



State of Wisconsin
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 67**

April 21, 2003 – Offered by Representative HUNDERTMARK.

1 **AN ACT** *to renumber and amend* 111.337 (1), 253.09 (1), 441.06 (6) and 448.03
2 (5) (a); *to amend* 154.03 (1) (intro.), 155.60 (3), 253.09 (title), 253.09 (2), 253.09
3 (3), 253.09 (4) (a), 253.09 (4) (b) 1., 253.09 (4) (b) 2., 441.06 (title) and 448.03 (5)
4 (title); and *to create* 111.337 (1g), 111.337 (1r) (b), 253.09 (1g), 253.09 (1r) (a)
5 1. to 8., 253.09 (5), 441.06 (6) (a), 441.06 (6) (b) 1. to 8., 441.06 (7), 441.06 (8),
6 448.03 (5) (ag), 448.03 (5) (am) 1. to 8., 448.03 (5) (ao), 448.03 (5) (ar) and
7 450.135 of the statutes; **relating to:** employment discrimination based on
8 creed; exemption from liability and discipline for health care providers and
9 hospital employees who refuse to participate in sterilization, abortion, assisted
10 suicide, and other procedures on moral or religious grounds; and power of
11 attorney for health care instruments and patient declarations regarding the
12 withholding or withdrawal of life-sustaining procedures or feeding tubes.

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

1 **SECTION 1.** 111.337 (1) of the statutes is renumbered 111.337 (1r) (intro.) and
2 amended to read:

3 111.337 **(1r)** (intro.) Employment discrimination because of creed includes, but
4 is not limited to, ~~refusing~~ any of the following:

5 (a) ~~Refusing~~ to reasonably accommodate an employee’s or prospective
6 employee’s religious observance or practice unless the employer can demonstrate
7 that the accommodation would pose an undue hardship on the employer’s program,
8 enterprise, or business.

9 **SECTION 2.** 111.337 (1g) of the statutes is created to read:

10 111.337 **(1g)** In this section:

11 (a) “Human embryo” means a human organism that is derived by fertilization,
12 parthenogenesis, cloning, or any other means from one or more human gametes or
13 human diploid cells. “Human embryo” includes a zygote but does not include a
14 human organism at or beyond the stage of development at which the major body
15 structures are present.

16 (b) “In vitro human embryo” means a human embryo, whether cryopreserved
17 or not, living outside of a woman’s body.

18 (c) “Participate in” means to perform; practice; engage in; assist in; recommend;
19 counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or
20 devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or
21 otherwise promote, encourage, or aid.

22 **SECTION 3.** 111.337 (1r) (b) of the statutes is created to read:

23 111.337 **(1r)** (b) Discriminating against an employee or prospective employee
24 by engaging in any of the actions prohibited under s. 111.322 on the basis of the
25 employee’s or prospective employee’s refusal, or statement of an intention to refuse,

1 whether or not in writing, based on his or her creed, to participate in any of the
2 following:

3 1. A sterilization procedure.

4 2. An abortion, as defined in s. 253.10 (2) (a).

5 3. An experiment or medical procedure that destroys an in vitro human embryo
6 or uses cells or tissue derived from the destruction of an in vitro human embryo.

7 4. An experiment or medical procedure on an in vitro human embryo that is not
8 related to the beneficial treatment of the in vitro human embryo.

9 5. An experiment or medical procedure on a developing child in a natural or
10 artificial womb, at any stage of development, that is not related to the beneficial
11 treatment of the developing child.

12 6. A procedure, including a transplant procedure, that uses fetal tissue or
13 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
14 miscarriage.

15 7. The withholding or withdrawal of nutrition or hydration, if the withholding
16 or withdrawal of nutrition or hydration would result in the patient's death from
17 malnutrition or dehydration, or complications of malnutrition or dehydration, rather
18 than from the underlying terminal illness or injury, unless the administration of
19 nutrition or hydration is medically contraindicated.

20 8. An act that intentionally causes or assists in causing the death of an
21 individual, such as by assisted suicide, euthanasia, or mercy killing.

