

1985 Assembly Bill 510

Date of enactment: **November 12, 1985**

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1985 Wisconsin Act 56

AN ACT to repeal 450.11 (2), (3) and (5); to renumber 49.90 (1) (a) and 940.27 (1) (b); to renumber and amend 49.90 (1m), 49.90 (4) and 49.90 (6); to amend subchapter VI (title) of chapter 115, 46.99 (3) (a), 49.90 (1) (c), 115.35 (1), 115.91 (1), 115.915, 115.92 (1) and (2) (a), 115.93 (1), 450.11 (title), 632.895 (7) and 940.27 (2) to (6) and (7) (a), (b) 1 and 2 and (c); to repeal and recreate 49.90 (1) (a); and to create 15.191 (5), 15.195 (5), 20.255 (1) (fm), 20.434, 20.435 (4) (dg), 46.24, 46.245, 46.93, 48.555, 49.90 (1) (a) 2 and 3, 49.90 (1) (cm), 49.90 (1m) (a) 2 and (b), 49.90 (4) (a) 2 and (b), 49.90 (6) (a) 2 and (b), 49.90 (11), 118.019, 146.78, 940.13, 940.15, 940.27 (1) (b), 940.27 (2m), (3m), (4m), (5m), (6m), (7m) and (8) and 943.145 of the statutes, relating to creation of an adolescent pregnancy prevention and pregnancy services board, grants for adolescent pregnancy prevention programs and pregnancy services, human growth and development instruction programs, a school age parents program, a state adoption center, criminal trespass to a medical facility, grandparents' support of children of their minor children, maternity coverage in group disability insurance policies, informed consent to obtaining an abortion, abortion prohibitions, notification policy concerning an abortion for a minor, assistance to minors concerning abortion notification, nonprescription contraceptives, granting rule-making authority, providing a penalty and making appropriations.

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

SECTION 1. Title of act. This act may be cited as the "Abortion Prevention and Family Responsibility Act of 1985".

SECTION 2. Legislative findings. (1) The legislature finds that the high number of unintended or unwanted pregnancies and the resultant high number of abortions is a tragic and undesirable consequence of complex societal problems. Strong efforts must be made to ensure that unintended pregnancies do not become unwanted pregnancies. Strong efforts also must be made to reduce the number of unintended pregnancies and to promote programs that enhance the use of options other than abortion. The legislature finds that a multifaceted approach to reducing abortions is necessary and desirable and must involve not only private and public institutions and agencies but, more important, families. Health care providers, public and private schools, social service agencies, community and volunteer groups and members of the clergy must work with families and develop programs to promote constructive life values and responsible behavior, with emphasis on educating and counseling adolescents.

(2) The legislature finds that programs must be made available to assist adolescents in acquiring decision-making skills, enhancing their self-esteem, learning responsible behavior and realizing their full potential. The legislature believes that prevention of unintended pregnancies among adolescents will increase the possibility that adolescents will obtain necessary living skills prior to having children.

(3) The legislature believes that adolescents should be encouraged to take responsibility for the consequences of their actions. It is clear that among adoles-

cents the burden of unwanted pregnancies presently is borne by the adolescent mothers and that ways must be found for adolescent fathers, as well as the parents of adolescents, to share in this responsibility. During pregnancy and after pregnancy, adolescent parents should be informed on how to keep themselves and their babies healthy and should be given the skills needed to achieve economic self-sufficiency. The legislature further finds that there is a need for increased awareness, especially among adolescents, of the availability of adoption as a potential alternative to abortion.

(4) The legislature finds that while this act carries a state financial commitment, that commitment will be repaid many times in economic, social and human terms.

SECTION 3. 15.191 (5) of the statutes is created to read:

15.191 (5) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD. The adolescent pregnancy prevention and pregnancy services board shall have the program responsibilities specified for the board under s. 46.93 (2).

SECTION 4. 15.195 (5) of the statutes is created to read:

15.195 (5) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD. There is created an adolescent pregnancy prevention and pregnancy services board which is attached to the department of health and social services under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2) (intro.), one member shall be the executive director of the women's council under s. 16.01, who shall be a nonvoting member and shall serve permanently as chairperson of the board. Six members shall be state employes who are appointed for membership by the

women's council and shall be nonvoting members. The remaining 6 members shall be appointed for 3-year terms, shall represent an equal balance of points of view on pregnancy prevention and pregnancy ser-

vices and shall be persons who are nominated for membership by statewide organizations that together represent an equal balance of points of view on pregnancy prevention and pregnancy services.

