

2007 DRAFTING REQUEST**Bill**Received: **01/08/2007**Received By: **dkennedy**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Glenn Wavrunek**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: **Rep.Pocan@legis.wisconsin.gov**Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov****Pre Topic:**

No specific pre topic given

Topic:

Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

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 01/10/2007	wjackson 01/18/2007		_____			S&L
/1			rschluet 01/19/2007	_____	sbasford 01/19/2007		S&L
/2	dkennedy 02/13/2007	wjackson 02/15/2007	pgreensl 02/15/2007	_____	sbasford 02/15/2007		S&L
/3	dkennedy	wjackson	nmatzke	_____	cduerst	cduerst	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/26/2007	02/26/2007	02/27/2007 _____		02/27/2007	03/05/2007	
/4	dkennedy 05/01/2007	wjackson 05/01/2007	rschluet 05/01/2007 _____		lparisi 05/01/2007	lparisi 05/01/2007	

FE Sent For: 1/4" AT INTRO 5-31-2007
<END>

2007 DRAFTING REQUEST

Bill

Received: **01/08/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn Wavrunek**

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: **Rep.Pocan@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

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 01/10/2007	wjackson 01/18/2007		_____			S&L
/1			rschluet 01/19/2007	_____	sbasford 01/19/2007		S&L
/2	dkennedy 02/13/2007	wjackson 02/15/2007	pgreensl 02/15/2007	_____	sbasford 02/15/2007		S&L
/3	dkennedy	wjackson	nmatzke	_____	cduerst	cduerst	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

02/26/2007 02/26/2007 02/27/2007 _____ 02/27/2007 03/05/2007

FE Sent For:

/4 Wlj 5/1

sh
5/1

sh/pg
5/1

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/08/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn Wavrunek**

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: **Rep.Pocan@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

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 01/10/2007	wjackson 01/18/2007		_____			S&L
/1			rschluet 01/19/2007	_____	sbasford 01/19/2007		S&L
/2	dkennedy 02/13/2007	wjackson 02/15/2007	pgreensl 02/15/2007	_____	sbasford 02/15/2007		S&L
/3	dkennedy	wjackson	nmatzke	_____	cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/26/2007	02/26/2007	02/27/2007	_____	02/27/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/08/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn Wavrunek**

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: **Rep.Pocan@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

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 01/10/2007	wjackson 01/18/2007		_____			S&L
/1			rschluet 01/19/2007	_____	sbasford 01/19/2007		S&L
/2	dkennedy 02/13/2007	wjackson 02/15/2007	pgreensl 02/15/2007	_____	sbasford 02/15/2007		
		1/3 WLj 2/26	nwn 2/27	nwn 2/27			

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/08/2007

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Mark Pocan (608) 266-8570

By/Representing: Glenn Wavrunek

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: Rep.Pocan@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

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 01/10/2007	wjackson 01/18/2007					S&L
/1		1/2 WJ 2/14	rschluet 01/19/2007	2/5	sbasford 01/19/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/08/2007

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn Wavrunek**

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: **Rep.Pocan@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	dkennedy	1 wj 1/18					
----	----------	-----------	--	--	--	--	--

Handwritten signatures and initials are present over the 'Typed' and 'Proofed' columns of the Drafting History table. The 'Typed' column has a large signature, and the 'Proofed' column has a signature and the date '1/18' written below it.

FE Sent For:

<END>

Kennedy, Debora

To: Wavrunek, Glenn
Subject: RE: Redraft of 2005 AB 305; relating to: requiring a hospital to provide to a sexual assault victim, with consent, information and emergency contraception and providing a penalty

Thanks, Glenn.

From: Wavrunek, Glenn
Sent: Monday, January 08, 2007 10:31 AM
To: Kennedy, Debora
Subject: Redraft of 2005 AB 305; relating to: requiring a hospital to provide to a sexual assault victim, with consent, information and emergency contraception and providing a penalty

Debora -

Mark would like a redraft of AB305 from last session. If you have any questions, please feel free to call me at 266-8570. Thanks,

Glenn Wavrunek
Office of Rep. Mark Pocan

2007-2008

1/23 cmh

1387/1

wj

2005 ASSEMBLY BILL 305

April 12, 2005 - Introduced by Representatives POCAN, BENEDICT, BERCEAU, BLACK, BOYLE, GRIGSBY, KESSLER, LEHMAN, PARISI, POPE-ROBERTS, RICHARDS, SEIDEL, SHERIDAN, SHERMAN, SHILLING, SINICKI, TOLES, TURNER, VRUWINK, WASSERMAN and ZEPNICK, cosponsored by Senators ROBSON, RISSER, CARPENTER, COGGS, ERPENBACH, HANSEN, JAUCH, LASSA, MILLER, PLALE and WIRCH. Referred to Committee on Health.

