

1977 Assembly Bill 299

Date published: November 16, 1977

CHAPTER 160, Laws of 1977

AN ACT to repeal 15.197 (3p); to amend 146.02; and to create 15.197 (3p), 146.02 (1m) and (4) and 146.025 of the statutes, relating to testing of infants for metabolic disorders and creating a council on infant health screening.

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

SECTION 1. 15.197 (3p) of the statutes is created to read:

15.197 (3p) COUNCIL ON INFANT HEALTH SCREENING. There is created in the department of health and social services a council on infant health screening which shall consist of 2 persons chosen to represent the public who are not health care providers nor associated with the delivery of health care, 3 physicians experienced in the subject of metabolic disorders and one person appointed by the secretary of health and social services.

SECTION 1m. 15.197 (3p) of the statutes is repealed.

SECTION 2. 146.02 (title) and (1) of the statutes are amended to read:

146.02 (title) Tests for metabolic disorders. (1) (title) BLOOD TESTS. The attending physician shall cause every infant born in each hospital or maternity home, prior to its discharge therefrom, to be subjected to a test for phenylketonuria, galactosemia, maple syrup urine disease, neonatal hypothyroidism and such ~~other~~ causes of ~~mental retardation~~ metabolic disorders under sub. (2) as the department directs.

SECTION 3. 146.02 (1m) of the statutes is created to read:

146.02 (1m) URINE TESTS. The department may establish a urine test program to test infants for causes of metabolic disorders. The department may establish the methods of obtaining urine specimens and testing such specimens, and may develop and provide materials for use in the tests. No person may be required to participate in programs developed under this subsection.

SECTION 4. 146.02 (2) and (3) of the statutes are amended to read:

146.02 (2) (title) PERFORMANCE OF TESTS. The tests to be performed shall be determined by the department and shall be performed in such ~~regional~~ laboratories as the department approves for this purpose, in accordance with rules prescribed by the department. The department, in making any specifications as to laboratories in which tests required under subs. (1) and (1m) will be performed, shall take into consideration before specifying such laboratories the test costs to the financially responsible private parties and to the state under each of the following options:

(a) Specifying a single testing laboratory;

(b) Specifying several laboratories on a geographic or other basis; or

(c) Specifying all laboratories, public and private, to process the required tests.

(3) (title) EXCEPTIONS. This section shall not apply if the parents or legal guardian of the child object thereto on the grounds that the test conflicts with their religious tenets and practices. No tests may be performed under sub. (1) or (1m) unless the parents or legal guardian are fully informed of the purposes of testing under this section and have been given reasonable opportunity to object as authorized in this subsection or in sub. (1m) to such tests.

SECTION 5. 146.02 (4) of the statutes is created to read:

146.02 (4) CONFIDENTIALITY OF TESTS AND RELATED INFORMATION. The laboratory shall provide the test results to the physician, who shall advise the parents or legal guardian of the results. No information obtained under this section from the parents or guardian or from specimens from the infant may be disclosed except for such information as the parent or guardian consents to be released, and except for use in statistical data compiled by the department without reference to the identity of any individual.

SECTION 6. 146.025 of the statutes is created to read:

146.025 Council on infant health screening. The council on infant health screening shall study the feasibility of testing of newborn infants for the purpose of discovering metabolic disorders. The council shall advise the department on the development and implementation of screening plans. The council shall report its findings on a yearly basis to the legislature and to the medical examining board.

SECTION 8. **Effective date.** This act shall take effect on the 181st day after its publication, except that SECTION 1m of this act shall take effect on the first day of the 48th month after the publication of this act.