SECTION 5. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			<u>1985-86</u>	<u>1986-87</u>
20.255	Public instruction, department of			
(1)	EDUCATIONAL LEADER- SHIP			
(fm)	Human growth and development grants	GPR A	100, 000	200, 000
20.434	Adolescent pregnancy prevention and pregnancy services board			
(1)	ADOLESCENT PREGNANCY PREVENTION AND SERVICES			
(a)	General program operations	GPR A	32, 700	63, 400
(b)	Grants to organizations	GPR A	303, 900	600, 000
20.435	Health and social services, department of			
(4)	COMMUNITY SERVICES			
(dg)	State adoption center	GPR A	65, 000	135, 000

SECTION 6. 20.255 (1) (fm) of the statutes is created to read:

20.255 (1) (fm) *Human growth and development grants.* The amounts in the schedule for human growth and development grants under s. 118.019 (6).

SECTION 7. 20.434 of the statutes is created to read:

20.434 Adolescent pregnancy prevention and pregnancy services board. There is appropriated to the adolescent pregnancy prevention and pregnancy services board for the following program:

(1) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES. (a) *General program operations.* The amounts in the schedule to be used for the operating expenses of the adolescent pregnancy prevention and pregnancy services board under s. 46.93 (3).

(b) *Grants to organizations.* The amounts in the schedule to be used for grants to organizations under s. 46.93 (2).

SECTION 8. 20.435 (4) (dg) of the statutes is created to read:

20.435 (4) (dg) *State adoption center.* The amounts in the schedule to operate a state adoption center under s. 48.555.

SECTION 9. 46.24 of the statutes is created to read:

46.24 Assistance to minors concerning abortion notification. If a minor who is contemplating an abortion requests assistance from a county agency providing services under s. 46.034, 46.22, 46.23 or 49.51 in notifying his or her parent or guardian of the contemplated abortion, the county shall provide assistance, including, if so requested, accompanying the minor for the notification of his or her parent or guardian.

SECTION 9m. 46.245 of the statutes is created to read:

46.245 Information for pregnant women. In any county in which a hospital, clinic or other facility in which abortions are performed is located, a county agency providing services under s. 46.034, 46.22, 46.23 or 49.51 shall prepare the lists specified under s. 146.78 (2). The county agency shall distribute the lists to each of those hospitals, clinics or other facilities.

SECTION 10. 46.93 of the statutes is created to read:

46.93 Adolescent pregnancy prevention programs and pregnancy services. (1) LEGISLATIVE FINDINGS. The legislature finds that the 1,100,000 annual unintended or unwanted adolescent pregnancies in the United States, as estimated by the federal national center for health statistics, is a tragic and undesirable consequence of complex societal problems. The legislature recognizes that there is a lack of adequate health care, education, counseling and vocational training for adolescents which may provide positive options to adolescents in the area of pregnancy and parenting. To reduce the incidence, and adverse consequences, of adolescent pregnancy, the legislature finds that adolescent pregnancy prevention programs and pregnancy services are essential to encourage and implement community programs which address the complex societal problems facing adolescents and provide positive options to adolescent pregnancy.

(1m) DEFINITIONS. In this section:

(a) "Adolescent" means a person under the age of 18 years.

(b) "Board" means the adolescent pregnancy prevention and pregnancy services board under s. 15.195 (5).

(c) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(d) "Organization" means a nonprofit corporation or a public agency which provides or proposes to provide adolescent pregnancy prevention programs or pregnancy services or both.

(e) "Public agency" means a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(2) PURPOSE; ALLOCATION. From the appropriation under s. 20.434 (1) (b), the board shall review and either approve for award or disapprove grant applications from applying organizations to provide for adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling and vocational training. Types of services and programs that are eligible for grants include all of the following:

(a) Adolescent health clinics located in schools.

(b) A statewide communications media campaign to discourage adolescent sexual activity and encourage the assumption of responsibility by adolescents, including male adolescent responsibility, for their sexual activity and for parenting.

(c) Adoption counseling for adolescents.

(d) Residential facilities for pregnant adolescents.

