

**2005 DRAFTING REQUEST**

**Senate Amendment (SA-AB207)**

Received: **09/26/2005**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Kelly Johnson**

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: **Sen.Erpenbach@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Pharmacist must dispense FDA-approved contraceptives

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**Instructions:**

See Attached

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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>
/?	csundber 09/26/2005	wjackson 09/26/2005		_____			
/1			chaugen 09/27/2005	_____	sbasford 09/27/2005	sbasford 09/27/2005	

FE Sent For:

<END>

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/?	csundber	1 wj 9/26	ch 9-29	ch 9-29 ps			

FE Sent For:

<END>

9/26/05

Kelly Johnson/Erpenbach

Draft sec. 7 of LRBs 0214/1 as simple amend't



2005

Date (time) needed

ASKED NOW PLEASE

LRBa 1070 11

AMENDMENT

D-N

CTS : Wlj :

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

TO S A AMENDMENT (LRBa / ),

TO S A SUBSTITUTE AMENDMENT (LRBs / ),

TO 2005 SB SJR SR AB AJR AR 207 (LRB- )

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ..." or "as shown by .....")

#. Page 15, line 10: after that line insert

INS

#. Page ..., line ...: (END)

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

SENATE SUBSTITUTE AMENDMENT ,  
TO 2005 ASSEMBLY BILL 207

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.

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***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.

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***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:

INS

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           <sup>44</sup> **SECTION 7.** 450.09 (2m) of the statutes is created to read:

23           450.09 (2m) <sup>26m</sup> 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. 

*Handwritten signature*





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

LRBa1070/1dn

CTS:.....

Wlj

Sen. Erpenbach:

This amendment adds <sup>CS</sup>section 7 of LRBs0214/1<sup>✓</sup> to the bill. The added provision requires a pharmacist to administer, distribute, and dispense all federal-food-and-drug-administration-approved contraceptives, unless contraindicated for a particular patient.

Christopher T. Sundberg  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1070/1dn  
CTS:wlj:ch

September 27, 2005

Senator Erpenbach:

This amendment adds SECTION 7 of LRBs0214/1 to the bill. The added provision requires a pharmacist to administer, distribute, and dispense all federal-food-and-drug-administration-approved contraceptives, unless contraindicated for a particular patient.

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