



**SENATE SUBSTITUTE AMENDMENT 2,
TO 1995 ASSEMBLY BILL 441**

March 7, 1996 – Offered by Senators HUELSMAN and MOEN.

1 **AN ACT** *to renumber and amend* 253.10 (1); *to amend* 48.375 (4) (a) 1., 253.10
2 (2) (intro.), 253.10 (3) and 253.10 (4); and *to create* 69.186 (1) (j) and 253.10 (1)
3 of the statutes; **relating to:** expanding requirements for a woman’s informed
4 consent for performance or inducement of an abortion and for consent to a
5 minor’s obtaining an abortion.

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

6 **SECTION 1.** 48.375 (4) (a) 1. of the statutes is amended to read:
7 48.375 (4) (a) 1. The person or the person’s agent has, either directly or through
8 a referring physician or his or her agent, received and made part of the minor’s
9 medical record, under the requirements of s. 253.10, the voluntary and informed
10 written consent of the minor and the voluntary and informed written consent of one
11 of her parents; or of the minor’s guardian or legal custodian, if one has been
12 appointed; or of an adult family member of the minor; or of one of the minor’s foster
13 parents or treatment foster parents, if the minor has been placed in a foster home
14 or treatment foster home and the minor’s parent has signed a waiver granting the

1 department, a county department, the foster parent or the treatment foster parent
2 the authority to consent to medical services or treatment on behalf of the minor.

3 **SECTION 2.** 69.186 (1) (j) of the statutes is created to read:

4 69.186 (1) (j) If the patient is a minor, whether consent was provided under s.
5 48.375 (4) (a) 1. for the abortion and, if so, the relationship of the individual providing
6 consent to the minor; or, if consent under s. 48.375 (4) (a) 1. was not provided, on
7 which of the bases under s. 48.375 (4) (a) 2. or (b) 1., 1g., 1m., 2. or 3. the abortion was
8 performed.

9 **SECTION 3.** 253.10 (1) of the statutes is renumbered 253.10 (1m), and 253.10
10 (1m) (intro.) and (a) 1. and 6., as renumbered, are amended to read:

11 253.10 (1m) MEDICAL AND OTHER INFORMATION. (intro.) ~~Prior~~ At least 24 hours
12 prior to the performance of an abortion otherwise permitted by law, the attending
13 physician who is to perform or induce the abortion, another qualified physician or a
14 person who is assisting the attending physician who is to perform or induce the
15 abortion:

16 (a) 1. Whether or not, according to the best judgment of the ~~attending~~ physician
17 who is to perform or induce the abortion, another qualified physician or the person
18 who is assisting the ~~attending~~ physician who is to perform or induce the abortion, the
19 woman is pregnant.

20 6. Any particular risks associated with the woman's pregnancy and the
21 abortion technique to be employed, including at least a general description of the
22 medical instructions it is recommended that she follow subsequent to the abortion
23 to ensure her safe recovery and other information which in the judgment of the
24 attending physician who is to perform or induce the abortion, another qualified
25 physician or the person who is assisting the attending physician who is to perform

1 or induce the abortion is relevant to her decision whether to have an abortion or to
2 carry her pregnancy to term.

3 **SECTION 4.** 253.10 (1) of the statutes is created to read:

4 253.10 (1) DEFINITION. In this section, “qualified physician” means a physician
5 who by training or experience is qualified to provide counseling to a woman who is
6 seeking an abortion and to provide her with the information necessary to make an
7 informed decision.

8 **SECTION 5.** 253.10 (2) (intro.) of the statutes is amended to read:

9 253.10 (2) WRITTEN INFORMATION UPON REQUEST. (intro.) The attending
10 physician who is to perform or induce the abortion or a person who is assisting the
11 attending physician ~~under sub. (1) who is to perform or induce the abortion~~ shall,
12 upon request of the woman receiving information under ~~that subsection~~ sub. (1m),
13 provide her with the following written information provided by the county
14 department under s. 46.245:

15 **SECTION 6.** 253.10 (3) of the statutes is amended to read:

16 253.10 (3) CONSENT STATEMENT. Following the provision of the information
17 required under subs. ~~(1)~~ (1m) and (2), the pregnant woman shall, prior to the
18 performance of any abortion, sign a statement acknowledging that she has been
19 provided with that information and stating that she consents, freely and without
20 coercion, to the abortion.

21 **SECTION 7.** 253.10 (4) of the statutes is amended to read:

22 253.10 (4) EMERGENCY PROCEDURE. Subsections ~~(1)~~ (1m) to (3) do not apply if
23 ~~there is an emergency requiring abortion performance because the continuation of~~
24 ~~the pregnancy constitutes an immediate threat and a grave risk to the life and health~~
25 ~~of the woman~~ the physician who is to perform or induce the abortion or another

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1 qualified physician believes, to the best of his or her medical judgment based on the
2 facts of the case before him or her, that a medical emergency exists that complicates
3 the pregnancy so as to require an immediate abortion and if the attending physician
4 so certifies in writing. The written certification shall set forth the nature of the
5 ~~threat or risk~~ medical emergency and the consequences which would accompany the
6 continuation of the pregnancy. The certification shall be kept with the woman's other
7 medical records which are maintained by the physician ~~in the hospital, clinic or other~~
8 ~~facility in which the abortion is performed.~~

9 (END)