(e) Adult role model programs for adolescents.

(3) STAFF AND SALARIES. The salaries of the board staff and all actual and necessary operating expenses of the board shall be paid from the appropriation under s. 20.434 (1) (a).

(4) PROHIBITED USES OF FUNDS. Funds received by an organization under a grant awarded under this section may not be used for any of the following:

(a) Purchasing or dispensing contraceptives in adolescent health clinics located in schools.

(b) Providing abortions.

(c) Advertising abortion services in a statewide communications media campaign.

SECTION 11. 46.99 (3) (a) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.99 (3) (a) It has established or will establish a school age ~~mother~~ parent program under subch. VI of ch. 115.

SECTION 12. 48.555 of the statutes is created to read:

48.555 State adoption center. (1) The department shall establish a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. 20.435 (4) (dg), the department may contract with individuals and private agencies to operate the adoption center.

(2) The department shall promulgate rules specifying the functions of the state adoption center, which shall include:

(a) Training persons who provide counseling to adolescents including school counselors, county employes providing child welfare services under s. 48.56 (1) and family planning clinic employes.

(b) Seeking persons to undergo training.

(c) Operating a toll-free telephone number to provide information and referral services.

(d) Distributing pamphlets which provide information on the availability of adoption services.

(e) Promoting adoption through the communications media.

SECTION 13. 49.90 (1) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 49.90 (1) (a) 1.

SECTION 14. 49.90 (1) (a) of the statutes, as affected by 1985 Wisconsin Acts 29 and (this act), is repealed and recreated to read:

49.90 (1) (a) The parent and spouse of any dependent person who is unable to maintain himself or herself shall maintain such dependent person, so far as able, in a manner approved by the authorities having charge of the dependent, or by the board in charge of the institution where such dependent person is; but no parent shall be required to support a child 18 years of age or older.

SECTION 15. 49.90 (1) (a) 2 and 3 of the statutes are created to read:

49.90 (1) (a) 2. Except as provided under sub. (11), the parent of a dependent person under the age of 18 shall maintain a child of the dependent person so far as the parent is able and to the extent that the dependent person is unable to do so. This requirement does not supplant any requirement under subd. 1.

3. Subdivision 2 does not apply after December 31, 1989.

SECTION 16. 49.90 (1) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.90 (1) (c) ~~For~~ Before January 1, 1990, for the purpose of determining the ability of a parent or spouse to maintain a dependent person or the ability of a parent to support the child of his or her dependent child under the age of 18, credit granted under s. 71.09 (7) shall not be considered.

SECTION 17. 49.90 (1) (cm) of the statutes is created to read:

49.90 (1) (cm) After December 31, 1989, for the purpose of determining the ability of a parent or spouse to maintain a dependent person, credit granted under s. 71.09 (7) shall not be considered.

SECTION 18. 49.90 (1m) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 49.90 (1m) (a) 1 and amended to read:

49.90 (1m) (a) 1. Each spouse has an equal obligation to support the other spouse as provided in this

chapter. Each parent has an equal obligation to support his or her minor children as provided in this chapter and ch. 48. Each parent of a dependent person under the age of 18 has an equal obligation to support the child of the dependent person as provided under sub. (1) (a) 2.

SECTION 19. 49.90 (1m) (a) 2 and (b) of the statutes are created to read:

49.90 (1m) (a) 2. Subdivision 1 does not apply after December 31, 1989.

(b) 1. Each spouse has an equal obligation to support the other spouse as provided in this chapter. Each parent has an equal obligation to support his or her minor children as provided in this chapter and ch. 48.

2. Subdivision 1 applies after December 31, 1989.

SECTION 20. 49.90 (4) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 49.90 (4) (a) 1 and amended to read:

49.90 (4) (a) 1. The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability (considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First the husband or wife; then the father and the mother; and then the grandparents in the instances in which sub. (1) (a) 2 applies. The order shall specify a sum which will be sufficient for the support of the dependent person, to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person, but is able to contribute to the person's support, the court may direct 2 or more of the relatives to maintain the person and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person, but are able to contribute to the person's support, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health and social services and distributed as required by state and federal law. Upon application of any party affected by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

SECTION 21. 49.90 (4) (a) 2 and (b) of the statutes are created to read:

49.90 (4) (a) 2. Subdivision 1 does not apply after December 31, 1989.

