

ABCP

↳

Passive vegetative state.
Can't make another decision.

Despite written directive

write

Relieve some pain best
will hasten death.

"I'm not going to do

It, not to be complacent
in regard ways to talk w/
physicians

Not legal - "we will go to
physicians - not have to refer to another
physician

Amend synchro - ? Anything
to prohibit -

RULES - Physician

prescriber - is

Pharmacists could. Prescriber
would ever them in future,

~~the~~

"Do know of colleagues
asked for help
not stepped forward."

Rep. UKMire

violates nurse code of ethics -

allows them to walk away

see. S. Y consentous

options - in firm in

advance Nurse must

communicate this

changed saying abandoned

obligation

ABCP not necessary visit
Nurses code clearly - refer

Matthew Lee OLS, DR

Clinical SA, 70's

Associate Professor,

US has CE / Fair employment.

joined to be up date -

most contraindication = NSA

adoption by case RULES

IID

Parial 1970

- started 1950 Dr.

1115 Practice of medicine
morally neutral, "Practice
of laws moral neutrality -

my concerns -
my duty to patients

not do ... agreed enough
w/ concerns & science
logically strat strategies in

Quintin Smith ...

"Secondary"

Primary interest is patients

Kay Helle - Sec. 26
Duty to care for patients
can oppose as long as in

Regulation

all act in public
to public. Under circumstances
regional not required
most all must vulnerable,
medicine

Within opposition W.S. MS
major medical groups are
supporting this -

Section 26 medicine

ethicists - DO no harm
patients interests of patients

Duty to public on you
are abandoning the
patients

PT Legis.
Legis.

Dr. Murray Kistler —
Opposed

Both Larkner —

Freedom of conscience
Workshop members

Change nurse — advances

Over 100 nurses signed

Position to host admin. ? RD

Disciplining Reparaments —

Positions — demonstrated by CSJ

Amman's — AB 67

Jean Cavalle

~~Open Enrollment~~

RE: TRUST

FUND

PROLIFE - DR
Breast cancer will be
checked every y
will kill
cancers kill & save
not kill child

Palatine case -
Difference organ
is in INTENT
to Release Parity
Diy removing infants

PA, Doug Lavoie
OBGYN UN
Use clear Amnion

Gallagher

~~LOOK~~
~~more~~
class

PRO LIFE

~~Pro~~ Abolishing

FUDS

4. Genetic capture

Core onic

Corvonic

1/1 a-

Sampling could use

deane ending

in

Down in man

all products of

Refuse



Require

to open so

provider

who will

bring on SA.

AAIP

DAUB Krieg

Unover

Halbur, Jennifer

From: Jermstad, Sara
Sent: Thursday, July 31, 2003 11:54 AM
To: Halbur, Jennifer
Subject: AB 67 amendment

Jennifer,

Here is that paragraph CR asked me to write up re the amendment of AB67. Let me know if it doesn't make sense, I will try to clarify.

Sara Jermstad
Office of Senator Carol Roessler
Sara.Jermstad@legis.state.wi.us
(608)266-5300 / 888-736-8720

To: Carol and Jennifer
From: Sara
Re: Amendment to AB67

AB67 was amended to remove contraceptives. The concern of Pro-Life Wisconsin and Senator Reynolds is that if contraceptives are removed from the bill, then those employers who have already allowed pharmacists to refuse to dispense contraceptives prior to the law, may no longer allow pharmacists to refuse to dispense contraceptives since they would not be exempted under the law.

AB67 Public Hearing
Nancy Klaver/Rep Hundertmark

10-7-03

Bill is restricted to the 8 activities

Transfer issue: Onus on patient or power of attorney to find a physician that will comply.

1 exception on living will / advanced directives lang:

- Physician has to make a good faith effort to transfer an incompetent / terminally ill patient.

Chuala - Someone in a persistent vegetative state may not have their directives carried out.

Klaver - True - the person or power of attn. would have to find a physician. Chuala:

living wills are separate from a living will directive.

Chuala: example: morphine for a cancer patient, morphine slowly causes death. What if a physician says no - I'm not going to administer any more morphine because this morphine is slowly causing death (assisting in death).

