

**2007 DRAFTING REQUEST**

**Bill**

Received: **10/09/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Marcie Malszycki (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - decisionmaking**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.wisconsin.gov**

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Anatomical gifts as part of living wills

**Instructions:**

Same as 2005 SB 73

**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 10/09/2006	jdyer 10/16/2006		_____			State
/1			jfrantze 10/16/2006	_____	lparisi 10/16/2006	sbasford 02/13/2007	

FE Sent For: @ intro.  
2-21-2007

<END>

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/?	dkennedy	1/10 16 jld	Jb 10/16	Jb/Pr 10/16			

FE Sent For:

<END>

**Kennedy, Debora**

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**To:** Malszycki, Marcie  
**Subject:** RE: Re: Drafting Request

Thanks, Marcie.

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**From:** Malszycki, Marcie  
**Sent:** Monday, October 09, 2006 8:39 AM  
**To:** Kennedy, Debora  
**Subject:** Re: Drafting Request

Debora,

I have another drafting request. Senator Roessler would like to have SB 73 from last session re-drafted. I have attached a copy of the bill for you.

Thank you,

**Marcie Malszycki**  
**Office of Senator Carol Roessler**  
**608-266-5300**

<< File: 10-09-06 Living Will and Anatomical Gifts.pdf >>

SOON - In edit 10/19

LPS-  
PWF please

2007-2008

2005-2006 LEGISLATURE

-0494/1

LRB-0595/1

DAK:mk&kj/rs

je  
jld

## 2005 SENATE BILL 73

February 22, 2005 - Introduced by Senators ROESSLER, BROWN, COWLES, OLSEN, MILLER, WIRCH, ROBSON and DARLING, cosponsored by Representatives HUNDERTMARK, STRACHOTA, BALLWEG, KRAWCZYK, KERKMAN, TOWNSEND, LEHMAN, BIES, VAN ROY, HINES, HAHN, GRONEMUS, MUSSEY, STONE, VRUWINK, SEIDEL, WASSERMAN, BOYLE, BERCEAU, GIELOW, KREIBICH, VRAKAS and GUNDERSON. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

Regen

1 AN ACT *to repeal* 157.06 (2) (d); *to amend* 154.03 (2) (form), 157.06 (2) (i) (intro.),  
2 157.06 (6) (b) and 157.06 (8) (b); and *to create* 154.06, 157.06 (2) (f) 7. and  
3 157.06 (2) (i) 2m. of the statutes; **relating to:** creating the option to make an  
4 anatomical gift as part of a living will and eliminating the designation of a  
5 specific physician to perform transplantation. ✓

### *Analysis by the Legislative Reference Bureau*

Under current law, a person who is at least 18 years old may donate all or part of his or her body after death (make an anatomical gift) by signing a document of gift, together with two witnesses, or by signing the reverse side of a regular driver's license, a document that may be attached to a commercial driver's license, or an identification card that is issued by the Department of Transportation. In addition, a person may specify in a power of attorney for health care instrument that he or she wishes to make an anatomical gift. A person may also refuse to make an anatomical gift; limit an anatomical gift to specific purposes, including particular donees; require that a particular physician carry out the appropriate procedures; amend an anatomical gift; or revoke an anatomical gift. Lastly, a person may revoke or amend a refusal to make an anatomical gift. Any anatomical gift made by the donor that is not revoked by the donor before death is irrevocable and does not require the consent of anyone after the donor's death.

Also under current law, a person may execute a declaration to physicians (commonly known as a living will), which authorizes a physician to withhold or



**SENATE BILL 73**

1           1. If I have a **TERMINAL CONDITION**, as determined by 2 physicians who  
2 have personally examined me, I do not want my dying to be artificially prolonged and  
3 I do not want life-sustaining procedures to be used. In addition, the following are  
4 my directions regarding the use of feeding tubes:

5           .... YES, I want feeding tubes used if I have a terminal condition.

6           .... NO, I do not want feeding tubes used if I have a terminal condition.

7           If you have not checked either box, feeding tubes will be used.

8           2. If I am in a **PERSISTENT VEGETATIVE STATE**, as determined by 2  
9 physicians who have personally examined me, the following are my directions  
10 regarding the use of life-sustaining procedures:

11           .... YES, I want life-sustaining procedures used if I am in a persistent  
12 vegetative state.

13           .... NO, I do not want life-sustaining procedures used if I am in a persistent  
14 vegetative state.