22 **SECTION 4.** 154.03 (1) (intro.) of the statutes is amended to read:

23 154.03 (1) (intro.) Any person of sound mind and 18 years of age or older may
24 at any time voluntarily execute a declaration, which shall take effect on the date of
25 execution, authorizing the withholding or withdrawal of life-sustaining procedures

1 or of feeding tubes when the person is in a terminal condition or is in a persistent
2 vegetative state. A declarant may not authorize the withholding or withdrawal of
3 any medication, life-sustaining procedure, or feeding tube if the declarant's
4 attending physician advises that, in his or her professional judgment, the
5 withholding or withdrawal will cause the declarant pain or reduce the declarant's
6 comfort and the pain or discomfort cannot be alleviated through pain relief
7 measures. A declarant may not authorize the withholding or withdrawal of nutrition
8 or hydration that is administered or otherwise received by the declarant through
9 means other than a feeding tube unless the declarant's attending physician advises
10 that, in his or her professional judgment, the administration is medically
11 contraindicated. A declaration must be signed by the declarant in the presence of 2
12 witnesses. If the declarant is physically unable to sign a declaration, the declaration
13 must be signed in the declarant's name by one of the witnesses or some other person
14 at the declarant's express direction and in his or her presence; such a proxy signing
15 shall either take place or be acknowledged by the declarant in the presence of 2
16 witnesses. The declarant is responsible for notifying his or her attending physician
17 of the existence of the declaration. An attending physician who is so notified shall
18 immediately review the declaration and, if the physician intends to invoke his or her
19 rights under s. 253.09, shall, as soon as possible, inform the declarant orally and in
20 writing of that intent and of the physician's concerns, if any, about the declaration.
21 An attending physician who is so notified shall also make the declaration a part of
22 the declarant's medical records. No witness to the execution of the declaration may,
23 at the time of the execution, be any of the following:

24 **SECTION 5.** 155.60 (3) of the statutes is amended to read:

1 155.60 (3) Upon receipt of a power of attorney for health care instrument or a
2 statement of incapacity under s. 155.05 (2), a health care facility or health care
3 provider shall acknowledge this receipt in writing and, if the principal is a patient
4 of the health care provider, the health care provider shall include the instrument or
5 the statement in the medical record of the principal. In addition, if the health care
6 provider is a physician and the principal is a patient of the physician, the physician
7 shall immediately review the instrument or statement and, if the physician intends
8 to invoke his or her rights under s. 253.09, shall, as soon as possible, inform the
9 principal orally and in writing of that intent and of the physician's concerns, if any,
10 about the instrument or statement.

11 **SECTION 6.** 253.09 (title) of the statutes is amended to read:

12 **253.09** (title) **Abortion—refused Refusal to participate in certain**
13 **practices; no liability; no discrimination.**

14 **SECTION 7.** 253.09 (1) of the statutes is renumbered 253.09 (1r) (a) (intro.) and
15 amended to read:

16 253.09 (1r) (a) (intro.) No hospital ~~shall be~~ is required to admit any patient or
17 to allow the use of the hospital facilities for the purpose of performing ~~a sterilization~~
18 ~~procedure or removing a human embryo or fetus.~~ any of the following:

19 (b) A physician or any other person who is a member of or associated with the
20 staff of a hospital, or any employee of a hospital in which such a procedure the
21 performance of an activity specified in par. (a) 1. to 8. has been authorized, who shall
22 state in writing his or her objection to the performance of or providing assistance to
23 such a procedure, in writing, refuses, or states an intention to refuse, to participate
24 in the activity on moral or religious grounds shall may not be required to participate
25 in such medical procedure, and the activity.

1 (c) A physician or any other person who is a member of or associated with the
2 staff of a hospital, or any employee of a hospital, is immune from liability for any
3 damage caused by, and may not be subjected to any disciplinary or recriminatory
4 action based on, the refusal of any such the person to participate therein shall not
5 form the basis of any claim for damages on account of such refusal or for any
6 disciplinary or recriminatory action against such person in an activity specified in
7 par. (a) 1. to 8. on moral or religious grounds.

8 **SECTION 8.** 253.09 (1g) of the statutes is created to read:

9 253.09 (1g) In this section:

10 (a) “Human embryo” means a human organism that is derived by fertilization,
11 parthenogenesis, cloning, or any other means from one or more human gametes or
12 human diploid cells. “Human embryo” includes a zygote but does not include a
13 human organism at or beyond the stage of development at which the major body
14 structures are present.

15 (b) “In vitro human embryo” means a human embryo, whether cryopreserved
16 or not, living outside of a woman’s body.