Rep. Hundertmark: The person (patient) would have to find a new physician.

Lt Lawton

Opposed to 67

Chris Taylor

- Submitted testimony
- AB 67 has dire consequences
- Erosion of medical ethics.
- definition of "participate in" broad.
- Bill gets the rights of patients.
- AB 67 goes well beyond current law.
A woman who's health @ risk +
Needs abortion - could be refused care.
- Dr. Doug ~~Walters~~ Lambert OB/GYN @
UW Madison. Vice Chair, Obst + gyn.
- CR agreed to consider "on dev. child"
language.
- Bill removes legal protections.

Matt Scude ProLife

- Opposed
- want Birth control in bill.
- Gundrum Amendment
- Concerned AB 67 weakens current law.

Marianne L. name

- Supports AB67
- written testimony
- quoted nurses code of ethics
-

Dr. Dunlop

- written testimony
- Supports AB67

Rebecca Home - med student

- submitted written testimony

Chris Ahmnty

ACLU

- opposed

David ~~King~~^{Krieg} AARP

- end of life concerns
- submitted testimony (AARP folder)
- wants to ensure that living wills are carried out.
- at very least - require that a phys
- refer to a phys that will carry out directives.

- Dr. Selle Fagan (General Internist)
- Lack of informed consent - ~~ex~~ person can not sue.
- Submitted written

Madeline Ramay - HOPE WI (hospice)

- poorly written
- opposed (Very)
- Euthanasia - illegal, why need bill
- pur of attrn / living will concerns
-

Sharon Hampson - (LaCrosse) County Brd. Sup.

- Opposes
- it denies med. H.C.
- no support from med. groups
- what is real motive(?)
- Husband died @ 48.

Tom Engel's Pharmacy Soc. of WI

- Pharmacy Examining Brd: Says Pharmacists have the right to refuse ~~to~~ dispense for any reasons.

Inne Brosow sky

- Pre natal testing
- preg @ 35 / high risk due to age

Kay Hoff - Grant Cty

- Bill is slippery slope
- initiated as an abortion issue + has escalated
- Great Grandma (aunt?) died @ 23 from illegal abortion
- Moving to Menoqua - many pharmacists, including Walmark, will not ~~prescribe~~ Dispense morning after

Amber - statement from Dr. Spear UWell.

- Rep. 75 med students - against bill.
- threatens duty of phys.

A Laura Rose looking into : is the amniotic sac part of the fetus.

Chvala - women

- Physician could refuse to do an amniocentesis or other prenatal care?

Undermark - language says "on developing child"

- amniocentesis is w/ drawing fluid from the ^{amniotic} "sac" - don't want to

touch child. Bill would not be able to deny this procedure.

Chvala - anywhere in the bill - will prohibit amniocentesis?

Klaver - I do not believe it is covered in the bill.

Chvala ^{if} - Some tests take a piece of tissue from fetus - can doc refuse.

Chvala - if a doc ~~ref~~ performs tests, then finds that the fetus has a heart condition and a bunch of other things. If that doc does not support abortion - does the bill protect the physician if he/she only discloses the heart condition to the mother.

P. 14 lines 4-8 - requires transfer regard

Chvala - what if a doc says "no I don't think terminal even though other phys. def. person as terminal." In this case - ~~person~~ doc may not honor directive or responsibility to transfer.

Rep Ukumar (23 yrs. exp.) LPN w/ Pediatrics.

- Supports

She knows of others who, out of fear, have not stepped forward (refused to carry out a procedure).

Fear of discipline etc.

- Ethics of medicine becoming more & more murky

- Violates code of ethics - she doesn't think so.

Sec. 5.4 deals w/ (conscious suggestions) - clearly

states that the nurse must commendate

concerns w/ performing procedure.

Also states - those that do not participate

may not be afforded relief from penalties. AB

67 will allow this - she likes.

Matthew Lee - doctor

- Is practice of medicine morally neutral? no.

- Would you want your doc to be a moral (not moral).

- Feels it is the doctor's duty to communicate conflict.

- Robson Q: what type of procedure would ^(be banned) performed on the developing child?

