2019 ASSEMBLY BILL 863


AN ACT to amend 46.03 (18) (b); and to create 252.043 of the statutes; relating to: vaccination of minors without parental consent.

Analysis by the Legislative Reference Bureau

This bill requires a physician or other health care provider who is authorized to administer a vaccination to administer a medically-appropriate vaccine to a minor who is 16 years of age or older and who requests to be vaccinated, regardless of whether or not a parent or guardian consents to the vaccination of the minor. If a parent or guardian is refusing to provide consent to the vaccination, the physician or other health care provider shall obtain the minor’s consent before billing a third party for the services. If the minor does not consent to billing a third party, the minor shall be responsible for paying for the services, which the Department of Health Services shall bill to the minor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.03 (18) (b) of the statutes is amended to read:

46.03 (18) (b) Except as provided in s. 46.10 (14) (b) and (c), any person receiving services provided or purchased under par. (a) or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child
described in s. 48.839 (1) who became dependent on public funds for his or her
primary support before an order granting his or her adoption, the resident of this
state appointed guardian of the child by a foreign court who brought the child into
this state for the purpose of adoption, shall be liable for the services in the amount
of the fee established under par. (a). If a minor receives services without consent of
a parent or guardian under s. 51.138 or 51.47, or 252.043, the department or, if
applicable, the county department shall base the fee solely on the minor’s ability to
pay.

SECTION 2. 252.043 of the statutes is created to read:

252.043 Vaccination of a minor without parental consent. (1) A
physician or other health care provider who is authorized to administer a vaccination
shall administer a medically-appropriate vaccine to a minor who is 16 years of age
or older and who requests to be vaccinated, regardless of whether or not a parent or
guardian consents to the vaccination of the minor.

(2) For a vaccination administered under this section when a parent or
guardian refuses to provide consent, the physician or other health care provider shall
obtain the minor’s consent before billing a 3rd party for the services. If the minor
does not consent to billing a 3rd party, the minor shall be responsible for paying for
the services, which the department shall bill to the minor under s. 46.03 (18) (b).