6th month beginning after publication.

(END)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

0907  
LRB-4198/1dn  
PJK:rs&ld:kjf

kjf & js

March 1, 2002 new date

1. Here is the drafter's note from last session:

(DHFS)

I required the rules specifying biological agents of potential terrorist attacks to be promulgated by the division of emergency management in the department of military affairs. I discussed with Mark Kunkel having the medical examining board promulgate rules, as you indicated in the request for the bill. Since that board is mainly concerned with requirements for licensing medical providers, it would not have expertise in determining what biological agents might be used in terrorist attacks. The department of health and family services would have expertise in vaccination and disease issues, however. DHFS already promulgates rules related to immunizations for children. (See s. 252.04, stats.) Would you like DHFS to promulgate rules also? Instead? Alternatively, DHFS or the division of emergency management could promulgate rules after consulting with the other. (See s. 101.598 (1), stats., under which the department of commerce promulgates rules related to infectious agents after consultation with DHFS.)

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

2. Do you want to require proposed rules to be submitted within a specified amount of time?

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

LRB-0907/1dn  
PJK:kjf&cjs:jf

December 9, 2002

1. Here is the drafter's note from last session:

I required the rules specifying biological agents of potential terrorist attacks to be promulgated by the Division of Emergency Management in the Department of Military Affairs. I discussed with Mark Kunkel having the Medical Examining Board promulgate rules, as you indicated in the request for the bill. Since that board is mainly concerned with requirements for licensing medical providers, it would not have expertise in determining what biological agents might be used in terrorist attacks. The Department of Health and Family Services (DHFS) would have expertise in vaccination and disease issues, however. DHFS already promulgates rules related to immunizations for children. (See s. 252.04, stats.) Would you like DHFS to promulgate rules also? Instead? Alternatively, DHFS or the Division of Emergency Management could promulgate rules after consulting with the other. (See s. 101.598 (1), stats., under which the Department of Commerce promulgates rules related to infectious agents after consultation with DHFS.)

2. Do you want to require proposed rules to be submitted within a specified amount of time?

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## RESEARCH APPENDIX -

**PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 12-??-2002 (Per PJK)



The drafting file for 2001 LRB 4163 has been

transferred to the drafting file for 2003 LRB - 0907

This cover sheet, the final request sheet, and the final version of the 2001 draft were copied on yellow paper, and returned to the original 2001 drafting file.

For research purposes, because the attached 2001 draft was incorporated into a new 2003 draft, this cover sheet and the complete drafting file was transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

~~The drafting file for 2003 LRB has been~~

~~copied/added to the drafting file for 2003 LRB~~

~~For research purposes, because the attached 2003 draft was incorporated into another 2003 draft, the attached drafting file was copied on yellow paper (darkened/auto centered/reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.~~

~~This cover sheet was copied on yellow paper and added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.~~

**Barman, Mike**

---

**From:** Schneider, Marlin  
**Sent:** Monday, December 09, 2002 5:42 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-0907/1 Topic: Requiring insurance coverage of vaccinations against agents of terrorist attacks

It has been requested by <Schneider, Marlin> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0907/1 Topic: Requiring insurance coverage of vaccinations against agents of terrorist attacks

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Wednesday, January 22, 2003 11:01 AM  
**To:** Baldus, John  
**Cc:** Rep.Schneider  
**Subject:** Requested PDF's



03-0897/1



03-0900/1



03-0902/1



03-0902/1dn



03-0903/1



03-0903/1dn



03-0904/1



03-0905/1



03-0906/1



03-0907/1



03-0907/1dn



03-0909/1



03-0910/2



03-0910/2dn

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
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