Answer: no ban on procedure

- Primary intent important - w/ cancer meds to mother - to help mother is primary - any potential harm to child is secondary -

Key Heggstad

~~Debra Murray Ketchum~~ / Ailie O'Connor

oppose living will language.

• Believes physicians should refer to a phys. that will carry out directives.

• Problems with section 26

• Person must be incapacitated and terminally ill to req. doc. to transfer.

Sec. 26 needs a major overhaul.

Ailie

Provide copy of written testimony to members.

No section debated as ~~fully~~ as ~~previously~~ Sec 26 in history.

"Duty to refer or you are abandoning a patient".
Council on ethics debated this.

Need clarification from RTC - what phys. support ^{→ grips}

1/1972 - pos. of Med Soc. on current law provisions

Lucina - Current law - ~~no phys. is liable~~
~~a phys. must transfer if living will~~
~~says so~~

allows a ~~person~~ doc. to be liable for unprof. conduct if doc. does not transfer patient to doc. that will carry out the directive.

CR - would like to talk to Kay Haggstad in future about Pair of HHRN. laws.

Dr. Murray Ketcher - Madison DHS

- Opposes Bill / Current law already provides a protection
- AB67 allows healthcare workers to ignore the wishes of patients + removes the ability of people to sue.
- On developing child concerns him. Is there a distinction in bill that clarifies ~~the~~ between in utero or a child (children are constantly developing).

Ellen Henningsen: Coalition of WI Aging Groups

- Opposed AB67
- Submitted testimony
- P. 14 line 1 "transfer patient." Draft does not say refuse to refer - it says transfer.
- What is wrong w/ current law as it relates to P. 14 lines 1-8. (end of life)
- Current law says - best faith effort to find a ~~physician~~ refer.
- Bill upsets current law relating to end of life.

look @ definition of terminal under 154.01 (death must be imminent).

- suggests amending sec. 26 (did provide suggestion for change).

- Both LaChance - Reg. Nurse

• Personal experience.

• Waukesha Memorial - she worked there

• When hosp. announced new abortion policy -

she signed a petition against it.

• Submitted testimony.

Bill Donaldson - BOALTC

- Submitted testimony

- Opposed - section 26

- living will section

Cynthia Jones Nosacek, M.D.

- Family Physician

- issue of prenatal health & care (procedures "on child").

- In all yrs. of cons. clause law - she has never seen a doc. (pro life) refuse treatment on patient.

- Stressed intent w/ treatment.

- Submitted testimony.

- If a phys. refers to another + that phys.

botches something up - the phys. who referred the

* Carol Seid Steid
like a hearing.
on Sept.

7/31/03

RIZ + Peter Hundermark

- There are existing conscious clause bills - abortion/
sterilization.
- AB 67 extends the scope

10/2/03
p. 2
18-21

Reynolds concerned that pharmacists who
were protected - may not be ~~protected~~ protected
Now that the sub expressly removes
contraceptives. (The original bill did not
cover contraceptives - the sub just "expressly"
Subs cont. not covered.

- Contraceptives were included the past 2
Sessions.
- WI Med Soc. concerns with 5, 6, 7 - did not
rec. any alternatives to Ab 67.
- Hundermark would like no amendments but
to understands they may be needed.
- Summary of amendments will be provided.

OK line up of
witnesses

9-30-03

Laura Rose
Mary Klaver
R

* Put in sent. : ~~OK~~ on a child, does not
include med. proc. that are
intended to treat the mother.

Laura working on it

- Wasserman - affects fertility treatments
 - not all clinics experiment on
embryo to see if its good or bad. may
destroy embryos.
 - Allows employee to not part. in
this.

- CR asked Mary for explanation of pt. 3 of
current law covers.

- Been in law since the 70s (see RTI v. ~~dem~~)
Laura checking that us. immunity from all
damages.

- few employment there already.

Living wills

- Amendment now ~~done~~ complete.

- if living will says no tubes - cannot be given.
Issue is if person has tubes - removing them

- June Dahl - old pain meds - Laura asking her to come.

- Terminal patients must be transferred - only for living will.

