

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 ASSEMBLY BILL 372**

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.

Analysis by the Legislative Reference Bureau

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

- 1 **SECTION 1.** 990.001 (17) of the statutes is created to read:
- 2 **990.001 (17) LIVE BIRTH OR CIRCUMSTANCE OF BEING BORN ALIVE.** (a) An individual
- 3 who undergoes a live birth is born alive.
- 4 (b) If a statute or rule refers to a live birth or to the circumstance in which an
- 5 individual is born alive, the statute or rule shall be construed so that whoever
- 6 undergoes a live birth as the result of an abortion, as defined in s. 253.10 (2) (a), has
- 7 the same legal status and legal rights as a human being at any point after the human

1 being undergoes a live birth as the result of natural or induced labor or a cesarean
2 section.

3 (c) Paragraphs (a) and (b) may not be construed to affirm, deny, expand, or
4 contract a legal status or legal right that is applicable to a human being at any point
5 before the human being undergoes a live birth.

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

7 **990.01 (19j) LIVE BIRTH.** (a) In this subsection, “breathes” means draws air into
8 and expels it out of the lungs one or more times.

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

16 (END)