(b) 1. The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability (considering their own future maintenance

and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First the husband or wife; then the father and the mother. The order shall specify a sum which will be sufficient for the support of the dependent person, to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person, but is able to contribute to the person's support, the court may direct 2 or more of the relatives to maintain the person and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person, but are able to contribute to the person's support, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health and social services and distributed as required by state and federal law. Upon application of any party affected by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

2. Subdivision 1 applies after December 31, 1989.

SECTION 22. 49.90 (6) of the statutes, as affected by 1985 Wisconsin Act 29, section 1113, is renumbered 49.90 (6) (a) 1 and amended to read:

49.90 (6) (a) 1. If any relative who has been ordered to maintain an institutionalized dependent person or an institutionalized child of a dependent person under 18 years of age neglects to do as ordered, the authorities in charge of the dependent or child ~~or board~~ in charge of the institution may recover in an action on behalf of the municipality or county or institution for general relief or support accorded the dependent person or child against such relative the sum prescribed for each week the order was disobeyed up to the time of judgment, with costs.

SECTION 23. 49.90 (6) (a) 2 and (b) of the statutes are created to read:

49.90 (6) (a) 2. Subdivision 1 does not apply after December 31, 1989.

(b) 1. If any relative who has been ordered to maintain an institutionalized dependent person neglects to do as ordered, the authorities in charge of the dependent or in charge of the institution may recover in an action on behalf of the general relief agency or institution for general relief or support accorded the dependent person against such relative the sum prescribed for each week the order was disobeyed up to the time of judgment, with costs.

(b) 2. Subdivision 2 applies after December 31, 1989.

SECTION 24. 49.90 (11) of the statutes is created to read:

49.90 (11) (a) The parent of a dependent person who is under the age of 18 and is alleged to be the father of a child is responsible for maintenance of that child only if the paternity of the child has been determined to be that of the dependent person as provided in subch. VIII of ch. 48 or under ss. 767.45 to 767.60.

(b) Paragraph (a) does not apply after December 31, 1989.

SECTION 25. 115.35 (1) of the statutes is amended to read:

115.35 (1) A critical health problems education program is established in the department. The program shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him or her to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to critical health problems and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: controlled substances, as defined in s. 161.01 (4); alcohol; tobacco; mental health; sexually transmitted diseases; human growth and development; and related health and safety topics. Participation in the human growth and development topic of the curricula shall be entirely voluntary. The department may not require a school board to use a specific human growth and development curriculum.

SECTION 26. Subchapter VI (title) of chapter 115 of the statutes is amended to read:

CHAPTER 115

SUBCHAPTER VI

EDUCATION FOR SCHOOL AGE PARENTS

SECTION 27. 115.91 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

115.91 (1) "School age ~~mother parent~~" means any person under the age of 21 who is not a high school graduate and is ~~either pregnant or, a parent, an expectant parent or a person who has been pregnant within the immediately preceding 120 days, has given birth or had her pregnancy otherwise terminated.~~

SECTION 28. 115.915 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

115.915 Availability of program services and modifications. Each school board shall make available to any school age mother parent who is a resident of the school district program modifications and services that will enable the pupil to continue his or her education.

SECTION 29. 115.92 (1) and (2) (a) of the statutes are amended to read:

115.92 (1) Any school board may establish a program for school age mothers parents who are residents of the school district. The program shall be designed to provide services and instruction to meet the needs

of school age mothers parents, including education on the skills required of a parent; family planning, including natural family planning; and information on adoption services. The program shall be coordinated with existing vocational and job training programs in the school district.

(2) (a) Annually, and at such other times as the department requires, every school board that establishes a program under this subchapter shall submit a written report to the department. The report shall specify the number of school age mothers parents instructed or provided service, their residences and the period of time each was instructed or otherwise served during the school year.

SECTION 30. 115.93 (1) of the statutes is amended to read:

115.93 (1) Except as provided under sub. (2), if, upon receipt of the reports under s. 115.92 (2), the state superintendent is satisfied that the school age mothers' parents program has been maintained during the preceding school year in accordance with the rules under s. 115.92 (3), he or she shall certify to the department of administration in favor of each school district maintaining the program a sum equal to 63% of the amount expended by the school district during the preceding school year for salaries of teachers and instructional aids, special transportation and other expenses approved by the state superintendent. The department of administration shall pay such amounts to the school district from the appropriation under s. 20.255 (2) (b).

