

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/30/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Tim (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - abortion**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Require hospital to provide sexual assault victim info and emergency contraception

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**Instructions:**

Same as 2001 AB 724

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**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>
/?	dkennedy 02/07/2003	kgilfoy 02/07/2003					S&L
/1			pgreensl 02/07/2003		amentkow 02/07/2003	amentkow 04/03/2003	

FE Sent For:

↳ At intro

<END>

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1?	dkennedy	1-2/7 KMG	PH	2 17 PH 113			

FE Sent For:

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**Kennedy, Debora**

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**From:** O'Brien, Tim  
**Sent:** Monday, February 03, 2003 2:01 PM  
**To:** Kennedy, Debora  
**Subject:** Emergency Contraceptive Bill

Hi Debora,

I just talked with Senator Risser's office and they asked me to contact you and have you send a Senate version of the Emergency Contraceptive Bill to their office also.

Thanks

Tim O'Brien  
Office of Representative Mark Pocan

BY Monday, if possible

2001 - 2002 LEGISLATURE

1984/1  
LRB-3438/3

DAK:pg

King:

# 2001 ASSEMBLY BILL 724

January 14, 2002 - Introduced by Representatives POCAN, KRUG, LA FAVE, BOYLE, BERCEAU, BLACK, SINICKI, COLON, PLOUFF, CARPENTER, J. LEHMAN, MILLER, SHILLING and RICHARDS, cosponsored by Senators RISSER, MOORE and PEACHE. Referred to Committee on Health

Gen. Cat.

1 AN ACT to renumber 50.38 (1); to amend 50.38 (2); and to create 50.375 and  
2 50.38 (1) (b) of the statutes; relating to: requiring a hospital to provide to an  
3 alleged victim of sexual assault, with consent, information and emergency  
4 contraception and providing a penalty.

### Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to an alleged victim of sexual assault and has obtained the victim's consent: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception; 2) orally inform her of her option to receive emergency contraception; and 3) provide emergency contraception immediately to her if she requests it. "Emergency contraception" is defined in the bill to be a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device that is approved by the federal food and drug administration that prevents a pregnancy after sexual intercourse. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a woman who is known by the prescribing health care provider to be pregnant.

and

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The bill also requires that a hospital that provides emergency care ensure that each hospital employee who provides care to an alleged victim of sexual assault have available medically and factually accurate and unbiased information about emergency contraception. DHFS must respond to complaints about violations of these requirements and must periodically review procedures of hospitals to determine if they are in compliance. Violators of the requirements are subject to forfeitures. DHFS may, after providing notice to a hospital that has violated the requirements twice, suspend or revoke the hospital's certificate of approval and deny application for a new certificate of approval.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*Whether*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 50.375 of the statutes is created to read:

2           **50.375 Emergency contraception for alleged victims of sexual assault.**

3           (1) In this section:

4           (a) "Emergency contraception" means a drug, medicine, oral hormonal  
5           compound, mixture, preparation, instrument, article, or device that is approved by  
6           the federal food and drug administration *and* that prevents a pregnancy after sexual  
7           intercourse. "Emergency contraception" does not include a drug, medicine, oral  
8           hormonal compound, mixture, preparation, instrument, article, or device of any  
9           nature that is prescribed to terminate the pregnancy of a woman who is known by  
10          the prescribing licensed health care provider to be pregnant.

11          (b) "Sexual assault" means a violation of s. 940.225 (1), (2), or (3).

12          (2) A hospital that provides emergency services to an alleged victim of sexual  
13          assault shall, after obtaining the consent of the victim, do all of the following:

14           (a) Provide to the victim medically and factually accurate and unbiased written  
15          and oral information about emergency contraception.



**ASSEMBLY BILL 724**

1 (b) Orally inform the victim of her option to receive emergency contraception  
2 at the hospital.

3 (c) Provide emergency contraception immediately at the hospital to the victim  
4 if she requests it.

5 (3) A hospital that provides emergency care shall ensure that each hospital  
6 employee who provides care to an alleged victim of sexual assault has available  
7 medically and factually accurate and unbiased information about emergency  
8 contraception.

9 (4) The department shall respond to any complaint received by the department  
10 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)  
11 and shall periodically review hospital procedures to determine <sup>whether</sup> a hospital is in  
12 compliance with the requirements.

13 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

14 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

15 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be  
16 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation. If  
17 a hospital violates s. 50.375 (2) twice, the department may, after providing notice to  
18 the hospital, suspend or revoke the hospital's certificate of approval and may deny  
19 application for a new certificate of approval.

20 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

21 50.38 (2) The department may directly assess forfeitures provided for under  
22 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed  
23 for a particular violation, the department shall send a notice of assessment to the  
24 hospital. The notice shall specify the amount of the forfeiture assessed, the violation

**ASSEMBLY BILL 724**

1 and the statute or rule alleged to have been violated, and shall inform the hospital  
2 of the right to a hearing under sub. (3).

3 (END)

**Barman, Mike**

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**From:** Kennedy, Debora  
**Sent:** Thursday, April 03, 2003 10:39 AM  
**To:** Barman, Mike  
**Subject:** FW: LRB 1984/1- Emergency contraception

Mike, this request is for Senator Risser.

Thanks very much,

Debora

-----Original Message-----

**From:** Ashley, Cindy  
**Sent:** Thursday, April 03, 2003 10:37 AM  
**To:** Kennedy, Debora  
**Subject:** LRB 1984/1- Emergency contraception

Debora:

Please have LRB 1984/1 relating to requiring hospitals to provide sexual assault victim info and emergency contraception jacketed for introduction in the Senate.

Thanks much.

Cindy Ashley