Power of attorney for health care - on hold on them to find a doctor.

- must have permission to get feeding tube.

- Laura talking to Bob Conlon re: morning after
considered a
contraceptive(?)

2 amendments -

exec: on 14th have on floor week of 21st
call pumzel

AB67- Conscience Clause Bill - mtg to discuss sub amdt

- Concerns of Cmte:

- birth control pills \Rightarrow Sub takes out
contraceptive issue (if ~~don't~~^{refuse} to dispense
them) ~~not covered~~ unless used as a sub for

~~"morning after pill"~~

- RU-486 is ~~not~~ covered b/c it terminates

a pregnancy

\rightarrow can only be distributed by a physician

Doesn't require ~~attempt~~

Good faith - ~~effort~~ to transfer to ^{another} phy who will comply.

Technically better - give impression in current law

① Revert back to current Law.

Persistent Vegetative State
Complex or transfer them -

— med society -
Physicians must report
Patient autonomy

a lot of surgery is in old.
- gastroc cr.

② Alternative.

AB67

Debated Shs. in Assembly

no: Amosworth, Johnson, Powers (Voted w/ Dems)

Allow a physician to not follow a living will.

not obligation to refer + no alt. for families.

If person tells doctor before living will is needed -
doctor must follow. Problem - most people don't tell
doctor about living will.

- non referral is not ethical - therefore Med. Society
opposes. Nurses also oppose bill due to this.

Issue: removes patient's right to sue (if care was
denied due to patient's actions as result of
refusing to treat etc. due to moral obligations etc)

Issue: #5 in list of things that can be
refused.

Concern: you have a preg. diabetic woman. She
needs this but it's ~~to~~ not to benefit to
child. Doctor could refuse to give since
it does not directly benefit child.
ex⁽³⁾ cancer patients.

amendment offered - failed

ex⁽³⁾ amniocentesis - risk to child.

Again - doctor not obligated to refer to a doc
who will provide amniocentesis (prenatal care)

abortion +
→ Sterilization

25.09 - current stats. already says they are
excluded from liability.

Big diff. between bill + stat. is that the bill
doesn't require referral.

Assembly vote: 58

37

Committee: 7-2

NEW CONSCIENCE CLAUSE LAWS*

- **AMENDED CONSCIENCE CLAUSE LAWS FOR HOSPITALS, NURSES AND PHYSICIANS**
- **NEW PHARMACIST CONSCIENCE CLAUSE LAW**
- **AMENDED PROVISION ON CREED IN THE FAIR EMPLOYMENT LAW**

AND

THE DEFINITION OF ABORTION**

***As amended or created by the Hundertmark/Roessler Substitute Amendment to AB 67, the Conscience Clause Bill.**

****The bill merely cross-references s. 253.10 (2) (a); the full definition of abortion is provided here for your convenience.**

AMENDED CONSCIENCE CLAUSE FOR HOSPITALS

253.09 Refusal to participate in certain practices; no liability; no discrimination.

(1g) In this section:

(a) "Human embryo" means a human organism that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. "Human embryo" includes a zygote but does not include a human organism at or beyond the stage of development at which the major body structures are present.

(b) "In vitro human embryo" means a human embryo, whether cryopreserved or not, living outside of a woman's body.

(c) "Participate in" means to perform; practice; engage in; assist in; recommend; counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or otherwise promote, encourage, or aid.

(1r) (a) No hospital is required to admit any patient or to allow the use of the hospital facilities for the purpose of performing any of the following:

1. A sterilization procedure.
2. An abortion, as defined in s. 253.10 (2) (a).
3. An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo.
4. An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo.
5. An experiment or medical procedure on a developing child in a natural or artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child.
6. A procedure, including a transplant procedure, that uses fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage.
7. The withholding or withdrawal of nutrition or hydration, if the withholding or withdrawal of nutrition or hydration would result in the patient's death from malnutrition or dehydration, or complications of malnutrition or dehydration, rather than from the underlying terminal illness or injury, unless the administration of nutrition or hydration is medically contraindicated.
8. An act that intentionally causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia, or mercy killing.