SECTION 31. 118.019 of the statutes is created to read:

118.019 Human growth and development instruction.

(1) PURPOSE. The purpose of this section is to encourage all school boards to make available to pupils instruction in topics related to human growth and development in order to promote accurate and comprehensive knowledge in this area and responsible decision making and to support and enhance the efforts of parents to provide moral guidance to their children.

(2) SUBJECTS. A school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the program shall offer information and instruction appropriate to each grade level and the age and level of maturity of the pupils. The program may include instruction in any of the following areas:

(a) Self-esteem, responsible decision making and personal responsibility.

(b) Interpersonal relationships.

(c) Discouragement of adolescent sexual activity.

(d) Family life and skills required of a parent.

(e) Human sexuality; reproduction; contraception, including natural family planning; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male responsibility.

(f) Sex stereotypes and protective behavior.

(3) **DISTRIBUTION OF CURRICULUM TO PARENTS.** Each school board that provides an instructional program in human growth and development shall annually provide the parents of each pupil enrolled in the school district with an outline of the human growth and development curriculum used in the pupil's grade level and information regarding how the parent may inspect the complete curriculum and instructional materials. The school board shall make the complete human growth and development curriculum and all instructional materials available upon request for inspection at any time, including prior to their use in the classroom.

(4) **EXEMPTION FOR INDIVIDUAL PUPILS.** No pupil may be required to take instruction in human growth and development or in the specific subjects under sub. (2) if the pupil's parent files with the teacher or school principal a written request that the pupil be exempted.

(5) **ADVISORY COMMITTEE.** Each school board shall appoint an advisory committee composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy and other residents of the school district. The advisory committee shall develop a human growth and development curriculum and advise the school board on the design, review and implementation of the advisory committee's human growth and development curriculum. The advisory committee shall review the curriculum at least every 3 years and shall file a written report with the department indicating it has done so.

(6) **GRANTS.** (a) From the appropriation under s. 20.255 (1) (fm), the department may award grants to any of the following:

1. A school board, to assist the board in developing or improving a human growth and development curriculum.

2. A cooperative educational service agency, to enable the agency to provide technical assistance to a school board to develop or improve a human growth and development curriculum.

(b) Notwithstanding sub. (2) (intro.), no grant may be awarded under par. (a) unless the school board receiving a grant under par. (a) 1 or being assisted by a cooperative educational service agency receiving a grant under par. (a) 2 first agrees to include instruction in all of the areas specified under sub. (2) (a) to (f).

SECTION 32. 146.78 of the statutes is created to read:

146.78 Informed consent for abortions. (1) **MEDICAL AND OTHER INFORMATION.** Prior to the performance of an abortion otherwise permitted by law, the attending physician or a person who is assisting the attending physician:

(a) Shall verbally provide the pregnant woman with accurate information on each of the following:

1. Whether or not, according to the best judgment of the attending physician or the person who is assisting the attending physician, the woman is pregnant.

2. The number of weeks that have elapsed from the probable time of conception of the woman's fetus or unborn child, based upon the information provided by her as to the time of her last menstrual period, which information shall be provided after a medical history, physical examination and any appropriate laboratory tests have been completed for the woman.

3. The availability of public and private agencies and services to provide the woman with birth control information, including natural family planning information.

4. The availability of public and private agencies and services to assist the woman during pregnancy and after the birth of her child, if she chooses not to have an abortion, regardless of whether she keeps the child or places the child for adoption.

5. If the woman is a minor, the availability of services under s. 46.24 to assist a minor contemplating an abortion who wishes to notify a parent or guardian of the contemplated abortion.

6. Any particular risks associated with the woman's pregnancy and the abortion technique to be employed, including at least a general description of the medical instructions it is recommended that she follow subsequent to the abortion to ensure her safe recovery and other information which in the judgment of the attending physician or the person who is assisting the attending physician is relevant to her decision whether to have an abortion or to carry her pregnancy to term.

(b) Shall, if the pregnant woman is a minor, provide her with a copy of the written policy under sub. (5) (a).

(c) May verbally provide the pregnant woman with accurate information on the probable physical characteristics of the fetus or unborn child at the gestational point of development of the fetus or unborn child at the time the abortion is to be performed.

