

2007 SENATE BILL 232

July 12, 2007 – Introduced by Senators ROBSON, ERPENBACH, RISSER, LEHMAN, TAYLOR, KREITLOW, WIRCH, PLALE and SULLIVAN, cosponsored by Representatives SINICKI, BENEDICT, BERCEAU, BLACK, BOYLE, FIELDS, GRIGSBY, GRONEMUS, HEBL, HILGENBERG, HINTZ, HUBLER, JORGENSEN, KESSLER, KREUSER, MASON, NELSON, PARISI, POCAN, POPE-ROBERTS, RICHARDS, SCHNEIDER, SEIDEL, SHERIDAN, SHERMAN, SHILLING, SOLETSKI, TOLES, TRAVIS, TURNER, VRUWINK, WASSERMAN, YOUNG and ZEPNICK. Referred to Committee on Health and Human Services.

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:

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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,

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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. 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)