

2007 DRAFTING REQUEST

Bill

Received: **02/01/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Mary Beth George (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters: **csundber**

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sinicki@legis.wisconsin.gov**

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Requiring pharmacists to stock and dispense contraceptives; definition of abortion

Instructions:

See Attached

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>
/?	dkennedy 02/07/2007	jdyer 02/26/2007		_____			
/1			pgreensl 02/26/2007	_____	cduerst 02/26/2007		
/2	dkennedy 03/26/2007 csundber 06/04/2007	jdyer 03/26/2007 jdyer 06/04/2007	rschlue 03/26/2007	_____	lparisi 03/26/2007	sbasford 04/23/2007	

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/3	csundber 06/04/2007	jdyer 06/05/2007	jfrantze 06/04/2007	_____	cduerst 06/04/2007	cduerst 06/04/2007	
/4			nmatzke 06/05/2007	_____	cduerst 06/05/2007	cduerst 06/05/2007	

FE Sent For: *none*

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/?	dkennedy	1/25 jld	2/26 PS	2/26 PS			

FE Sent For:

<END>

Kennedy, Debora

To: George, Mary Beth

Subject: RE: Bill Draft for Rep. Sinicki

Thanks, Mary Beth.

From: George, Mary Beth

Sent: Thursday, February 01, 2007 4:09 PM

To: Kennedy, Debora

Cc: Sinicki, Christine

Subject: Bill Draft for Rep. Sinicki

Hi Debora!

Rep. Sinicki would like to redraft '05 Assembly Bill 532, having to do with requiring pharmacists to dispense conception and re: the definition of abortion.

She would like it redrafted exactly as last time, with one addition: requiring pharmacies to stock emergency contraception.

I will be gone tomorrow but back next week if you need anything re: this.

Thank you!

Mary Beth George

Office of State Rep. Christine Sinicki

608-266-8588

marybeth.george@legis.state.wi.us

2007-2008

2005 - 2006 LEGISLATURE

1805/1
LRB-3054/4

PT&CTS (mk) ch

D-NOTE

3/1
cmk

DAK

JLD

2005 ASSEMBLY BILL 532

CPD
PWFF
Please

June 28, 2005 – Introduced by Representatives SINICKI, SHILLING, POPE-ROBERTS, BERCEAU, BLACK, SHERMAN, GRIGSBY, BENEDICT, SHERIDAN, TRAVIS, PARISI, POCAN, BOYLE, SEIDEL, LEHMAN, ZEPNICK, TURNER, KESSLER, WASSERMAN, VRUWINK, FIELDS, YOUNG, RICHARDS, SCHNEIDER, TOLES, HEBL and NELSON, cosponsored by Senators ROBSON, JAUCH, CARPENTER, WIRCH, RISSER, TAYLOR, MILLER, ERPENBACH and COGGS. Referred to Committee on Health.

REGENERATE

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

*

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:

ASSEMBLY BILL 532

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. ✓ ^{check}

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, ^{check A}

ASSEMBLY BILL 532

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 ^{check Δ}
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

ASSEMBLY BILL 532

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)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1805/2dn

DAK.....

jld

CTS

date

To Representative Sinicki:

As I explained by phone to your aide, Mary Beth George, I have eliminated in this draft the treatment of s. 40.98 (1) (g),[✓] stats., that was contained in 2005 Assembly Bill 532.[✓] That paragraph defines "therapeutic abortion" using the term "abortion," which is defined under s. 40.98 (1) (ag),[✓] stats., and already, under the bill, excludes FDA-approved contraceptives, so there is no need to affect it in the bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

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

LRB-1805/1dn
DAK&CTS:jld:pg

February 26, 2007

To Representative Sinicki:

As I explained by phone to your aide, Mary Beth George, I have eliminated in this draft the treatment of s. 40.98 (1) (g), stats., that was contained in 2005 Assembly Bill 532. That paragraph defines "therapeutic abortion" using the term "abortion," which is defined under s. 40.98 (1) (ag), stats., and already, under the bill, excludes FDA-approved contraceptives, so there is no need to affect it in the bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Kennedy, Debora

From: George, Mary Beth
Sent: Friday, March 09, 2007 6:50 PM
To: Kennedy, Debora
Cc: Sinicki, Christine
Attachments: George, Mary Beth.vcf

Hi Debora,

Thank you for the redraft of LRB-1805/1 (re: def of abortion and requiring pharmacists to dispense).

Would you please create a /2 with the added provision that requires pharmacies to stock Plan B Emergency Contraception (the "Morning After Pill")?

Thank you!

Have a great weekend!