(b) A physician or any other person who is a member of or associated with the staff of a hospital, or any employee of a hospital in which the performance of an activity specified in par. (a) 1. to 8. has been authorized, who, in writing, refuses, or states an intention to

refuse, to participate in the activity on moral or religious grounds may not be required to participate in the activity.

(c) A physician or any other person who is a member of or associated with the staff of a hospital, or any employee of a hospital, is immune from liability for any damage caused by, and may not be subjected to any disciplinary or recriminatory action based on, the refusal of the person to participate in an activity specified in par. (a) 1. to 8. on moral or religious grounds.

(2) A hospital or employee of a hospital is immune from liability for any damage caused by a refusal to participate in an activity specified in sub. (1r) (a) 1. to 8., if the refusal is based on religious or moral precepts.

(3) No hospital, school, or employer may discriminate against any person with regard to admission, hiring or firing, tenure, term, condition, or privilege of employment, student status, or staff status on the ground that the person refuses, or states an intention to refuse, whether or not in writing, to participate in an activity specified in sub. (1r) (a) 1. to 8., if the refusal is based on religious or moral precepts.

(4) The receipt of any grant, contract, loan or loan guarantee under any state or federal law does not authorize any court or any public official or other public authority to require:

(a) Such individual to participate in an activity specified in sub. (1r) (a) 1. to 8., if the individual's participation in the activity is contrary to the individual's religious beliefs or moral convictions; or

(b) Such entity to:

1. Make its facilities available for an individual to participate in an activity specified in sub. (1r) (a) 1. to 8., if the entity prohibits the activity from taking place in the facilities on the basis of religious beliefs or moral convictions; or

2. Provide any personnel to participate in an activity specified in sub. (1r) (a) 1. to 8., if the activity is contrary to the religious beliefs or moral convictions of the personnel.

(5) (a) In this subsection, "damages" do not include noneconomic damages, as defined in s. 893.55 (4) (a).

(b) Except for claims that are subject to s. 111.321 or 111.322, a person who is adversely affected by conduct that is in violation of this section may bring a civil action for equitable relief, including reinstatement, or damages, or both. In an action under this paragraph, the court shall award reasonable attorney fees, notwithstanding s. 814.04 (1), to a person who obtains equitable relief, damages, or both. An action under this paragraph shall be commenced within one year after the cause of action accrues or be barred.

AMENDED CONSCIENCE CLAUSE FOR NURSES

441.06 Licensure; civil liability and disciplinary exemption.

(6) (a) In this subsection:

1. "Human embryo" means a human organism that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. "Human embryo" includes a zygote but does not include a human organism at or beyond the stage of development at which the major body structures are present.
2. "In vitro human embryo" means a human embryo, whether cryopreserved or not, living outside of a woman's body.
3. "Participate in" means to perform; practice; engage in; assist in; recommend; counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or otherwise promote, encourage, or aid.

(b) A person licensed as a registered nurse under this section or as a practical nurse under s. 441.10 is immune from liability for any damage caused by his or her refusal to participate in any of the following, if the refusal is based on religious or moral precepts:

1. A sterilization procedure.
2. An abortion, as defined in s. 253.10 (2) (a).
3. An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo.
4. An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo.
5. An experiment or medical procedure on a developing child in a natural or artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child.
6. A procedure, including a transplant procedure, that uses fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage.
7. The withholding or withdrawal of nutrition or hydration, if the withholding or withdrawal of nutrition or hydration would result in the patient's death from malnutrition or dehydration, or complications of malnutrition or dehydration, rather than from the underlying terminal illness or injury, unless the administration of nutrition or hydration is medically contraindicated.
8. An act that intentionally causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia, or mercy killing.

(7) A person licensed as a registered nurse under this section or as a practical nurse under s. 441.10 who, in writing, refuses, or states an intention to refuse, on moral or religious grounds to participate in a practice of practical or professional nursing that is

related to an activity specified in sub. (6) (b) 1. to 8. may not be required to participate in the practice with respect to the activity and may not be disciplined by the board or the department for refusing or stating an intention to refuse to participate in the practice with respect to the activity.

(8) (a) In this subsection, "damages" do not include noneconomic damages, as defined in s. 893.55 (4) (a).