LPS:
Please
PWF

Regen

- 1 AN ACT *to renumber* 50.38 (1); *to amend* 50.38 (2); and *to create* 50.375 and
- 2 50.38 (1) (b) of the statutes; **relating to:** requiring a hospital to provide to a
- 3 sexual assault victim, with consent, information and emergency contraception
- 4 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault and has obtained the victim's consent: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception; and 3) provide emergency contraception to her immediately if she requests it. "Emergency contraception" is defined in the bill to be 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. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

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:

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

2 **50.375 Emergency contraception for sexual assault victims.** (1) In this
3 section:

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

10 (b) "Sexual assault" means a violation of s. 940.225 (1), (2), or (3).

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

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

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

ASSEMBLY BILL 305

1 (b) Orally inform the victim of her option to receive emergency contraception
2 at the hospital.

3 (c) Except as specified in sub. (4), provide emergency contraception, in
4 accordance with instructions approved by the federal food and drug administration,
5 immediately at the hospital to the victim if she requests it.

6 (3) A hospital that provides emergency care shall ensure that each hospital
7 employee who provides care to a victim has available medically and factually
8 accurate and unbiased information about emergency contraception.

9 (4) No hospital may be required to provide emergency contraception to a victim
10 who is pregnant, as indicated by a test for pregnancy.

11 (5) The department shall respond to any complaint received by the department
12 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
13 and shall periodically review hospital procedures to determine whether a hospital
14 is in compliance with the requirements.

15 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

16 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

17 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
18 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

19 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

20 50.38 (2) The department may directly assess forfeitures provided for under
21 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
22 for a particular violation, the department shall send a notice of assessment to the
23 hospital. The notice shall specify the amount of the forfeiture assessed, the violation

ASSEMBLY BILL 305

1 and the statute or rule alleged to have been violated, and shall inform the hospital
2 of the right to a hearing under sub. (3).

3 (END)

2007 BILL

1 AN ACT *to renumber* 50.38 (1); *to amend* 50.38 (2); and *to create* 50.375 and
2 50.38 (1) (b) of the statutes; **relating to:** requiring a hospital to provide to a
3 sexual assault victim, with consent, information and emergency contraception
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault and has obtained the victim's consent: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception; and 3) provide emergency contraception to her immediately if she requests it. "Emergency contraception" is defined in the bill to be 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. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

BILL

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:

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

2 **50.375 Emergency contraception for sexual assault victims. (1)** In this
3 section:

4 (a) “Emergency contraception” means a drug, medicine, oral hormonal
5 compound, mixture, preparation, instrument, article, or device that is approved by
6 the federal food and drug administration and that prevents a pregnancy after sexual
7 intercourse. “Emergency contraception” does not include a drug, medicine, oral
8 hormonal compound, mixture, preparation, instrument, article, or device of any
9 nature that is prescribed to terminate the pregnancy of a female.

10 (b) “Sexual assault” means a violation of s. 940.225 (1), (2), or (3).

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

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

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

BILL

1 (b) Orally inform the victim of her option to receive emergency contraception
2 at the hospital.

3 (c) Except as specified in sub. (4), provide emergency contraception, in
4 accordance with instructions approved by the federal food and drug administration,
5 immediately at the hospital to the victim if she requests it.

6 (3) A hospital that provides emergency care shall ensure that each hospital
7 employee who provides care to a victim has available medically and factually
8 accurate and unbiased information about emergency contraception.

9 (4) No hospital may be required to provide emergency contraception to a victim
10 who is pregnant, as indicated by a test for pregnancy.

11 (5) The department shall respond to any complaint received by the department
12 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
13 and shall periodically review hospital procedures to determine whether a hospital
14 is in compliance with the requirements.

15 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

16 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

17 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
18 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

19 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

20 50.38 (2) The department may directly assess forfeitures provided for under
21 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
22 for a particular violation, the department shall send a notice of assessment to the
23 hospital. The notice shall specify the amount of the forfeiture assessed, the violation

BILL

1 and the statute or rule alleged to have been violated, and shall inform the hospital
2 of the right to a hearing under sub. (3).

