
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: March 15, 2021

Contact: Anna Henning, Senior Staff Attorney

2021 Assembly Bill 23

**Assembly
Amendment 1**

2021 ASSEMBLY BILL 23

Under **current law**, the Department of Health Services (DHS) and local health officers have certain statutory responsibilities and powers to control communicable diseases. Together with other, more specific, authority, DHS may “authorize and implement all emergency measures necessary to control communicable diseases.”¹ Similarly, local health officers may “do what is reasonable and necessary for the prevention and suppression of disease.” [ss. 252.02 (6) and 252.03 (2), Stats.]

In addition, during a state of emergency declared by the Governor, DHS may order any individual to receive a vaccination, unless the vaccination is reasonably likely to lead to serious harm to the individual, or unless the individual, for reasons of religion or conscience, refuses to obtain the vaccination. [s. 252.041 (1) (a), Stats.]

Notwithstanding those general statutory powers, **2021 Assembly Bill 23** prohibits DHS and local health officers from requiring individuals to receive a vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 clarifies that the prohibition under the bill applies to any variant or mutation of the SARS-CoV-2 virus.

BILL HISTORY

Representative Thiesfeldt offered Assembly Amendment 1 on March 9, 2021, following a public hearing on the bill. On March 10, 2021, the Assembly Committee on Constitution and Ethics voted to recommend adoption of the amendment and passage of the bill, as amended, both on votes of Ayes, 6; Noes, 3.

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¹ However, in *Legislature v. Palm*, 2020 WI 42, the Wisconsin Supreme Court interpreted that general grant of authority relatively narrowly.