(b) Except for claims that are subject to s. 111.321 or 111.322, a person who is adversely affected by conduct that is in violation of sub. (7) may bring a civil action for equitable relief, including reinstatement, or damages, or both. In an action under this paragraph, the court shall award reasonable attorney fees, notwithstanding s. 814.04 (1), to a person who obtains equitable relief, damages, or both. An action under this paragraph shall be commenced within one year after the cause of action accrues or be barred.

AMENDED CONSCIENCE CLAUSE FOR PHYSICIANS

448.03 License or certificate required to practice; use of titles; civil immunity; practice of Christian Science.

(5) Civil liability and disciplinary exemption; certain medical procedures and reports.

(ag) In this subsection:

1. "Human embryo" means a human organism that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. "Human embryo" includes a zygote but does not include a human organism at or beyond the stage of development at which the major body structures are present.
2. "In vitro human embryo" means a human embryo, whether cryopreserved or not, living outside of a woman's body.
3. "Participate in" means to perform; practice; engage in; assist in; recommend; counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or otherwise promote, encourage, or aid.

(am) A person licensed or certified under this subchapter is immune from liability for any damage caused by the person's refusal to participate in any of the following if the refusal is based on religious or moral precepts:

1. A sterilization procedure.
2. An abortion, as defined in s. 253.10 (2) (a).
3. An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo.
4. An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo.
5. An experiment or medical procedure on a developing child in a natural or artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child.
6. A procedure, including a transplant procedure, that uses fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage.
7. The withholding or withdrawal of nutrition or hydration, if the withholding or withdrawal of nutrition or hydration would result in the patient's death from malnutrition or dehydration, or complications of malnutrition or dehydration, rather than from the underlying terminal illness or injury, unless the administration of nutrition or hydration is medically contraindicated.

8. An act that intentionally causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia, or mercy killing.

(ao) A person licensed or certified under this subchapter who, in writing, refuses, or states an intention to refuse, on moral or religious grounds to participate in a practice within the scope of his or her license or certification that is related to an activity specified in par. (am) 1. to 8. may not be required to participate in the practice with respect to the activity and, notwithstanding ss. 154.07 (1) (a) 3. and 155.50 (1) (b), may not be disciplined by the board or the department for refusing or stating an intention to refuse to participate in the practice with respect to the activity, including refusing or stating an intention to refuse to transfer a patient to another physician who will comply with a declaration, as defined in s. 154.02 (1), instrument for power of attorney for health care, as defined in s. 155.01 (10), or health care decision, as defined in s. 155.01 (5), of a health care agent, as defined in s. 155.01 (4). This paragraph does not apply to the refusal to make a good faith attempt to transfer a declarant with incapacity, as defined in s. 155.01 (8) and with a terminal condition, as defined in s. 154.01 (8), to another physician who will comply with the declaration, as defined in s. 154.02 (1), of the declarant.

(ar) 1. In this paragraph, "damages" do not include noneconomic damages, as defined in s. 893.55 (4) (a).

2. Except for claims that are subject to s. 111.321 or 111.322, a person who is adversely affected by conduct that is in violation of par. (ao) may bring a civil action for equitable relief, including reinstatement, or damages, or both. In an action under this subdivision, the court shall award reasonable attorney fees, notwithstanding s. 814.04 (1), to a person who obtains equitable relief, damages, or both. An action under this subdivision shall be commenced within one year after the cause of action accrues or be barred.

NEW CONSCIENCE CLAUSE FOR PHARMACISTS

450.135 Pharmacist's refusal to be involved in certain activities. (1) In this section:

(a) "Human embryo" means a human organism that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. "Human embryo" includes a zygote but does not include a human organism at or beyond the stage of development at which the major body structures are present.

(b) "In vitro human embryo" means a human embryo, whether cryopreserved or not, living outside of a woman's body.

(c) "Participate in" means to perform; practice; engage in; assist in; recommend; counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or otherwise promote, encourage, or aid.

(2) A person licensed as a pharmacist under this chapter is immune from liability for any damage caused by his or her refusal to participate in any of the following, if the refusal is based on religious or moral precepts:

(a) A sterilization procedure.