3 (END)

BILL

Page: 3

1 (b) Orally inform the victim of her option to receive emergency contraception
2 at the hospital.

3 (c) Except as specified in sub. (4), ~~provide emergency contraception in~~
4 accordance with instructions approved by the federal food and drug administration;
5 ~~immediately at the hospital to the victim if she requests it.~~

6 (3) A hospital that provides emergency care shall ensure that each hospital
7 employee who provides care to a victim has available medically and factually
8 accurate and unbiased information about emergency contraception.

9 (4) No hospital may be required to provide emergency contraception to a victim
10 who is pregnant, as indicated by a test for pregnancy.

11 (5) The department shall respond to any complaint received by the department
12 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
13 and shall periodically review hospital procedures to determine whether a hospital
14 is in compliance with the requirements.

15 SECTION 2. 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

16 SECTION 3. 50.38 (1) (b) of the statutes is created to read:
17 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
18 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

19 SECTION 4. 50.38 (2) of the statutes is amended to read:

20 50.38 (2) The department may directly assess forfeitures provided for under
21 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
22 for a particular violation, the department shall send a notice of assessment to the
23 hospital. The notice shall specify the amount of the forfeiture assessed, the violation

Author: GWavune
Subject: Inserted Text
Date: 02/07/2007 3:16:13 PM
I_A to the victim upon her request

Author: GWavune
Subject: Inserted Text
Date: 02/07/2007 3:12:38 PM
I_A Immediately

Author: GWavune
Subject: Cross-Out
Date: 02/07/2007 3:17:44 PM
I_A

Author: GWavune
Subject: Inserted Text
Date: 02/07/2007 3:16:36 PM
I_A If the medication is taken in more than one dosage, all follow up dosages shall be given to the victim for self-administration later.

BILL

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:

(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, preparatory instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a female.

(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.

Summary of Comments on 07-1387/1

Page: 2

Author: GWavune

Subject: Note

Date: 02/07/2007 3:04:22 PM

Are there other entities besides hospitals that provide emergency services?

If not, no change needed. If so, then we need to cover all entities that provide emergency services.

Author: GWavune

Subject: Cross-Out

Date: 02/07/2007 3:05:07 PM

+

Author: GWavune

Subject: Highlight

Date: 02/07/2007 3:02:27 PM

T

Author: GWavune

Subject: Inserted Text

Date: 02/07/2007 3:09:52 PM

Follow the medical standard of care for treating victims of sexual assault by doing the following

Summary of Comments on 07-1387/1

Page: 2

Sequence number: 1

Author: GWavrune

Subject: Note

Date: 02/07/2007 3:04:22 PM

Are there other entities besides hospitals that provide emergency services?

If not, no change needed. If so, then we need to cover all entities that provide emergency services.

Sequence number: 2

Author: GWavrune

Subject: Cross-Out

Date: 02/07/2007 3:05:07 PM

T

Sequence number: 3

Author: GWavrune

Subject: Highlight

Date: 02/07/2007 3:02:27 PM

T

Sequence number: 4

Author: GWavrune

Subject: Inserted Text

Date: 02/07/2007 3:09:52 PM

T follow the medical standard of care for treating victims of sexual assault by doing the following

Kennedy, Debora

From: Wavrunek, Glenn
Sent: Wednesday, February 07, 2007 3:32 PM
To: Kennedy, Debora
Subject: RE: Redraft of 2005 AB 305; relating to: requiring a hospital to provide to a sexual assault victim, with consent, information and emergency contraception and providing a penalty

Attachments: 07-13871 with Changes.pdf

Debora -

Thanks for the quick turn around on the redraft! Unfortunately, there's a few changes on pages 2 and 3 that we would like to do (attached). Please give me a ring at 266-8570 if you have any questions. Thanks again,

-glenn



07-13871 with
Changes.pdf (32 ...)