(2) **WRITTEN INFORMATION UPON REQUEST.** The attending physician or a person who is assisting the attending physician under sub. (1) shall, upon request of the woman receiving information under that subsection provide her with the following written information provided by the county agency under s. 46.245:

(a) A list of the public and private agencies and services that are available to provide the woman with birth control information, including natural family planning information.

(b) A list of the public and private agencies and services that are available to assist the woman during pregnancy and after the birth of her child, including adoption agencies and services.

(3) **CONSENT STATEMENT.** Following the provision of the information required under subs. (1) and (2), the pregnant woman shall, prior to the performance of any abortion, sign a statement acknowledging that she has been provided with that information and stating that she consents, freely and without coercion, to the abortion.

(4) **EMERGENCY PROCEDURE.** Subsections (1) to (3) do not apply if there is an emergency requiring abortion performance because the continuation of the pregnancy constitutes an immediate threat and a grave risk to the life and health of the woman and if the attending physician so certifies in writing. The written certification shall set forth the nature of the threat or risk and the consequences which would accompany the continuation of the pregnancy. The certification shall be kept with the woman's other medical records which are maintained by the physician in the hospital, clinic or other facility in which the abortion is performed.

(5) **PARENTAL NOTIFICATION FOR ABORTION FOR A MINOR.** (a) Each hospital, clinic or other facility in which a physician performs an abortion shall have a written policy regarding notification of parents or guardians of minor patients who are seeking an abortion.

(b) A copy of the policy under par. (a) shall be given to each minor patient seeking an abortion.

(c) The policy shall require that the hospital, clinic or other facility personnel strongly encourage the minor patient to consult her parents or guardian regarding the abortion unless the minor has a valid reason for not doing so or, if the personnel determine that there is a valid reason for the minor patient not to notify the parents or guardian, that the personnel encourage the patient to notify another family member, close family friend, school counselor, social worker or other appropriate person. The policy shall also include the following information:

1. The availability of services under s. 46.24 to assist a minor contemplating an abortion who wishes to notify a parent or guardian of the contemplated abortion.

2. That the hospital, clinic or other facility and persons affiliated with the facility may not notify the minor's parent or guardian concerning an abortion performed or to be performed, without the written consent of the minor, as specified in par. (d).

(d) No hospital, clinic or other facility in which abortions are performed and no person affiliated with the hospital, clinic or facility may notify the parent or guardian of a minor concerning an abortion performed or to be performed on a minor without the written consent of the minor.

(e) Each hospital, clinic or other facility in which a physician performs an abortion shall file a copy of the policy under par. (a) annually with the department of health and social services.

(6) **INAPPLICABILITY.** Section 939.61 (1) does not apply to violations of this section.

SECTION 32g. 450.11 (title) of the statutes is amended to read:

450.11 (title) Sale of contraceptives prohibited in certain cases.

SECTION 32m. 450.11 (2), (3) and (5) of the statutes are repealed.

SECTION 33. 632.895 (7) of the statutes is amended to read:

632.895 (7) (title) **MATERNITY COVERAGE.** Every group disability insurance policy which provides ~~coverage of dependent children and~~ maternity coverage for ~~any individual~~ shall provide maternity coverage for ~~dependent children~~ all persons covered under the policy. Coverage required under this subsection may not be subject to exclusions or limitations which are not applied to other maternity coverage under the policy.

SECTION 34. 940.13 of the statutes is created to read:

940.13 Abortion exception. No fine or imprisonment may be imposed or enforced against and no prosecution may be brought against a woman who obtains an abortion or otherwise violates any provision of any abortion statute with respect to her unborn child or fetus, and s. 939.05, 939.30 or 939.31 does not apply to a woman who obtains an abortion or otherwise violates any provision of any abortion statute with respect to her unborn child or fetus.

SECTION 35. 940.15 of the statutes is created to read:

940.15 Abortion. (1) In this section, "viability" means that stage of fetal development when, in the medical judgment of the attending physician based on the particular facts of the case before him or her, there is a reasonable likelihood of sustained survival of the fetus outside the womb, with or without artificial support.

(2) Whoever intentionally performs an abortion after the fetus or unborn child reaches viability, as determined by reasonable medical judgment of the woman's attending physician, is guilty of a Class E felony.