17 (c) “Participate in” means to perform; practice; engage in; assist in; recommend;
18 counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or
19 devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or
20 otherwise promote, encourage, or aid.

21 **SECTION 9.** 253.09 (1r) (a) 1. to 8. of the statutes are created to read:

22 253.09 (1r) (a) 1. A sterilization procedure.

23 2. An abortion, as defined in s. 253.10 (2) (a).

24 3. An experiment or medical procedure that destroys an in vitro human embryo
25 or uses cells or tissue derived from the destruction of an in vitro human embryo.

1 4. An experiment or medical procedure on an in vitro human embryo that is not
2 related to the beneficial treatment of the in vitro human embryo.

3 5. An experiment or medical procedure on a developing child in a natural or
4 artificial womb, at any stage of development, that is not related to the beneficial
5 treatment of the developing child.

6 6. A procedure, including a transplant procedure, that uses fetal tissue or
7 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
8 miscarriage.

9 7. The withholding or withdrawal of nutrition or hydration, if the withholding
10 or withdrawal of nutrition or hydration would result in the patient's death from
11 malnutrition or dehydration, or complications of malnutrition or dehydration, rather
12 than from the underlying terminal illness or injury, unless the administration of
13 nutrition or hydration is medically contraindicated.

14 8. An act that intentionally causes or assists in causing the death of an
15 individual, such as by assisted suicide, euthanasia, or mercy killing.

16 **SECTION 10.** 253.09 (2) of the statutes is amended to read:

17 253.09 (2) ~~No A hospital or employee of any a hospital shall be liable for any~~
18 ~~civil damages resulting from~~ is immune from liability for any damage caused by a
19 ~~refusal to perform sterilization procedures or remove a human embryo or fetus from~~
20 ~~a person, if such~~ participate in an activity specified in sub. (1r) (a) 1. to 8., if the
21 ~~refusal is based on religious or moral precepts.~~

22 **SECTION 11.** 253.09 (3) of the statutes is amended to read:

23 253.09 (3) No hospital, school, or employer may discriminate against any
24 person with regard to admission, hiring or firing, tenure, term, condition, or privilege
25 of employment, student status, or staff status on the ground that the person refuses

1 ~~to recommend, aid or perform procedures for sterilization or the removal of a human~~
2 ~~embryo or fetus, or states an intention to refuse, whether or not in writing, to~~
3 ~~participate in an activity specified in sub. (1r) (a) 1. to 8., if the refusal is based on~~
4 religious or moral precepts.

5 **SECTION 12.** 253.09 (4) (a) of the statutes is amended to read:

6 253.09 (4) (a) Such individual ~~to perform or assist in the performance of any~~
7 ~~sterilization procedure or removal of a human embryo or fetus~~ participate in an
8 activity specified in sub. (1r) (a) 1. to 8., if the individual's performance or assistance
9 participation in the performance of such a procedure would be ~~activity is~~ contrary to
10 the individual's religious beliefs or moral convictions; or

11 **SECTION 13.** 253.09 (4) (b) 1. of the statutes is amended to read:

12 253.09 (4) (b) 1. Make its facilities available for ~~the performance of any~~
13 ~~sterilization procedure or removal of a human embryo or fetus~~ an individual to
14 participate in an activity specified in sub. (1r) (a) 1. to 8., if the performance of such
15 a procedure in such facilities is prohibited by the entity ~~prohibits the activity from~~
16 taking place in the facilities on the basis of religious beliefs or moral convictions; or

17 **SECTION 14.** 253.09 (4) (b) 2. of the statutes is amended to read:

18 253.09 (4) (b) 2. Provide any personnel ~~for the performance or assistance in the~~
19 ~~performance of any sterilization procedure or assistance~~ to participate in an activity
20 specified in sub. (1r) (a) 1. to 8., if the performance or assistance in the performance
21 of such procedure or the removal of a human embryo or fetus by such personnel would
22 be ~~activity is~~ contrary to the religious beliefs or moral convictions of such ~~the~~
23 personnel.

24 **SECTION 15.** 253.09 (5) of the statutes is created to read:

1 253.09 (5) (a) In this subsection, “damages” do not include noneconomic
2 damages, as defined in s. 893.55 (4) (a).

3 (b) Except for claims that are subject to s. 111.321 or 111.322, a person who is
4 adversely affected by conduct that is in violation of this section may bring a civil
5 action for equitable relief, including reinstatement, or damages, or both. In an action
6 under this paragraph, the court shall award reasonable attorney fees,
7 notwithstanding s. 814.04 (1), to a person who obtains equitable relief, damages, or
8 both. An action under this paragraph shall be commenced within one year after the
9 cause of action accrues or be barred.

10 **SECTION 16.** 441.06 (title) of the statutes is amended to read:

11 **441.06 (title) Licensure; civil liability and disciplinary exemption.**

12 **SECTION 17.** 441.06 (6) of the statutes is renumbered 441.06 (6) (b) (intro.) and
13 amended to read:

14 441.06 (6) (b) (intro.) ~~No~~ A person licensed as a registered nurse under this
15 section ~~or as a practical nurse under s. 441.10 is liable for any civil damages resulting~~
16 ~~from~~ immune from liability for any damage caused by his or her refusal to perform
17 sterilization procedures or to remove or aid in the removal of a human embryo or
18 fetus ~~from a person~~ participate in any of the following, if the refusal is based on
19 religious or moral precepts.:

20 **SECTION 18.** 441.06 (6) (a) of the statutes is created to read:

21 441.06 (6) (a) In this subsection:

22 1. “Human embryo” means a human organism that is derived by fertilization,
23 parthenogenesis, cloning, or any other means from one or more human gametes or
24 human diploid cells. “Human embryo” includes a zygote but does not include a

1 human organism at or beyond the stage of development at which the major body
2 structures are present.

3 2. “In vitro human embryo” means a human embryo, whether cryopreserved
4 or not, living outside of a woman’s body.

5 3. “Participate in” means to perform; practice; engage in; assist in; recommend;
6 counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or
7 devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or
8 otherwise promote, encourage, or aid.

9 **SECTION 19.** 441.06 (6) (b) 1. to 8. of the statutes are created to read:

10 441.06 (6) (b) 1. A sterilization procedure.

11 2. An abortion, as defined in s. 253.10 (2) (a).

12 3. An experiment or medical procedure that destroys an in vitro human embryo
13 or uses cells or tissue derived from the destruction of an in vitro human embryo.

14 4. An experiment or medical procedure on an in vitro human embryo that is not
15 related to the beneficial treatment of the in vitro human embryo.

16 5. An experiment or medical procedure on a developing child in a natural or
17 artificial womb, at any stage of development, that is not related to the beneficial
18 treatment of the developing child.

19 6. A procedure, including a transplant procedure, that uses fetal tissue or
20 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
21 miscarriage.

22 7. The withholding or withdrawal of nutrition or hydration, if the withholding
23 or withdrawal of nutrition or hydration would result in the patient’s death from
24 malnutrition or dehydration, or complications of malnutrition or dehydration, rather

1 than from the underlying terminal illness or injury, unless the administration of
2 nutrition or hydration is medically contraindicated.

3 8. An act that intentionally causes or assists in causing the death of an
4 individual, such as by assisted suicide, euthanasia, or mercy killing.

5 **SECTION 20.** 441.06 (7) of the statutes is created to read:

6 441.06 (7) A person licensed as a registered nurse under this section or as a
7 practical nurse under s. 441.10 who, in writing, refuses, or states an intention to
8 refuse, on moral or religious grounds to participate in a practice of practical or
9 professional nursing that is related to an activity specified in sub. (6) (b) 1. to 8. may
10 not be required to participate in the practice with respect to the activity and may not
11 be disciplined by the board or the department for refusing or stating an intention to
12 refuse to participate in the practice with respect to the activity.

13 **SECTION 21.** 441.06 (8) of the statutes is created to read:

14 441.06 (8) (a) In this subsection, “damages” do not include noneconomic
15 damages, as defined in s. 893.55 (4) (a).

16 (b) Except for claims that are subject to s. 111.321 or 111.322, a person who is
17 adversely affected by conduct that is in violation of sub. (7) may bring a civil action
18 for equitable relief, including reinstatement, or damages, or both. In an action under
19 this paragraph, the court shall award reasonable attorney fees, notwithstanding s.
20 814.04 (1), to a person who obtains equitable relief, damages, or both. An action
21 under this paragraph shall be commenced within one year after the cause of action
22 accrues or be barred.

23 **SECTION 22.** 448.03 (5) (title) of the statutes is amended to read:

24 448.03 (5) (title) CIVIL LIABILITY AND DISCIPLINARY EXEMPTION; CERTAIN MEDICAL
25 PROCEDURES AND REPORTS.

1 **SECTION 23.** 448.03 (5) (a) of the statutes is renumbered 448.03 (5) (am) (intro.)
2 and amended to read:

3 448.03 (5) (am) (intro.) ~~No A person licensed or certified under this subchapter~~
4 ~~shall be liable for any civil damages resulting from such~~ is immune from liability for
5 any damage caused by the person’s refusal to perform sterilization procedures or to
6 ~~remove or aid in the removal of a human embryo or fetus from a person if such~~
7 participate in any of the following if the refusal is based on religious or moral
8 precepts.;

9 **SECTION 24.** 448.03 (5) (ag) of the statutes is created to read:

10 448.03 (5) (ag) In this subsection:

11 1. “Human embryo” means a human organism that is derived by fertilization,
12 parthenogenesis, cloning, or any other means from one or more human gametes or
13 human diploid cells. “Human embryo” includes a zygote but does not include a
14 human organism at or beyond the stage of development at which the major body
15 structures are present.

16 2. “In vitro human embryo” means a human embryo, whether cryopreserved
17 or not, living outside of a woman’s body.

18 3. “Participate in” means to perform; practice; engage in; assist in; recommend;
19 counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or
20 devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or
21 otherwise promote, encourage, or aid.

22 **SECTION 25.** 448.03 (5) (am) 1. to 8. of the statutes are created to read:

23 448.03 (5) (am) 1. A sterilization procedure.

24 2. An abortion, as defined in s. 253.10 (2) (a).

1 3. An experiment or medical procedure that destroys an in vitro human embryo
2 or uses cells or tissue derived from the destruction of an in vitro human embryo.

3 4. An experiment or medical procedure on an in vitro human embryo that is not
4 related to the beneficial treatment of the in vitro human embryo.

5 5. An experiment or medical procedure on a developing child in a natural or
6 artificial womb, at any stage of development, that is not related to the beneficial
7 treatment of the developing child.

8 6. A procedure, including a transplant procedure, that uses fetal tissue or
9 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
10 miscarriage.

11 7. The withholding or withdrawal of nutrition or hydration, if the withholding
12 or withdrawal of nutrition or hydration would result in the patient's death from
13 malnutrition or dehydration, or complications of malnutrition or dehydration, rather
14 than from the underlying terminal illness or injury, unless the administration of
15 nutrition or hydration is medically contraindicated.

16 8. An act that intentionally causes or assists in causing the death of an
17 individual, such as by assisted suicide, euthanasia, or mercy killing.

18 **SECTION 26.** 448.03 (5) (ao) of the statutes is created to read:

19 448.03 (5) (ao) A person licensed or certified under this subchapter who, in
20 writing, refuses, or states an intention to refuse, on moral or religious grounds to
21 participate in a practice within the scope of his or her license or certification that is
22 related to an activity specified in par. (am) 1. to 8. may not be required to participate
23 in the practice with respect to the activity and, notwithstanding ss. 154.07 (1) (a) 3.
24 and 155.50 (1) (b), may not be disciplined by the board or the department for refusing
25 or stating an intention to refuse to participate in the practice with respect to the

1 activity, including refusing or stating an intention to refuse to transfer a patient to
2 another physician who will comply with a declaration, as defined in s. 154.02 (1),
3 instrument for power of attorney for health care, as defined in s. 155.01 (10), or
4 health care decision, as defined in s. 155.01 (5), of a health care agent, as defined in
5 s. 155.01 (4). This paragraph does not apply to the refusal to make a good faith
6 attempt to transfer a declarant with incapacity, as defined in s. 155.01 (8) and with
7 a terminal condition, as defined in s. 154.01 (8), to another physician who will comply
8 with the declaration, as defined in s. 154.02 (1), of the declarant.

9 **SECTION 27.** 448.03 (5) (ar) of the statutes is created to read:

10 448.03 (5) (ar) 1. In this paragraph, “damages” do not include noneconomic
11 damages, as defined in s. 893.55 (4) (a).

12 2. Except for claims that are subject to s. 111.321 or 111.322, a person who is
13 adversely affected by conduct that is in violation of par. (ao) may bring a civil action
14 for equitable relief, including reinstatement, or damages, or both. In an action under
15 this subdivision, the court shall award reasonable attorney fees, notwithstanding s.
16 814.04 (1), to a person who obtains equitable relief, damages, or both. An action
17 under this subdivision shall be commenced within one year after the cause of action
18 accrues or be barred.

19 **SECTION 28.** 450.135 of the statutes is created to read:

20 **450.135 Pharmacist’s refusal to participate in certain activities. (1)** In
21 this section:

22 (a) “Human embryo” means a human organism that is derived by fertilization,
23 parthenogenesis, cloning, or any other means from one or more human gametes or
24 human diploid cells. “Human embryo” includes a zygote but does not include a

1 human organism at or beyond the stage of development at which the major body
2 structures are present.

3 (b) "In vitro human embryo" means a human embryo, whether cryopreserved
4 or not, living outside of a woman's body.

5 (c) "Participate in" means to perform; practice; engage in; assist in; recommend;
6 counsel in favor of; make referrals for; prescribe, dispense, or administer drugs or
7 devices, other than contraceptive articles, as defined in s. 450.155 (1) (a), for; or
8 otherwise promote, encourage, or aid.

9 **(2)** A person licensed as a pharmacist under this chapter is immune from
10 liability for any damage caused by his or her refusal to participate in any of the
11 following, if the refusal is based on religious or moral precepts:

12 (a) A sterilization procedure.

13 (b) An abortion, as defined in s. 253.10 (2) (a).

14 (c) An experiment or medical procedure that destroys an in vitro human
15 embryo or uses cells or tissue derived from the destruction of an in vitro human
16 embryo.

17 (d) An experiment or medical procedure on an in vitro human embryo that is
18 not related to the beneficial treatment of the in vitro human embryo.

19 (e) An experiment or medical procedure on a developing child in a natural or
20 artificial womb, at any stage of development, that is not related to the beneficial
21 treatment of the developing child.

22 (f) A procedure, including a transplant procedure, that uses fetal tissue or
23 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or
24 miscarriage.

1 (g) The withholding or withdrawal of nutrition or hydration, if the withholding
2 or withdrawal of nutrition or hydration would result in the patient’s death from
3 malnutrition or dehydration, or complications of malnutrition or dehydration, rather
4 than from the underlying terminal illness or injury, unless the administration of
5 nutrition or hydration is medically contraindicated.

6 (h) An act that intentionally causes or assists in causing the death of an
7 individual, such as by assisted suicide, euthanasia, or mercy killing.

8 **(3)** (a) A person licensed as a pharmacist under this chapter who, in writing,
9 refuses, or states an intention to refuse, on moral or religious grounds to participate
10 in a practice of pharmacy that is related to an activity specified in sub. (2) (a) to (h)
11 may not be required to participate in the practice with respect to the activity and may
12 not be disciplined by the board or department for refusing or stating an intention to
13 refuse to participate in the practice with respect to the activity.

14 (b) 1. In this paragraph, “damages” do not include noneconomic damages, as
15 defined in s. 893.55 (4) (a).

16 2. Except for claims that are subject to s. 111.321 or 111.322, a person who is
17 adversely affected by conduct that is in violation of par. (a) may bring a civil action
18 for equitable relief, including reinstatement, or damages, or both. In an action under
19 this subdivision, the court shall award reasonable attorney fees, notwithstanding s.
20 814.04 (1), to a person who obtains equitable relief, damages, or both. An action
21 under this subdivision shall be commenced within one year after the cause of action
22 accrues or be barred.

23 **SECTION 29. Initial applicability.**

24 (1) The treatment of sections 111.337 (1), (1g), and (1r) (b), 253.09 (title), (1),
25 (1g), (1r) (a) 1. to 8., (2), (3), (4) (a) and (b) 1. and 2., and (5), 441.06 (title), (7), and

1 (8), 448.03 (5) (title), (a), (ag), (am) 1. to 8., (ao), and (ar), and 450.135 of the statutes,
2 the renumbering and amendment of section 441.06 (6) of the statutes, and the
3 creation of section 441.06 (6) (a) and (b) 1. to 8. of the statutes first apply to refusals
4 or statements of an intention to refuse that are made on the effective date of this
5 subsection.

6 (2) The treatment of section 154.03 (1) of the statutes first applies to
7 notifications made on the effective date of this subsection.

8 (3) The treatment of section 155.60 (3) of the statutes first applies to power of
9 attorney for health care instruments and statements of incapacity received on the
10 effective date of this subsection.

11

(END)