From: Wavrunek, Glenn
Sent: Monday, January 08, 2007 10:31 AM
To: Kennedy, Debora
Subject: Redraft of 2005 AB 305; relating to: requiring a hospital to provide to a sexual assault victim, with consent, information and emergency contraception and providing a penalty

Debora -

Mark would like a redraft of AB305 from last session. If you have any questions, please feel free to call me at 266-8570. Thanks,

Glenn Wavrunek
Office of Rep. Mark Pocan

BILL

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:

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

2 **50.375 Emergency contraception for sexual assault victims.** (1) In this
3 section:

4 (a) “Emergency contraception” means a drug, medicine, oral hormonal
5 compound, mixture, preparation, instrument, article, or device that is approved by
6 the federal food and drug administration and that prevents a pregnancy after sexual
7 intercourse. “Emergency contraception” does not include a drug, medicine, oral
8 hormonal compound, mixture, preparation, instrument, article, or device of any
9 nature that is prescribed to terminate the pregnancy of a female.

10 (b) “Sexual assault” means a violation of s. 940.225 (1), (2), or (3).

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

14 (2) A ¹hospital that provides emergency services to a victim shall ²after
15 ~~obtaining the consent of the victim, do all of the following:~~ ⁴

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

Page: 3

Sequence number: 1

Author: GWavrune

Subject: Inserted Text

Date: 02/07/2007 3:16:13 PM

T_A to the victim upon her request

Sequence number: 2

Author: GWavrune

Subject: Inserted Text

Date: 02/07/2007 3:12:38 PM

T_A immediately

Sequence number: 3

Author: GWavrune

Subject: Cross-Out

Date: 02/07/2007 3:17:44 PM

T

Sequence number: 4

Author: GWavrune

Subject: Inserted Text

Date: 02/07/2007 3:18:36 PM

T_A If the medication is taken in more than one dosage, all follow up dosages shall be given to the victim for self-administration later.

BILL

1 (b) Orally inform the victim of her option to receive emergency contraception
2 at the hospital.

3 (c) Except as specified in sub. (4), ²provide emergency contraception ¹in
4 accordance with instructions approved by the federal food and drug administration ³
5 ~~immediately at the hospital to the victim if she requests it.~~ ⁴

6 (3) A hospital that provides emergency care shall ensure that each hospital
7 employee who provides care to a victim has available medically and factually
8 accurate and unbiased information about emergency contraception.

9 (4) No hospital may be required to provide emergency contraception to a victim
10 who is pregnant, as indicated by a test for pregnancy.

11 (5) The department shall respond to any complaint received by the department
12 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
13 and shall periodically review hospital procedures to determine whether a hospital
14 is in compliance with the requirements.

15 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

16 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

17 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
18 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

19 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

20 50.38 (2) The department may directly assess forfeitures provided for under
21 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
22 for a particular violation, the department shall send a notice of assessment to the
23 hospital. The notice shall specify the amount of the forfeiture assessed, the violation

To discuss with Glenn Wavreuek

1. Other entities that provide emergency services

From Glen:
Just use
hospitals

EMS - but they can't dispense

clinic - not regulated by state "physician who provides in setting other than hosp?"

✓ 2. "Follow the medical standard of care for treating victims of sexual assault by doing the following"

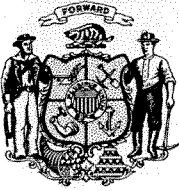
What medical standard of care?

It would seem that this establishes the standard.

Take out ref to standard of care

✓ 3. Material crossed out on pp 3+4?

No; keep in



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1387/02

DAK:wlj:rs

↑
stays

2007 BILL

No FF

If the medication is taken in more than one dosage, the hospital shall provide all dosages to the victim for later self administration.

↑, upon her request, ↑

upon her request

immediately

Regen

1 AN ACT to renumber 50.38 (1); to amend 50.38 (2); and to create 50.375 and
2 50.38 (1) (b) of the statutes; relating to: requiring a hospital to provide to a
3 sexual assault victim, with consent, information and emergency contraception
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault and has obtained the victim's consent: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception; and 3) provide emergency contraception to her immediately if she requests it. "Emergency contraception" is defined in the bill to be 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. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

BILL

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:

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

2 **50.375 Emergency contraception for sexual assault victims.** (1) In this
3 section:

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

10 (b) "Sexual assault" means a violation of s. 940.225 (1), (2), or (3).

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

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

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

BILL

1 (b) Orally inform the victim of her option to receive emergency contraception
2 at the hospital. *immediately* *to the victim upon her request*

3 (c) Except as specified in sub. (4), provide emergency contraception, in
4 accordance with instructions approved by the federal food and drug administration,
5 ~~immediately at the hospital to the victim if she requests it.~~

6 (3) A hospital that provides emergency care shall ensure that each hospital
7 employee who provides care to a victim has available medically and factually
8 accurate and unbiased information about emergency contraception.

