

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1092/4dn
DAK:kjf:nwn

February 4, 2008

To Representative Wasserman:

1. In s. 252.15 (2) (am) 1. a. (renumbered in the draft from s. 252.15 (2) (am) 1., stats.), please review these changes:
 - a. I made an exception to obtaining informed consent, referring to s. 252.15 (2) (a) 1., stats. (tissue donated as an anatomical gift).
 - b. I struck the word “proposed” modifying “donor” in the first sentence, because it seems to me the donation has been made; if it’s unacceptable, it’s destroyed or accepted under a waiver.
 - c. I used the term “have the donor administered an HIV test” in order to deal with health care providers who rely on test results of other providers.
2. In s. 252.15 (2) (am) 1. d. and 2. b., please review these changes or issues:
 - a. I specified that prophylactic treatments are for the donation, not the donee. Isn’t that what the “washing” is?
 - b. I also struck “if donated,” since the sentence already presumes that the sperm, ova, or fertilized ova have been donated.
 - c. These provisions require destruction of the donation if any *validated* HIV test result of the donor is positive. However, only the sperm has to be tested twice; I’m not sure that the test result for the ova or fertilized ova could be called a validated HIV test result. (See, for instance, the treatment of s. 252.15 (2) (a) 1., stats., which explicitly requires a validated test result.) Is there some way to check on this?
3. In amending s. 252.15 (7m) (ag) (intro.), stats., I struck “known to the physician or advanced practice nurse prescriber” and inserted “likely,” in order to conform to the change to s. 252.15 (7m) (ag) 2., stats. I also inserted the word “likely” in s. 252.15 (7m) (ag) 1. stats. Okay?
4. Note that I have made exceptions for both s. 252.15 (3) and (5) (a) (intro.), stats., in s. 252.15 (2) (a) 7. c. and 7m. and (am) 1. b. and d. and 2. b., 938.296 (4) (intro.) and (5) (intro.), 938.371 (1) (a), and 968.38 (4) (intro.) and (5) (intro.).

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