

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 207**

June 14, 2005 – Offered by Representative SINICKI.

1 **AN ACT** *to amend* 20.927 (1g), 40.98 (1) (ag), 40.98 (1) (g), 48.375 (2) (a), 69.01
2 (13m), 253.10 (2) (a) and 939.75 (2) (a); and *to create* 450.09 (2m) of the
3 statutes; **relating to:** pharmacists, contraceptives, and the definition of
4 abortion.

Analysis by the Legislative Reference Bureau

Under current law, pharmacists licensed in the state are held to certain practice standards, and any pharmacist who fails to meet the practice standards may be required to forfeit not less than \$25 nor more than \$50 for each offense, and may be subject to disciplinary action. Disciplinary action may include a reprimand, a denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1000 for each offense. This substitute amendment requires all pharmacists licensed in the state to administer, distribute, and dispense all contraceptives that are approved by the federal Food and Drug Administration (FDA), unless the contraceptive is contraindicated for a particular patient.

Also, the substitute amendment alters the definition of “abortion” under certain provisions in current law. Under the substitute amendment, “abortion” excludes any form of birth control that is approved by the FDA.

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

1 **SECTION 1.** 20.927 (1g) of the statutes is amended to read:

2 20.927 **(1g)** In this section, “abortion” means the intentional destruction of the
3 life of an unborn child, and “unborn child” means a human being from the time of
4 conception until it is born alive an embryo or fetus, but does not include the use,
5 administration, delivery, prescribing, or dispensing of any
6 federal-food-and-drug-administration-approved contraceptive.

7 **SECTION 2.** 40.98 (1) (ag) of the statutes is amended to read:

8 40.98 **(1)** (ag) “Abortion” means the use of an instrument, medicine, drug or
9 other substance or device with intent to terminate the pregnancy of a woman known
10 to be pregnant ~~or for whom there is reason to believe that she may be pregnant~~ and
11 with intent other than to increase the probability of a live birth, to preserve the life
12 or health of the infant after live birth or to remove a dead fetus. “Abortion ” does not
13 include the use, administration, delivery, prescribing, or dispensing of any
14 federal-food-and-drug-administration-approved contraceptive.

15 **SECTION 3.** 40.98 (1) (g) of the statutes is amended to read:

16 40.98 **(1)** (g) “Nontherapeutic abortion” means an abortion that is not directly
17 and medically necessary to prevent the death of the woman, but does not include the
18 use, administration, delivery, prescribing, or dispensing of any
19 federal-food-and-drug-administration-approved contraceptive.

20 **SECTION 4.** 48.375 (2) (a) of the statutes is amended to read:

1 48.375 **(2)** (a) “Abortion” means the use of any instrument, medicine, drug or
2 any other substance or device with intent to terminate the pregnancy of a minor after
3 implantation of a fertilized human ovum and with intent other than to increase the
4 probability of a live birth, to preserve the life or health of the infant after live birth
5 or to remove a dead fetus. “Abortion ” does not include the use, administration,
6 delivery, prescribing, or dispensing of any
7 federal–food–and–drug–administration–approved contraceptive.

8 **SECTION 5.** 69.01 (13m) of the statutes is amended to read:

9 69.01 **(13m)** “Induced abortion” means the termination of a uterine pregnancy
10 by a physician of a woman known by the physician to be pregnant, for a purpose other
11 than to produce a live birth or to remove a dead fetus, but does not include the use,
12 administration, delivery, prescribing, or dispensing of any
13 federal–food–and–drug–administration–approved contraceptive.

14 **SECTION 6.** 253.10 (2) (a) of the statutes is amended to read:

15 253.10 **(2)** (a) “Abortion” means the use of an instrument, medicine, drug or
16 other substance or device with intent to terminate the pregnancy of a woman known
17 to be pregnant ~~or for whom there is reason to believe that she may be pregnant~~ and
18 with intent other than to increase the probability of a live birth, to preserve the life
19 or health of the infant after live birth or to remove a dead fetus. “Abortion ” does not
20 include the use, administration, delivery, prescribing, or dispensing of any
21 federal–food–and–drug–administration–approved contraceptive.

22 **SECTION 7.** 450.09 (2m) of the statutes is created to read:

23 450.09 **(2m)** PATIENTS’ RIGHTS. Every pharmacist has a duty to administer,
24 distribute, and dispense all federal–food–and–drug–administration–approved
25 contraceptives, unless contraindicated for a particular patient.