15           If you have not checked either box, life-sustaining procedures will be used.

16           3. If I am in a **PERSISTENT VEGETATIVE STATE**, as determined by 2  
17 physicians who have personally examined me, the following are my directions  
18 regarding the use of feeding tubes:

19           .... YES, I want feeding tubes used if I am in a persistent vegetative state.

20           .... NO, I do not want feeding tubes used if I am in a persistent vegetative state.

21           If you have not checked either box, feeding tubes will be used.

22           If you are interested in more information about the significant terms used in  
23 this document, see section 154.01 of the Wisconsin Statutes or the information  
24 accompanying this document.







SENATE BILL 73

SECTION 1

- 1        4. Kidneys: .... ✓
- 2        5. Pancreas: .... ✓
- 3        6. Intestine: .... ✓
- 4        7. All organs listed: .... ✓

5        Tissues for transplantation (indicate yes or no): ✓

- 6        1. Heart valves: .... ✓
- 7        2. Skin: .... ✓
- 8        3. Bone: .... ✓
- 9        4. Connective tissue: .... ✓
- 10       5. Saphenous vein: .... ✓
- 11       6. Femoral vein: .... ✓
- 12       7. All tissues listed: .... ✓

yes or no for  
for both eyes or specific eyes

13       Eyes for transplantation (indicate yes or no): ....

14       If I have signified "YES" to either of the options above, in addition, I may, but  
15       do not have to, indicate any or all of the following: ✓

any

16       1. I want to donate my .... (list of organs, tissues, or eyes) to: .... (name of the  
17       donee), but<sup>2</sup> if that person is not able to be a transplant recipient, then I donate to  
18       anyone for whom the anatomical gift is suitable.

19       2. I want to donate any or all of my organs, tissues, or eyes for the purpose of  
20       transplantation, but<sup>2</sup> if transplantation is not able to occur, or my organs, tissues, or  
21       eyes are unsuitable for transplantation, I want to donate any or all of my organs,  
22       tissues, or eyes to a recovery agency for research and education.

OR

24       ... NO, I do not want to donate any or all of my organs, tissues, or eyes as an  
25       anatomical gift.



## SENATE BILL 73

1           **SECTION 3.** 157.06 (2) (d) <sup>x</sup> of the statutes is repealed.

2           **SECTION 4.** 157.06 (2) (f) <sup>x</sup> 7. of the statutes is created to read:

3           157.06 (2) (f) 7. For a declarant who executes a living will, crossing out or  
4 amending the donor authorization or refusal in the space provided on the declaration  
5 as prescribed in s. 154.06 (2) and (4) or revoking the declaration as prescribed in s.  
6 154.06 (3).<sup>✓</sup>

7           **SECTION 5.** 157.06 (2) (i) (intro.) <sup>x</sup> of the statutes is amended to read:

8           157.06 (2) (i) (intro.) An individual may refuse to make an anatomical gift of  
9 ~~the individual's body or part of his or her body~~ <sup>✓</sup> any or all of his or her organs, tissues,  
10 or eyes by doing any of the following:

11           **SECTION 6.** 157.06 (2) (i) 2m. <sup>x</sup> of the statutes is created to read:

12           157.06 (2) (i) 2m. For a declarant who executes a living will, making a  
13 statement of refusal in the space provided in the declaration as prescribed in s.  
14 154.06 (4).<sup>✓</sup>

15           **SECTION 7.** 157.06 (6) (b) <sup>x</sup> of the statutes is amended to read:

16           157.06 (6) (b) A donor may make an anatomical gift to a designated donee or  
17 without designating a donee. If a donee is not designated or if the donee is not  
18 ~~available or rejects~~ <sup>✓</sup> designated but the anatomical gift, any hospital is not able to be  
19 accepted by the donee, anyone for whom the anatomical gift is suitable may accept  
20 the anatomical gift.

21           **SECTION 8.** 157.06 (8) (b) <sup>x</sup> of the statutes is amended to read:

22           157.06 (8) (b) The time of death shall be determined by a physician who attends  
23 the donor at death or, if none, the physician who certifies the death. Neither the  
24 physician who attends the donor at death nor the physician who determines the time  
25 of death may participate in the procedures for removing or transplanting a part of

**SENATE BILL 73**

1 the donor's body <sup>✓</sup> ~~unless the document of gift designates a particular physician under~~  
2 ~~sub. (2) (d).~~

3 (END)

**Duerst, Christina**

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**From:** Stegall, Jennifer  
**Sent:** Monday, February 12, 2007 4:17 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0494/1 Topic: Anatomical gifts as part of living wills

Please Jacket LRB 07-0494/1 for the SENATE.