Mary Beth George

Mary Beth George
Office of State Rep. Christine Sinicki
608-266-8588
marybeth.george@legis.state.wi.us

Kennedy, Debora

From: George, Mary Beth
Sent: Friday, March 23, 2007 4:11 PM
To: Kennedy, Debora

Hi Debora,

Sorry it's taken me so long to get back to you re: LRB 1805/1 (the "Birth Control Protection Act").

It will work fine to use the definition of emergency contraception that is used in the "EC in the ER" bill. I hope I'm correct in thinking that was the definition you were referring to -- I should have made a note of it. 2005 AB
305

There is only one brand of EC in pharmacies right now, "Plan B" actually being the brand name. (There used to be another but it was discontinued.) But in case there's another brand that comes out, it'd be best to refer to it only generically as emergency contraception.

And, it seems like it probably isn't necessary to state that it's an "over -the-counter" medication, since by law it is already. Also, such a reference might be confusing since it's kept behind the counter due to the need for proof of age to purchase.

Is there anything I missed?

Mary Beth George

Mary Beth George
Office of State Rep. Christine Sinicki
608-266-8588
marybeth.george@legis.state.wi.us



When things don't go as planned

For Consumers

What Is Plan B®?

How to Get Plan B®

Taking Plan B®

Resource Library

En Español

➤ For Prescribe

How to Get Plan B®

Plan B® is now available without a prescription for consumers age 18 or older, but a prescription is needed for women 17 and younger. But remember, Plan B® is more effective the sooner you take it – and you should take it within 3 days (72 hours) **after** unprotected sex.

If you live in Alaska, California, Hawaii, Maine, New Mexico, New Hampshire, Vermont, Massachusetts or Washington, you can get Plan B® without a prescription at some pharmacies; however, you should call your pharmacy in advance to make sure they offer and stock Plan B®.

Get more information about Plan B® and emergency contraception at:

[EC-Help.org](#)

EC-Help provides pharmacy locations in California and New Mexico where you can emergency contraception without visiting a healthcare professional or clinic.

View [Important Safety Information](#) and full [Prescribing Information](#).

Important Safety Information

Plan B® does not protect against HIV infection and other sexually transmitted infections. You should not take Plan B® if you are already pregnant (because it will not work).

Side effects with Plan B® include nausea, abdominal pain, fatigue, headache, menstrual bleeding may be heavier or lighter, breast tenderness, vomiting, and diarrhea. Menstrual bleeding may be heavier or lighter when taking Plan B®.

If your period is more than a week late, pregnancy should be considered. Do not use Plan B® if you have undiagnosed vaginal bleeding or are allergic to levonorgestrel or any of the ingredients. Plan B® should not be used as routine birth control.

Please see [Prescribing Information](#) to learn more.

[Contact Us](#) | [Terms of Use](#) | [Privacy](#) | [Site Map](#) | [Prescribing Information](#)

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Plan B[®] is a registered trademark of Women's Capital Corporation, a subsidiary of Barr Pharmaceuticals, Inc.



Duramed is a subsidiary of Barr Pharmaceuticals, Inc.



When things don't go as planned

For Consumers

What Is Plan B®?

What Is Emergency
Contraception?

How Plan B® Works

Plan B®. Safe and
Effective

How to Get Plan B®

Taking Plan
B®

Resource Library

En Español

> For Prescribe

What is Plan B®?

Plan B® is emergency contraception.

Emergency contraception is a **backup** method for preventing pregnancy and is not for routine use. Plan B® can reduce your chance of pregnancy after unprotected sex. For example, if you were using a condom and it broke, if you forgot to take 2 or more of your birth control pills this month, or if you were sexually assaulted, Plan B® may be a good option for you. It is important to know that Plan B® is not RU-486 (the abortion pill). Because Plan B® is used to **prevent** pregnancy, it will not work if you are already pregnant, and it will not affect an existing pregnancy.

>>Learn more about [emergency contraception](#).

Plan B® is safe and effective.

Plan B® is FDA approved — it contains the hormone levonorgestrel, the same ingredient found in many birth control pills. The difference is that Plan B® contains a larger dose of levonorgestrel than the amount found in a single birth control pill. And, unlike many birth control pills, Plan B® does not contain any estrogen.

>>Learn more about [safety and efficacy](#).

Plan B® works better the sooner you take it.

