

2007 DRAFTING REQUEST

Bill

Received: **04/23/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Nadine Gratz (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - abortion**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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 04/23/2007	jdyer 04/23/2007		_____			
/1	csundber 06/04/2007	jdyer 06/04/2007	rschluet 04/23/2007	_____	sbasford 04/23/2007	sbasford 04/23/2007	
/2	csundber 06/04/2007	jdyer 06/05/2007	jfrantze 06/04/2007	_____	cduerst 06/04/2007	cduerst 06/04/2007	
/3			nmatzke	_____	sbasford	sbasford	

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			06/05/2007 _____		06/05/2007	06/05/2007	

FE Sent For:

<END>

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/2		<i>13/5 JLD</i>	jfrantze 06/04/2007 <i>nwn</i> 6/5	_____	cduerst 06/04/2007	cduerst 06/04/2007	

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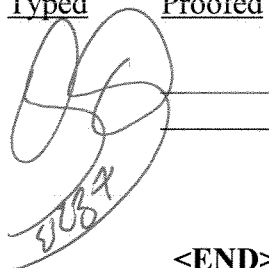
Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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dkennedy

1 4/23 jld



FE Sent For:

<END>

PA's -

Please jacket
for submission.

Thanks.

DAK

TUESDAY

2007 - 2008 LEGISLATURE

2493/1

LRB-1805/2

DAK&CTS (ld)rs

keep

*No changes -
companion
bill*

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 all pharmacists 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.

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~~
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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
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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
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17 implantation of a fertilized human ovum and with intent other than to increase the
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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
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2 federal-food-and-drug-administration-approved contraceptive.

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

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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 federal-food-and-drug-administration-approved contraceptives, including
21 emergency contraceptives, unless 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

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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)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2493/1
DAK&CTS:jld:rs

2007 BILL

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 all pharmacists 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.

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
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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~~
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15 48.375 (2) (a) “Abortion” means the use of any instrument, medicine, drug or
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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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3 **SECTION 5.** 253.10 (2) (a) of the statutes is amended to read:

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5 other substance or device with intent to terminate the pregnancy of a woman known
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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 federal-food-and-drug-administration-approved contraceptives, including
21 emergency contraceptives, unless 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
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3 delivery, prescribing, or dispensing of any
4 federal-food-and-drug-administration-approved contraceptive.

5 (END)

Kennedy, Debora

To: Gratz, Nadine
Subject: RE: Redraft of LRB-1805/2

Thanks, Nadine.

From: Gratz, Nadine
Sent: Monday, June 04, 2007 9:27 AM
To: Kennedy, Debora
Subject: FW: Redraft of LRB-1805/2

Hi Debora:

This is to confirm that the changes below should also apply to LRB 2493, the Senate version of the bill. Let me know if you have any questions.

Nadine Gratz
Office of Sen.. Robson

From: George, Mary Beth
Sent: Friday, June 01, 2007 4:44 PM
To: Gratz, Nadine
Cc: 'Chris.Taylor@ppwi.org'
Subject: FW: Redraft of LRB-1805/2

Hi Nadine,

Debora asked just for a call confirming that you want a redraft of the Senate version identical to the changes we've requested in the Assembly version of LRB 1805 (see below).

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!

06/04/2007

Mary Beth George

Mary Beth George

Office of State Rep. Christine Sinicki

608-266-8588

marybeth.george@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

2493/2
3
LRB-1805/27
DAK&CTS:jld/rs
LPS-note
keep

2007 BILL

Regen

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19 (b) Every pharmacist has a duty to administer, distribute, and dispense ^{all}
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ln: 6/4/07
State of Wisconsin
2007 - 2008 LEGISLATURE

RMNR
LRB-2493/Z 3
DAK&CTS;jld:jf

2007 BILL

soon

Regen

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24

(END)