(b) An abortion, as defined in s. 253.10 (2) (a).

(c) An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo.

(d) An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo.

(e) An experiment or medical procedure on a developing child in a natural or artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child.

(f) A procedure, including a transplant procedure, that uses fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage.

(g) The withholding or withdrawal of nutrition or hydration, if the withholding or withdrawal of nutrition or hydration would result in the patient's death from malnutrition or dehydration, or complications of malnutrition or dehydration, rather than from the underlying terminal illness or injury, unless the administration of nutrition or hydration is medically contraindicated.

(h) An act that intentionally causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia, or mercy killing.

(3) (a) A person licensed as a pharmacist under this chapter who, in writing, refuses, or states an intention to refuse, on moral or religious grounds to participate in a practice of pharmacy that is related to an activity specified in sub. (2) (a) to (h) may not be required to participate in the practice with respect to the activity and may not be disciplined by

the board or department for refusing or stating an intention to refuse to participate in the practice with respect to the activity.

(b) 1. In this paragraph, "damages" do not include noneconomic damages, as defined in s. 893.55 (4) (a).

2. Except for claims that are subject to s. 111.321 or 111.322, a person who is adversely affected by conduct that is in violation of par. (a) may bring a civil action for equitable relief, including reinstatement, or damages, or both. In an action under this subdivision, the court shall award reasonable attorney fees, notwithstanding s. 814.04 (1), to a person who obtains equitable relief, damages, or both. An action under this subdivision shall be commenced within one year after the cause of action accrues or be barred.

AMENDED PROVISION ON CREED IN THE FAIR EMPLOYMENT LAW

111.337 Creed; exceptions and special cases.

(1g) In this section:

(a) "Human embryo" means a human organism that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. "Human embryo" includes a zygote but does not include a human organism at or beyond the stage of development at which the major body structures are present.

(b) "In vitro human embryo" means a human embryo, whether cryopreserved or not, living outside of a woman's body.

(c) "Participate in" means to perform; practice; engage in; assist in; recommend; counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or otherwise promote, encourage, or aid.

(1r) Employment discrimination because of creed includes, but is not limited to, any of the following:

(a) Refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.

(b) Discriminating against an employee or prospective employee by engaging in any of the actions prohibited under s. 111.322 on the basis of the employee's or prospective employee's refusal, or statement of an intention to refuse, whether or not in writing, based on his or her creed, to participate in any of the following:

1. A sterilization procedure.
2. An abortion, as defined in s. 253.10 (2) (a).
3. An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo.
4. An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo.
5. An experiment or medical procedure on a developing child in a natural or artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child.
6. A procedure, including a transplant procedure, that uses fetal tissue or organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or miscarriage.
7. The withholding or withdrawal of nutrition or hydration, if the withholding or

withdrawal of nutrition or hydration would result in the patient's death from malnutrition or dehydration, or complications of malnutrition or dehydration, rather than from the underlying terminal illness or injury, unless the administration of nutrition or hydration is medically contraindicated.

8. An act that intentionally causes or assists in causing the death of an individual, such as by assisted suicide, euthanasia, or mercy killing.

(2) Notwithstanding s. 111.322, it is not employment discrimination because of creed:

(a) For a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such a religious association to give preference to an applicant or employee who is a member of the same or a similar religious denomination.

(am) For a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such a religious association to give preference to an applicant or employee who adheres to the religious association's creed, if the job description demonstrates that the position is clearly related to the religious teachings and beliefs of the religious association.

(b) For a fraternal as defined in s. 614.01 (1) (a) to give preference to an employee or applicant who is a member or is eligible for membership in the fraternal, with respect to hiring to or promotion to the position of officer, administrator or salesperson.

(3) No county, city, village or town may adopt any provision concerning employment discrimination because of creed that prohibits activity allowed under this section.

DEFINITION OF ABORTION

253.10 Voluntary and informed consent for abortions.

(2) DEFINITIONS. In this section:

(a) "Abortion" means the use of an instrument, medicine, drug or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant or for whom there is reason to believe that she may be pregnant and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove a dead fetus.

