



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2819/1
JPC:cdc

2023 ASSEMBLY BILL 247

May 8, 2023 - Introduced by Representatives BEHNKE, WICHGERS, BODDEN, BRANDTJEN, MAXEY, RETTINGER, SCHMIDT and SCHRAA, cosponsored by Senators JACQUE, QUINN and STROEBEL. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT** *to create* 20.9278 of the statutes; **relating to:** prohibitions on the use
2 of public employees and public property for activities relating to abortion.

Analysis by the Legislative Reference Bureau

This bill prohibits any person employed by the state, a state agency, or a local governmental unit from providing abortion services, promoting or encouraging abortion services, making abortion referrals, or training others or receiving training in performing abortions while acting within the scope of his or her employment. Further, this bill prohibits the use of public property to provide abortion services, promote or encourage abortion services, make abortion referrals, or train individuals in performing abortions. However, it is not a violation of the prohibitions established in the bill for a physician to perform a medical intervention designed or intended to prevent the death of a pregnant woman if the physician makes all reasonable medical efforts under the circumstances to preserve both the life of the woman and the life of the unborn child in a manner consistent with conventional medical practice. Under the bill, “public property” is defined to mean a public facility, public institution, or other building or part of a building that is owned, leased, or controlled by the state, a state agency, or a local governmental unit, or any equipment or other physical asset that is owned, leased, or controlled by the state, a state agency, or a local governmental unit.

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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.9278 of the statutes is created to read:

2 **20.9278 Prohibition on the use of public employees and public**
3 **property for abortion-related activities. (1)** In this section:

4 (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

5 (b) “Local governmental unit” means a city, village, town, county, or long-term
6 care district under s. 46.2895 or an agency or subdivision of a city, village, town, or
7 county.

8 (c) “Public property” means a public facility, public institution, or other
9 building or part of a building that is owned, leased, or controlled by the state, a state
10 agency, or a local governmental unit, or any equipment or other physical asset that
11 is owned, leased, or controlled by the state, a state agency, or a local governmental
12 unit.

13 (d) “State agency” means an office, department, agency, institution of higher
14 education, association, society or other body in state government created or
15 authorized to be created by the constitution or any law, which is entitled to expend
16 moneys appropriated by law, including the legislature, the courts, and an authority
17 created in ch. 231 or 233.

18 **(2)** Except as provided in sub. (4), no person employed by this state, by a state
19 agency, or by a local governmental unit may do any of the following while acting
20 within the scope of his or her employment, whether located within or without the
21 state:

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- 1 (a) Provide abortion services.
- 2 (b) Promote, encourage, or counsel in favor of abortion services.
- 3 (c) Make abortion referrals either directly or through an intermediary.
- 4 (d) Train others to perform abortions or receive training in performing
- 5 abortions.

6 **(3)** Except as provided in sub. (4), no public property may be used to do any of

7 the following, whether located within or without the state:

- 8 (a) Provide abortion services.
- 9 (b) Promote, encourage, or counsel in favor of abortion services.
- 10 (c) Make abortion referrals either directly or through an intermediary.
- 11 (d) Train individuals to perform abortions.

12 **(4)** (a) This section does not apply to a physician who performs a medical

13 intervention designed or intended to prevent the death of a pregnant woman if the

14 physician makes all reasonable medical efforts under the circumstances to preserve

15 both the life of the woman and the life of the unborn child in a manner consistent with

16 conventional medical practice. Medical treatment provided to a pregnant woman by

17 a physician that results in accidental or unintentional injury or death to the

18 pregnant woman's unborn child is not a violation of this section.

19 (b) Nothing in this section prohibits an individual from engaging in activities

20 done outside the scope of employment at and without the use of funds or property of

21 the state, any state agency, or any local governmental unit.

22 **SECTION 2. Initial applicability.**

23 (1) This act first applies to a contract that is entered into, renewed, or modified

24 on the effective date of this subsection, except as provided in sub. (2).

