



2021 ASSEMBLY BILL 1060

February 18, 2022 - Introduced by Representative GUNDRUM, cosponsored by Senator STROEBEL. Referred to Committee on Small Business Development.

1 **AN ACT** *to amend* 102.07 (8) (a); and *to create* 102.07 (8) (bw), 104.01 (2) (b) 6.
2 and 108.02 (15) (j) 8. of the statutes; **relating to:** participants in clinical
3 research trials.

Analysis by the Legislative Reference Bureau

This bill provides that for the purposes of the minimum wage law and worker's compensation law an individual who is a participant in a clinical research trial and receives remuneration, a stipend, or compensation for participating in the trial is not an employee of the entity that conducts the trial. The bill also provides that such services are not considered covered employment under the unemployment insurance (UI) law. As a consequence, amounts paid by employers for those services are not subject to UI contribution requirements and those wages are not counted as base period wages for purposes of determining eligibility for UI benefits.

For further information see the state 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:

4 **SECTION 1.** 102.07 (8) (a) of the statutes is amended to read:
5 102.07 (8) (a) Except as provided in pars. (b) ~~and~~, (bm), and (bw), every
6 independent contractor is, for the purpose of this chapter, an employee of any

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1 employer under this chapter for whom he or she is performing service in the course
2 of the trade, business, profession or occupation of such employer at the time of the
3 injury.

4 **SECTION 2.** 102.07 (8) (bw) of the statutes is created to read:

5 102.07 (8) (bw) An individual who receives remuneration, a stipend, or
6 compensation for being a participant in a clinical research trial is not an employee
7 of the entity conducting the clinical research trial.

8 **SECTION 3.** 104.01 (2) (b) 6. of the statutes is created to read:

9 104.01 (2) (b) 6. Any individual who receives remuneration, a stipend, or
10 compensation for being a participant in a clinical research trial.

11 **SECTION 4.** 108.02 (15) (j) 8. of the statutes is created to read:

12 108.02 (15) (j) 8. By an individual who receives remuneration, a stipend, or
13 compensation for being a participant in a clinical research trial.

14 **SECTION 5. Initial applicability.**

15 (1) The treatment of s. 108.02 (15) (j) 8. first applies to services performed on
16 the effective date of this subsection.

17 **SECTION 6. Effective date.**

18 (1) This act takes effect the Sunday after publication.

19 (END)