(3) Subsection (2) does not apply if the abortion is necessary to preserve the life or health of the woman, as determined by reasonable medical judgment of the woman's attending physician.

(4) Any abortion performed under sub. (3) after viability of the fetus or unborn child, as determined by reasonable medical judgment of the woman's attending physician, shall be performed in a hospital on an inpatient basis.

(5) Whoever intentionally performs an abortion and who is not a physician is guilty of a Class E felony.

(6) Any physician who intentionally performs an abortion under sub. (3) shall use that method of abortion which, of those he or she knows to be available, is in his or her medical judgment most likely to preserve the life and health of the fetus or unborn child. Nothing in this subsection requires a physician performing an abortion to employ a method of abortion which, in his or her medical judgment based on the particular facts of the case before him or her, would increase the risk to the woman. Any physician violating this subsection is guilty of a Class E felony.

(7) Subsections (2) to (6) and s. 939.05, 939.30 or 939.31 do not apply to a woman who obtains an abortion that is in violation of this section or otherwise violates this section with respect to her unborn child or fetus.

SECTION 36. 940.27 (1) (b) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 940.27 (1) (c).

SECTION 37. 940.27 (1) (b) of the statutes is created to read:

940.27 (1) (b) 1. "Grandchild support" means an amount which a person is legally obligated to provide under s. 49.90 (1) (a) 2 and (11).

2. Subdivision 1 does not apply after December 31, 1989.

SECTION 38. 940.27 (2) to (6) and (7) (a), (b) 1 and 2 and (c) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

940.27 (2) ~~Any~~ Before January 1, 1990, any person who intentionally fails for 120 or more consecutive days to provide spousal, grandchild or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class E felony.

(3) ~~Any~~ Before January 1, 1990, any person who intentionally fails for less than 120 consecutive days to provide spousal, grandchild or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class A misdemeanor.

(4) ~~Under~~ Before January 1, 1990, under this section, the following is prima facie evidence of intentional failure to provide child, grandchild or spousal support:

(a) ~~For~~ Before January 1, 1990, for a person subject to a court order requiring child, grandchild or spousal support payments, failure to pay any child, grandchild or spousal support payment required under the order.

(b) ~~For~~ Before January 1, 1990, for a person not subject to a court order requiring child, grandchild or spousal support payments, failure to provide support equal to at least the amount set forth under s. 49.19 (11) (a) 1 or causing a spouse, grandchild or child to become a dependent person as defined in s. 49.01 (2).

(5) ~~Under~~ Before January 1, 1990, under this section, it is not a defense that child, grandchild or spousal support is provided wholly or partially by any other person.

(6) ~~Under~~ Before January 1, 1990, under this section, affirmative defenses include but are not limited to inability to provide child, grandchild or spousal support. A person may not demonstrate inability to provide child, grandchild or spousal support if the person is employable but, without reasonable excuse, either fails to diligently seek employment, terminates employment or reduces his or her earnings or assets.

(7) (a) Before January 1, 1990, before trial, upon petition by the complainant and notice to the defen-

dant, the court may enter a temporary order requiring payment of child, grandchild or spousal support.

(b) 1. ~~If~~ Before January 1, 1990, if a court order requiring the defendant to pay child, grandchild or spousal support exists, order the defendant to pay the amount required including any amount necessary to meet a past legal obligation for support and, if appropriate, modify that order.

2. ~~If~~ Before January 1, 1990, if no court order described under subd. 1 exists, enter such an order and do so, for orders for child or spousal support, after considering s. 767.25.

(c) ~~An~~ Before January 1, 1990, an order under par. (a) or (b), other than an order for grandchild support, constitutes an income assignment under s. 767.265 and may be enforced under s. 767.30. Any payment ordered under par. (a) or (b), other than a payment for grandchild support, shall be made in the manner provided under s. 767.29.

SECTION 39. 940.27 (2m), (3m), (4m), (5m), (6m), (7m) and (8) of the statutes are created to read:

940.27 (2m) After December 31, 1989, any person who intentionally fails for 120 or more consecutive days to provide spousal or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class E felony.

(3m) After December 31, 1989, any person who intentionally fails for less than 120 consecutive days to provide spousal or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class A misdemeanor.