CURRENT CONSCIENCE CLAUSE LAWS*

AND

**CURRENT PROVISION ON CREED IN THE
FAIR EMPLOYMENT LAW***

AND

THE DEFINITION OF ABORTION**

***Before enactment of the Hundertmark/Roessler Conscience Clause Bill.**

****The bill merely cross-references s. 253.10 (2) (a); the full definition of abortion is provided here for your convenience.**

CURRENT CONSCIENCE CLAUSE FOR HOSPITALS

253.09 Abortion refused; no liability; no discrimination.

(1) No hospital shall be required to admit any patient or to allow the use of the hospital facilities for the purpose of performing a sterilization procedure or removing a human embryo or fetus. A physician or any other person who is a member of or associated with the staff of a hospital, or any employee of a hospital in which such a procedure has been authorized, who shall state in writing his or her objection to the performance of or providing assistance to such a procedure on moral or religious grounds shall not be required to participate in such medical procedure, and the refusal of any such person to participate therein shall not form the basis of any claim for damages on account of such refusal or for any disciplinary or recriminatory action against such person.

(2) No hospital or employee of any hospital shall be liable for any civil damages resulting from a refusal to perform sterilization procedures or remove a human embryo or fetus from a person, if such refusal is based on religious or moral precepts.

(3) No hospital, school or employer may discriminate against any person with regard to admission, hiring or firing, tenure, term, condition or privilege of employment, student status or staff status on the ground that the person refuses to recommend, aid or perform procedures for sterilization or the removal of a human embryo or fetus, if the refusal is based on religious or moral precepts.

(4) The receipt of any grant, contract, loan or loan guarantee under any state or federal law does not authorize any court or any public official or other public authority to require:

(a) Such individual to perform or assist in the performance of any sterilization procedure or removal of a human embryo or fetus if the individual's performance or assistance in the performance of such a procedure would be contrary to the individual's religious beliefs or moral convictions; or

(b) Such entity to:

1. Make its facilities available for the performance of any sterilization procedure or removal of a human embryo or fetus if the performance of such a procedure in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions; or

2. Provide any personnel for the performance or assistance in the performance of any sterilization procedure or assistance if the performance or assistance in the performance of such procedure or the removal of a human embryo or fetus by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

CURRENT CONSCIENCE CLAUSE FOR NURSES

441.06 Licensure; civil liability exemption.

(6) No person licensed as a registered nurse under this section is liable for any civil damages resulting from his or her refusal to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus from a person, if the refusal is based on religious or moral precepts.

CURRENT CONSCIENCE CLAUSE FOR PHYSICIANS

448.03 License or certificate required to practice; use of titles; civil immunity; practice of Christian Science.

(5) Civil liability; certain medical procedures and reports.

(a) No person licensed or certified under this subchapter shall be liable for any civil damages resulting from such person's refusal to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus from a person if such refusal is based on religious or moral precepts.

DEFINITION OF ABORTION

253.10 Voluntary and informed consent for abortions.

(2) DEFINITIONS. In this section:

(a) "Abortion" means the use of an instrument, medicine, drug or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant or for whom there is reason to believe that she may be pregnant and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove a dead fetus.

CURRENT PROVISION ON CREED IN THE FAIR EMPLOYMENT LAW

111.337 Creed; exceptions and special cases.

(1) Employment discrimination because of creed includes, but is not limited to, refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

(2) Notwithstanding s. 111.322, it is not employment discrimination because of creed:

(a) For a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such a religious association to give preference to an applicant or employee who is a member of the same or a similar religious denomination.

(am) For a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such a religious association to give preference to an applicant or employee who adheres to the religious association's creed, if the job description demonstrates that the position is clearly related to the religious teachings and beliefs of the religious association.

(b) For a fraternal as defined in s. 614.01 (1) (a) to give preference to an employee or applicant who is a member or is eligible for membership in the fraternal, with respect to hiring to or promotion to the position of officer, administrator or salesperson.

(3) No county, city, village or town may adopt any provision concerning employment discrimination because of creed that prohibits activity allowed under this section.