

**2005 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB207)**

Received: 06/10/2005

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Christine Sinicki (608) 266-8588**

By/Representing: **Mary Beth George**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sinicki@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Pharmacists must dispense contraceptives

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**Instructions:**

draft LRB-3054 as sub to AB67

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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>
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FE Sent For:

<END>

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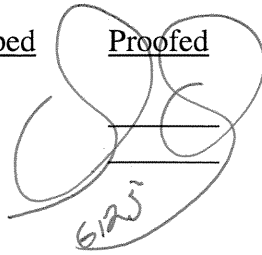
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**2005 BILL**

ASA —,  
To 2005 AB 207

SAV

Regen cat

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.

substitute amendment

**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, denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1000 for each offense.

→ (No T) This bill 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, and the bill defines "abortion" to exclude 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:**

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

INSERT A

**BILL****SECTION 1**

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

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

7           40.98 (1) (ag) “Abortion” means the use of an instrument, medicine, drug or  
8 other substance or device with intent to terminate the pregnancy of a woman known  
9 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~  
10 with intent other than to increase the probability of a live birth, to preserve the life  
11 or health of the infant after live birth or to remove a dead fetus. “Abortion ” does not  
12 include the use, administration, delivery, prescribing, or dispensing of any  
13 federal-food-and-drug-administration-approved contraceptive.

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

15           40.98 (1) (g) “Nontherapeutic abortion” means an abortion that is not directly  
16 and medically necessary to prevent the death of the woman, but does not include the  
17 use, administration, delivery, prescribing, or dispensing of any  
18 federal-food-and-drug-administration-approved contraceptive.

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

20           48.375 (2) (a) “Abortion” means the use of any instrument, medicine, drug or  
21 any other substance or device with intent to terminate the pregnancy of a minor after  
22 implantation of a fertilized human ovum and with intent other than to increase the  
23 probability of a live birth, to preserve the life or health of the infant after live birth  
24 or to remove a dead fetus. “Abortion ” does not include the use, administration,

**BILL**

1 delivery, prescribing, or dispensing of any  
2 federal-food-and-drug-administration-approved contraceptive.

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

4 69.01 (13m) “Induced abortion” means the termination of a uterine pregnancy  
5 by a physician of a woman known by the physician to be pregnant, for a purpose other  
6 than to produce a live birth or to remove a dead fetus, but does not include the use,  
7 administration, delivery, prescribing, or dispensing of any  
8 federal-food-and-drug-administration-approved contraceptive.

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

10 253.10 (2) (a) “Abortion” means the use of an instrument, medicine, drug or  
11 other substance or device with intent to terminate the pregnancy of a woman known  
12 to be pregnant ~~or for whom there is reason to believe that she may be pregnant~~ and  
13 with intent other than to increase the probability of a live birth, to preserve the life  
14 or health of the infant after live birth or to remove a dead fetus. “Abortion” does not  
15 include the use, administration, delivery, prescribing, or dispensing of any  
16 federal-food-and-drug-administration-approved contraceptive.

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

18 450.09 (2m) PATIENTS’ RIGHTS. Every pharmacist has a duty to administer,  
19 distribute, and dispense all federal-food-and-drug-administration-approved  
20 contraceptives, unless contraindicated for a particular patient.

21 **SECTION 8.** 939.75 (2) (a) of the statutes is amended to read:

22 939.75 (2) (a) In this subsection, “induced abortion” means the use of any  
23 instrument, medicine, drug or other substance or device in a medical procedure with  
24 the intent to terminate the pregnancy of a woman and with an intent other than to  
25 increase the probability of a live birth, to preserve the life or health of the infant after

**BILL**

**SECTION 8**

1 live birth or to remove a dead fetus, but does not include the use, administration,  
2 delivery, prescribing, or dispensing of any  
3 federal-food-and-drug-administration-approved contraceptive.

4 (END)

**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0138/lins  
CTS:.....

1

**Insert A:**

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.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0138/1dn

CTS:./:....

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ejs

Representative Sinicki:

This substitute amendment may be considered nongermane under Assembly Rule 54 (1) as relating to a different subject or intending to accomplish a different purpose than the bill. Assembly Rule 54 (1) provides that generally the assembly may not consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the original proposal or that would require a substantially different relating clause from the relating clause of the original proposal.

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Legislative Attorney  
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E-mail: christopher.sundberg@legis.state.wi.us



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0138/1dn  
CTS:cjs:rs

June 12, 2005

Representative Sinicki:

This substitute amendment may be considered nongermane under Assembly Rule 54 (1) as relating to a different subject or intending to accomplish a different purpose than the bill. Assembly Rule 54 (1) provides that generally the assembly may not consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the original proposal or that would require a substantially different relating clause from the relating clause of the original proposal.

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