9 (4) No hospital may be required to provide emergency contraception to a victim
10 who is pregnant, as indicated by a test for pregnancy.

11 (5) The department shall respond to any complaint received by the department
12 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
13 and shall periodically review hospital procedures to determine whether a hospital
14 is in compliance with the requirements.

15 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

16 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

17 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
18 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

19 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

20 50.38 (2) The department may directly assess forfeitures provided for under
21 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
22 for a particular violation, the department shall send a notice of assessment to the
23 hospital. The notice shall specify the amount of the forfeiture assessed, the violation

not If the medication is taken in more than one dosage, the hospital shall provide all dosages to the victim for later self administration.

BILL

1 and the statute or rule alleged to have been violated, and shall inform the hospital
2 of the right to a hearing under sub. (3).

3 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

-1387/2

From Craig Trost

Redraft: add "subsequent" before "dosages"
p. 3, l. 8 (50.375(2)(c))



(SOON - In edit 2/26)

State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1387/3

DAK:wj:eg

2007 BILL

Regen

1 AN ACT *to renumber* 50.38 (1); *to amend* 50.38 (2); and *to create* 50.375 and
2 50.38 (1) (b) of the statutes; **relating to:** requiring a hospital to provide to a
3 sexual assault victim information and, upon her request, emergency
4 contraception and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception; and 3) immediately provide emergency contraception to her upon her request. If the medication is taken in more than one dosage, the hospital shall provide all dosages to the victim for later self administration. "Emergency contraception" is defined in the bill to be 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. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed

subsequent

BILL

to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

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:

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

2 **50.375 Emergency contraception for sexual assault victims.** (1) In this
3 section:

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

10 (b) "Sexual assault" means a violation of s. 940.225 (1), (2), or (3).

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

14 (2) A hospital that provides emergency services to a victim shall do all of the
15 following:

BILL

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

3 (b) Orally inform the victim of her option to receive emergency contraception
4 at the hospital.

5 (c) Except as specified in sub. (4), immediately provide to the victim upon her
6 request emergency contraception, in accordance with instructions approved by the
7 federal food and drug administration. If the medication is taken in more than one
8 dosage, the hospital shall provide all dosages to the victim for later self
9 administration. *subsequent*

10 (3) A hospital that provides emergency care shall ensure that each hospital
11 employee who provides care to a victim has available medically and factually
12 accurate and unbiased information about emergency contraception.

13 (4) No hospital may be required to provide emergency contraception to a victim
14 who is pregnant, as indicated by a test for pregnancy.

15 (5) The department shall respond to any complaint received by the department
16 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
17 and shall periodically review hospital procedures to determine whether a hospital
18 is in compliance with the requirements.

19 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

20 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

21 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
22 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

23 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

24 50.38 (2) The department may directly assess forfeitures provided for under
25 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed

BILL

1 for a particular violation, the department shall send a notice of assessment to the
2 hospital. The notice shall specify the amount of the forfeiture assessed, the violation
3 and the statute or rule alleged to have been violated, and shall inform the hospital
4 of the right to a hearing under sub. (3).

5 (END)

Duerst, Christina

From: Wavrunek, Glenn
Sent: Monday, March 05, 2007 10:00 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-1387/3 Topic: Require hospital, with consent, to provide info and emergency contraception to sexual assault victim

Please Jacket LRB 07-1387/3 for the ASSEMBLY.

Kennedy, Debora

From: Wavrunek, Glenn
Sent: Tuesday, May 01, 2007 10:27 AM
To: Kennedy, Debora
Subject: LRB-1387 & LRB-2138; Compassionate Care for Rape Victims

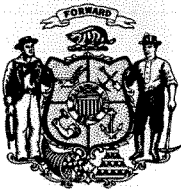
Debora -

Sorry for the confusion on this, but the last time I talked to you we had LRB-1387/3 jacketed and a version created for Senate introduction (LRB-2138).

However, a small word changed was required and we made the change to the Senate version (2138), but we never incorporated that change in the Assembly version (1387). Could we have LRB-2138/2 made for Assembly introduction (the LRB number would then be LRB-1387/4)?

Thanks, and please give me a ring if you have any questions.