(4m) After December 31, 1989, under this section, the following is prima facie evidence of intentional failure to provide child or spousal support:

(a) After December 31, 1989, for a person subject to a court order requiring child or spousal support payments, failure to pay any child or spousal support payment required under the order.

(b) After December 31, 1989, for a person not subject to a court order requiring child or spousal support payments, failure to provide support equal to at least the amount set forth under s. 49.19 (11) (a) 1 or causing a spouse or child to become a dependent person as defined in s. 49.01 (2).

(5m) After December 31, 1989, under this section, it is not a defense that child or spousal support is provided wholly or partially by any other person.

(6m) After December 31, 1989, under this section, affirmative defenses include but are not limited to inability to provide child or spousal support. A person may not demonstrate inability to provide child or spousal support if the person is employable but, without reasonable excuse, either fails to diligently seek employment, terminates employment or reduces his or her earnings or assets.

(7m) (a) After December 31, 1989, before trial, upon petition by the complainant and notice to the defendant, the court may enter a temporary order requiring payment of child or spousal support.

(b) In addition to or instead of imposing a penalty authorized for a Class E felony or a Class A misdemeanor, whichever is appropriate, the court shall:

1. After December 31, 1989, if a court order requiring the defendant to pay child or spousal support exists, order the defendant to pay the amount required including any amount necessary to meet a past legal obligation for support and, if appropriate, modify that order.

2. After December 31, 1989, if no court order described under subd. 1 exists, enter such an order after considering s. 767.25.

(c) After December 31, 1989, an order under par. (a) or (b) constitutes an income assignment under s. 767.265 and may be enforced under s. 767.30. Any payment ordered under par. (a) or (b) shall be made in the manner provided under s. 767.29.

(8) The provisions of any court order requiring payment of grandchild support payments, issued under this section prior to January 1, 1990, do not apply after December 31, 1989.

SECTION 40. 943.145 of the statutes is created to read:

943.145 Criminal trespass to a medical facility. (1) In this section, "medical facility" means a hospital under s. 50.33 (2) or a clinic or office that is used by a physician licensed under ch. 448 and that is subject to rules promulgated by the medical examining board for the clinic or office that are in effect on the effective date of this subsection [revisor inserts date].

(2) Whoever intentionally enters a medical facility without the consent of some person lawfully upon the premises, under circumstances tending to create or

provoke a breach of the peace, is guilty of a Class B misdemeanor.

(3) This section does not prohibit any person from participating in lawful conduct in labor disputes under s. 103.53.

SECTION 41. Nonstatutory provisions. (1) **ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.** (a) *Initial appointments.* Notwithstanding section 15.07 (1) (c) of the statutes, of the initial members of the adolescent pregnancy prevention and pregnancy services board under section 15.195 (5) of the statutes, as created by this act, 2 voting members shall be appointed for terms that expire on May 1, 1987, 2 voting members shall be appointed for terms that expire on May 1, 1988, and 2 voting members shall be appointed for terms that expire on May 1, 1989.

(b) *Position authorization.* Commencing on the effective date of this subsection, a total of 1.5 GPR positions are authorized for the adolescent pregnancy prevention and pregnancy services board to carry out the responsibilities of the board under section 46.93 (2) of the statutes.

(2) **HEALTH AND SOCIAL SERVICES; REPORT ON GRANDPARENT LIABILITY.** By January 1, 1989, the department of health and social services shall submit a report to the presiding officer of each house of the legislature concerning the impact of the requirements for grandparents' support of children of their minor children.

SECTION 42. Appropriation changes; public instruction. The appropriation to the department of public instruction under section 20.255 (2) (b) of the statutes, as affected by the acts of 1985, is increased by \$60,000 for fiscal year 1986-87 to provide additional funds for the changes in the school age parents program under this act.

SECTION 43. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
119.04 (1)	118.017	118.017, 118.019

SECTION 44. Initial applicability. The treatment of section 940.27 (2), (3), (4), (5), (6) and (7) (a), (b) 1 and 2 and (c) of the statutes and the creation of section 940.27 (1) (b) of the statutes by this act first apply to an action for recovery of grandchild support under an order or revision of an order filed on the effective date of this SECTION.

SECTION 45. Effective dates. (1) Except as provided in subsection (2), all sections of this act take effect on the day following publication.

(2) The repeal and recreation of section 49.90 (1) (a) of the statutes takes effect on January 1, 1990.