

2003 Assembly Bill 372

Date of enactment: **December 18, 2003**

Date of publication\*: **January 7, 2004**

## 2003 WISCONSIN ACT 110

AN ACT to create 990.001 (17) and 990.01 (19j) of the statutes; relating to: live birth or the circumstance of being born alive.

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

**SECTION 1.** 990.001 (17) of the statutes is created to read:

990.001 (17) LIVE BIRTH OR CIRCUMSTANCE OF BEING BORN ALIVE. (a) An individual who undergoes a live birth is born alive.

(b) If a statute or rule refers to a live birth or to the circumstance in which an individual is born alive, the statute or rule shall be construed so that whoever undergoes a live birth as the result of an abortion, as defined in s. 253.10 (2) (a), has the same legal status and legal rights as a human being at any point after the human being undergoes a live birth as the result of natural or induced labor or a cesarean section.

(c) Paragraphs (a) and (b) may not be construed to affirm, deny, expand, or contract a legal status or legal

right that is applicable to a human being at any point before the human being undergoes a live birth.

**SECTION 2.** 990.01 (19j) of the statutes is created to read:

990.01 (19j) LIVE BIRTH. (a) In this subsection, “breathes” means draws air into and expels it out of the lungs one or more times.

(b) “Live birth” means the complete expulsion or extraction from his or her mother, of a human being, at any stage of development, who, after the expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, a cesarean section, or an abortion, as defined in s. 253.10 (2) (a).

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\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].