Glenn Wavrunek
Office of Rep. Mark Pocan



TODAY, if possible
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1387/8 4

DAK:wlj:mww

↑
stays

RMR

2007 BILL

INSERT A

Regen

1 AN ACT *to renumber* 50.38 (1); *to amend* 50.38 (2); and *to create* 50.375 and
2 50.38 (1) (b) of the statutes; **relating to:** requiring a hospital to provide to a
3 sexual assault victim information and, upon her request, emergency
4 contraception and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception; and 3) immediately provide emergency contraception to her upon her request. If the medication is taken in more than one dosage, the hospital shall provide all subsequent dosages to the victim for later self administration. "Emergency contraception" is defined in the bill to be 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. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed

BILL

to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

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:

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

2 **50.375 Emergency contraception for sexual assault victims.** (1) In this
3 section:

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

10 (b) "Sexual assault" means a violation of s. 940.225 (1), (2), or (3).

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

14 **(2)** A hospital that provides emergency services to a victim shall do all of the
15 following:

BILL

all of the following (a) & (b)

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

3 (b) Orally inform the victim of her option to receive emergency contraception
4 at the hospital.

INSERT
3-4 ✓

5 (c) Except as specified in sub. (4), immediately provide to the victim upon her
6 request emergency contraception, in accordance with instructions approved by the
7 federal food and drug administration. If the medication is taken in more than one
8 dosage, the hospital shall provide all subsequent dosages to the victim for later self
9 administration.

10 (3) A hospital that provides emergency care shall ensure that each hospital
11 employee who provides care to a victim has available medically and factually
12 accurate and unbiased information about emergency contraception.

13 (4) No hospital may be required to provide emergency contraception to a victim
14 who is pregnant, as indicated by a test for pregnancy.

15 (5) The department shall respond to any complaint received by the department
16 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
17 and shall periodically review hospital procedures to determine whether a hospital
18 is in compliance with the requirements.

19 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

20 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

21 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
22 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

23 **SECTION 4.** 50.38 (2) of the statutes is amended to read:

24 50.38 (2) The department may directly assess forfeitures provided for under
25 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed

BILL

1 for a particular violation, the department shall send a notice of assessment to the
2 hospital. The notice shall specify the amount of the forfeiture assessed, the violation
3 and the statute or rule alleged to have been violated, and shall inform the hospital
4 of the right to a hearing under sub. (3).

5 (END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

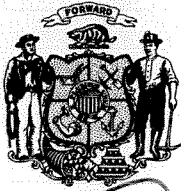
LRB-1387/4ins
DAK:wlj:wnw

INSERT A

(Not) , her option to report the sexual assault to a law enforcement agency, and any available options for her to receive an examination to gather evidence regarding the sexual assault

INSERT 3-4

- 1 2. Her option to report the sexual assault to a law enforcement agency.
- 2 3. Any available options for her to receive an examination to gather evidence
- 3 regarding the sexual assault.



12-11-2007

2007 ASSEMBLY BILL 377

prepare corrected copy

May 31, 2007 - Introduced by Representatives MUSSER, POCAN, WOOD, KAUFERT, RICHARDS, HILGENBERG, HINTZ, MOLEPSKE, WASSERMAN, KREUSER, HEBL, SOLETSKI, TOLES, BENEDICT, BERCEAU, BLACK, BOYLE, GRIGSBY, HRAYCHUCK, KESSLER, PARISI, POPE-ROBERTS, SEIDEL, SHERIDAN, SHERMAN, SHILLING, SINICKI, SMITH, TRAVIS, TURNER, VRUWINK, YOUNG and ZEPNICK, cosponsored by Senators ROBSON, TAYLOR, MILLER, PLALE, RISSER, ERPENBACH, LEHMAN, WIRCH, HANSEN, JAUCH, CARPENTER, KREITLOW, COGGS, LASSA and SULLIVAN. Referred to Committee on Judiciary and Ethics.

1 AN ACT to renumber 50.38 (1); to amend 50.38 (2); and to create 50.375 and
2 50.38 (1) (b) of the statutes; relating to: requiring a hospital to provide to a
3 sexual assault victim information and, upon her request, emergency
4 contraception and providing a penalty.

medication

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception, her option to report the sexual assault to a law enforcement agency, and any available options for her to receive an examination to gather evidence regarding the sexual assault; and 3) immediately provide emergency contraception to her upon her request. If the medication is taken in more than one dosage, the hospital shall provide all subsequent dosages to the victim for later self administration. "Emergency contraception" is defined in the bill to be 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. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound,