



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Senate Bill 226

Assembly Amendment 1

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2005 Senate Bill 226

2005 Senate Bill 226, among other things, requires a parent or guardian of a minor under age 14 to provide written, informed consent for the administration of psychotropic medication, as defined in the bill, to the minor as inpatient or outpatient treatment. For a minor age 14 or older, the minor and his or her parent or guardian must consent for the administration of psychotropic medication as inpatient or outpatient treatment, but if the minor refuses to consent, the parent or guardian may consent on the minor's behalf; administration of psychotropic medication to the minor despite his or her refusal is reviewable by juvenile court. A minor whose parent or guardian refuses to consent or cannot be found or who has no parent with legal custody may petition the juvenile court for approval of the administration of the psychotropic medication.

The bill also eliminates the right of the minor with developmental disability age 14 or older to object to access to his or her court or treatment records by his or her parent, guardian, or person in the place of a parent.

Assembly Amendment 1

Assembly Amendment 1 deletes the provisions in the bill relating to requiring written, informed consent for the administration of psychotropic medication as inpatient or outpatient treatment. With the deletion of this provision, current law relating to informed consent for treatment would be retained.

The amendment also extends the current provisions in s. 51.14, Stats., relating to review of a refusal of a minor age 14 or older, or a refusal of such a minor's parent, for outpatient mental health treatment, to a refusal of either the minor or the minor's parent to the administration of psychotropic medication to the minor.

Finally, the amendment reverts to current law relating to the ability of a minor age 14 or older to object to access of a parent, guardian, or person in place of a parent to his or her court of treatment records.

Legislative History

Assembly Amendment 1 was offered by Representative Underheim on February 27, 2006. On February 28, 2006, the Assembly Committee on Health recommended adoption of Assembly Amendment 1 by a vote of Ayes, 12; Noes, 0, and recommended concurrence in the bill, as amended, by a vote of Ayes, 12; Noes, 0.

LR:ksm