



State of Wisconsin
2011 – 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 9,
TO 2011 SENATE BILL 306**

March 15, 2012 – Offered by Representatives PASCH, BEWLEY, C. TAYLOR, BILLINGS
and ZAMARRIPA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 18: after “woman” insert “or if the person is licensed under ch.
3 441 or 448 and was acting within the scope of the practice of professional or practical
4 nursing or of medicine and surgery and the person’s actions were accepted medical
5 practice, as determined by the board of nursing or the medical examining board”.

6 **2.** Page 9, line 2: after that line insert:

7 “**(4m)** AFFIRMATIVE DEFENSE. No person is liable under sub. (3) or (4) if the
8 person is licensed under ch. 441 or 448 and was acting within scope of the practice
9 of professional or practical nursing or of medicine and surgery and the person’s
10 actions were accepted medical practice, as determined by the board of nursing or the
11 medical examining board.”

12 **3.** Page 9, line 23: after that line insert:

13 “**SECTION 10m.** 939.425 of the statutes is created to read:

1 **939.425 Medical practice.** It is a defense to a crime or a law imposing a
2 forfeiture that a person who is licensed under ch. 441 or 448 was acting within the
3 scope of the practice of professional or practical nursing or of medicine and surgery,
4 and that his or her actions were accepted medical practice, as determined by the
5 board of nursing or the medical examining board, at the time the act occurred.”.

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(END)