Remember that you have only a few days to prevent a pregnancy after unprotected sex. If you take Plan B® within 3 days (72 hours) after unprotected sex, it will decrease the chance that you will get pregnant by up to 89%. That means 7 out of every 8 women *who would have gotten* pregnant if they had not taken Plan B®. And Plan B® works even better if you take it within the first 24 hours after unprotected sex.¹ Unprotected sex might happen when your healthcare professional is not available, such as over a weekend. Getting a prescription for Plan B® in advance will be there for you — in time — if you ever need it.

>>Learn more about the [importance of timing with Plan B®](#).

View [Important Safety Information](#) and full [Prescribing Information](#).

Important Safety Information

Plan B[®] does not protect against HIV infection and other sexually transmitted infections. You should not take Plan B[®] if you are already pregnant (because it will not work).

Side effects with Plan B[®] include nausea, abdominal pain, fatigue, headache, menstrual cramps, breast tenderness, vomiting, and diarrhea. Menstrual bleeding may be heavier or lighter than when taking Plan B[®].

If your period is more than a week late, pregnancy should be considered. Do not use Plan B[®] if you have undiagnosed vaginal bleeding or are allergic to levonorgestrel or any of the ingredients. Plan B[®] should not be used as routine birth control.

Please see [Prescribing Information](#) to learn more.

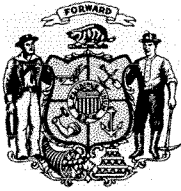
[Contact Us](#) | [Terms of Use](#) | [Privacy](#) | [Site Map](#) | [Prescribing Information](#)

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Duramed is a subsidiary of Barr Pharmaceuticals, Inc.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1805/P2
DAK&CTS:jld:pg

SOON - Lu edit 3/26

2007 BILL

Regen

including emergency contraceptives

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

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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 \$1,000 for each offense.

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.

contraceptive

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

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

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.** 48.375 (2) (a) ✓ of the statutes is amended to read:

15 48.375 (2) (a) "Abortion" means the use of any instrument, medicine, drug or
16 any other substance or device with intent to terminate the pregnancy of a minor after
17 implantation of a fertilized human ovum and with intent other than to increase the
18 probability of a live birth, to preserve the life or health of the infant after live birth
19 or to remove a dead fetus. "Abortion" does not include the use, administration,
20 delivery, prescribing, or dispensing of any
21 federal-food-and-drug-administration-approved contraceptive. ✓

22 **SECTION 4.** 69.01 (13m) ✓ of the statutes is amended to read:

23 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
24 by a physician of a woman known by the physician to be pregnant, for a purpose other
25 than to produce a live birth or to remove a dead fetus, but does not include the use,

BILL

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

3 **SECTION 5.** 253.10 (2) (a) of the statutes is amended to read:

4 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
5 other substance or device with intent to terminate the pregnancy of a woman known
6 to be pregnant or for whom there is reason to believe that she may be pregnant and
7 with intent other than to increase the probability of a live birth, to preserve the life
8 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
9 include the use, administration, delivery, prescribing, or dispensing of any
10 federal-food-and-drug-administration-approved contraceptive. ✓

11 **SECTION 6.** 450.09^x (2m) of the statutes is created to read:

INSERT 3-12

12 450.09 (2m) PATIENTS' RIGHTS. Every pharmacist has a duty to administer,
13 distribute, and dispense all federal-food-and-drug-administration-approved
14 contraceptives, unless contraindicated for a particular patient.

15 **SECTION 7.** 939.75^x (2) (a) of the statutes is amended to read:

16 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
17 instrument, medicine, drug or other substance or device in a medical procedure with
18 the intent to terminate the pregnancy of a woman and with an intent other than to
19 increase the probability of a live birth, to preserve the life or health of the infant after
20 live birth or to remove a dead fetus, but does not include the use, administration,
21 delivery, prescribing, or dispensing of any
22 federal-food-and-drug-administration-approved contraceptive.

23 (END)

23 including emergency contraceptives, ✓

ASSEMBLY BILL 305

The bill also requires a hospital that provides emergency care to ensure that each hospital employee who provides care to a victim of sexual assault has available medically and factually accurate and unbiased information about emergency contraception. DHFS must respond to complaints about violations of these requirements and must periodically review procedures of hospitals to determine whether they are in compliance. Violators of the requirements are subject to forfeitures.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 50.375 of the statutes is created to read:

50.375 Emergency contraception for sexual assault victims. (1) In this

section:

In this subsection ✓

contraceptive ✓

NO #

(a) "Emergency ~~contraception~~" means a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device that is approved by the federal food and drug administration and that prevents a pregnancy after sexual intercourse. "Emergency ~~contraception~~" does not include a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a female. ✓

NO #
(b) "Sexual assault" means a violation of s. 940.225 (1), (2), or (3).

(c) "Victim" means a female who alleges or for whom it is alleged that she suffered sexual assault and who, as a result of the sexual assault, presents as a patient at a hospital that provides emergency services.

(2) A hospital that provides emergency services to a victim shall, after obtaining the consent of the victim, do all of the following:

(a) Provide to the victim medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy.

End of INS 3-12

Basford, Sarah

From: George, Mary Beth
Sent: Monday, April 23, 2007 10:50 AM
To: LRB.Legal
Cc: Sinicki, Christine
Subject: Jacketing for Assembly & Senate: LRB 07-1805/1 Topic: Requiring pharmacists to stock and dispense contraceptives; definition of abortion

Please Jacket LRB 07-1805/1 for the ASSEMBLY.

In addition, please have a copy of the LRB jacketed as a Senate bill as well and delivered to Nadine Gratz in Senator Robson's office.

→ request forwarded to DAK

Thank you.

Mary Beth George

Office of Rep. Christine Sinicki

608-266-8588

Kennedy, Debora

From: George, Mary Beth
Sent: Friday, June 01, 2007 4:39 PM
To: Kennedy, Debora
Subject: Redraft of LRB-1805/2

Hi Debora,

Here's the rewording of the remainder of Section 6, 450.09(2m), after the section "Patients' Rights (a)" is deleted:

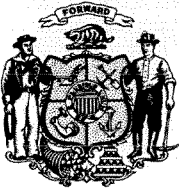
"Every pharmacist has a duty to promptly dispense valid prescriptions for any federal-Food-and-Drug-Administration-approved contraceptives, unless such a prescription is contraindicated for a particular patient."

Please let Nadine Gratz in Senator Robson's office or me know if you have any questions regarding these changes.

Thank you!

Mary Beth George

Mary Beth George
Office of State Rep. Christine Sinicki
608-266-8588
marybeth.george@legis.state.wi.us



identical
drafts

Regen

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

valid prescriptions for any

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 \$1,000 for each offense.

→ → This bill requires ~~all~~ ^{every} pharmacist licensed in the state to administer, distribute, and dispense ~~all~~ contraceptives, including emergency 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 contraceptive that is approved by the FDA. *

prescription ✓

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

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

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

15 48.375 (2) (a) “Abortion” means the use of any instrument, medicine, drug or
16 any other substance or device with intent to terminate the pregnancy of a minor after
17 implantation of a fertilized human ovum and with intent other than to increase the
18 probability of a live birth, to preserve the life or health of the infant after live birth
19 or to remove a dead fetus. “Abortion” does not include the use, administration,
20 delivery, prescribing, or dispensing of any
21 federal-food-and-drug-administration-approved contraceptive.

22 **SECTION 4.** 69.01 (13m) of the statutes is amended to read:

23 69.01 (13m) “Induced abortion” means the termination of a uterine pregnancy
24 by a physician of a woman known by the physician to be pregnant, for a purpose other
25 than to produce a live birth or to remove a dead fetus, but does not include the use,

BILL

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

3 **SECTION 5.** 253.10 (2) (a) of the statutes is amended to read:

4 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
5 other substance or device with intent to terminate the pregnancy of a woman known
6 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
7 with intent other than to increase the probability of a live birth, to preserve the life
8 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
9 include the use, administration, delivery, prescribing, or dispensing of any
10 federal-food-and-drug-administration-approved contraceptive.

11 **SECTION 6.** 450.09 (2m) of the statutes is created to read:

12 450.09 (2m) PATIENTS' RIGHTS. (a) In this subsection, "emergency
13 contraceptive" means a drug, medicine, oral hormonal compound, mixture,
14 preparation, instrument, article, or device that is approved by the federal food and
15 drug administration and that prevents a pregnancy after sexual intercourse.
16 "Emergency contraceptive" does not include a drug, medicine, oral hormonal
17 compound, mixture, preparation, instrument, article, or device of any nature that is
18 prescribed to terminate the pregnancy of a female.

19 (b) Every pharmacist has a duty to administer, distribute, and dispense all
20 valid prescriptions for any federal-food-and-drug-administration-approved contraceptives, including
21 emergency contraceptives, unless such a prescription is contraindicated for a particular patient.

22 **SECTION 7.** 939.75 (2) (a) of the statutes is amended to read:

23 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
24 instrument, medicine, drug or other substance or device in a medical procedure with
25 the intent to terminate the pregnancy of a woman and with an intent other than to

BILL

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

5 (END)

Christine
Sinicki
State Representative

Date: 6-4-87
TO: LRB/Drafting (200 EM)
FROM: Mary Beth George
RE: Correction needed on
page 3, line 15.

- o In response to your recent request.
- o I thought you might be interested in the enclosed material.

Thank you!!

DISTRICT: 3132 S. INDIANA, MILWAUKEE, WI 53207 • (414) 481-7667
STATE CAPITOL: P.O. Box 8953, MADISON, WI 53708
(608) 266-8588 • Fax: (608) 282-3620 • TOLL-FREE: 1-888-534-0020
EMAIL: REP.SINICKI@LEGIS.STATE.WI.US

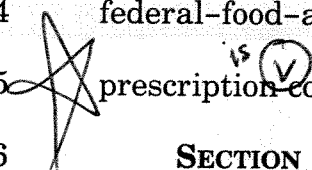
BILL

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

3 **SECTION 5.** 253.10 (2) (a) of the statutes is amended to read:

4 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
5 other substance or device with intent to terminate the pregnancy of a woman known
6 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
7 with intent other than to increase the probability of a live birth, to preserve the life
8 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
9 include the use, administration, delivery, prescribing, or dispensing of any
10 federal-food-and-drug-administration-approved contraceptive.

11 **SECTION 6.** 450.09 (2m) of the statutes is created to read:

12 450.09 (2m) PATIENTS' RIGHTS. (a) Every pharmacist has a duty to promptly
13 dispense a valid prescription for any
14 federal-food-and-drug-administration-approved contraceptive, unless such a
15 ~~prescription~~ ^{is}  contraindicated for a particular patient.

16 **SECTION 7.** 939.75 (2) (a) of the statutes is amended to read:

17 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
18 instrument, medicine, drug or other substance or device in a medical procedure with
19 the intent to terminate the pregnancy of a woman and with an intent other than to
20 increase the probability of a live birth, to preserve the life or health of the infant after
21 live birth or to remove a dead fetus, but does not include the use, administration,
22 delivery, prescribing, or dispensing of any
23 federal-food-and-drug-administration-approved contraceptive.

24 (END)



SOON

2007 BILL

Regen

1 AN ACT *to amend* 20.927 (1g), 40.98 (1) (ag), 48.375 (2) (a), 69.01 (13m), 253.10
2 (2) (a) and 939.75 (2) (a); and *to create* 450.09 (2m) of the statutes; **relating**
3 **to: pharmacists, contraceptives, and the definition of 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, denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1,000 for each offense.

This bill requires every pharmacist licensed in the state to dispense a valid prescription for any contraceptive approved by the federal Food and Drug Administration (FDA), unless the prescription is contraindicated for a particular patient. The bill defines "abortion" to exclude any form of contraceptive that is approved by the FDA.

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

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

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

15 48.375 (2) (a) "Abortion" means the use of any instrument, medicine, drug or
16 any other substance or device with intent to terminate the pregnancy of a minor after
17 implantation of a fertilized human ovum and with intent other than to increase the
18 probability of a live birth, to preserve the life or health of the infant after live birth
19 or to remove a dead fetus. "Abortion" does not include the use, administration,
20 delivery, prescribing, or dispensing of any
21 federal-food-and-drug-administration-approved contraceptive.

22 **SECTION 4.** 69.01 (13m) of the statutes is amended to read:

23 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
24 by a physician of a woman known by the physician to be pregnant, for a purpose other
25 than to produce a live birth or to remove a dead fetus, but does not include the use,

BILL

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

3 **SECTION 5.** 253.10 (2) (a) of the statutes is amended to read:

4 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
5 other substance or device with intent to terminate the pregnancy of a woman known
6 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
7 with intent other than to increase the probability of a live birth, to preserve the life
8 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
9 include the use, administration, delivery, prescribing, or dispensing of any
10 federal-food-and-drug-administration-approved contraceptive.

11 **SECTION 6.** 450.09 (2m) of the statutes is created to read:

12 450.09 (2m) PATIENTS' RIGHTS. (a) Every pharmacist has a duty to promptly
13 dispense a valid prescription for any
14 federal-food-and-drug-administration-approved contraceptive, unless such a
15 prescription ^{is} contraindicated for a particular patient. ✓

16 **SECTION 7.** 939.75 (2) (a) of the statutes is amended to read:

17 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
18 instrument, medicine, drug or other substance or device in a medical procedure with
19 the intent to terminate the pregnancy of a woman and with an intent other than to
20 increase the probability of a live birth, to preserve the life or health of the infant after
21 live birth or to remove a dead fetus, but does not include the use, administration,
22 delivery, prescribing, or dispensing of any
23 federal-food-and-drug-administration-approved contraceptive.

24

(END)