



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRBb0601/1  
SWB&JPC:skw

**SENATE AMENDMENT 16,  
TO SENATE SUBSTITUTE AMENDMENT 2,  
TO SENATE BILL 45**

July 2, 2025 - Offered by Senators HESSELBEIN, SMITH, SPREITZER, DRAKE, L. JOHNSON, ROYS, CARPENTER, DASSLER-ALFHEIM, HABUSH SINYKIN, KEYESKI, LARSON, PFAFF, RATCLIFF and WALL.

At the locations indicated, amend the substitute amendment as follows:

**1.** At the appropriate places, insert all of the following:

**“SECTION 1.** 40.03 (6) (a) 1. of the statutes is amended to read:

40.03 (6) (a) 1. ~~Except as provided in par. (m), shall~~ Shall, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the group insurance plans provided for by this chapter; or

**SECTION 2.** 40.03 (6) (a) 2. of the statutes is amended to read:

40.03 (6) (a) 2. ~~Except as provided in par. (m), may~~ May, wholly or partially in lieu of subd. 1., on behalf of the state, provide any group insurance plan on a self-insured basis in which case the group insurance board shall approve a written

description setting forth the terms and conditions of the plan, and may contract directly with providers of hospital, medical or ancillary services to provide insured employees with the benefits provided under this chapter.

**SECTION 3.** 40.03 (6) (b) of the statutes is amended to read:

40.03 (6) (b) ~~Except as provided in par. (m), may~~ May provide other group insurance plans for employees and their dependents and for annuitants and their dependents in addition to the group insurance plans specifically provided under this chapter. The terms of the group insurance under this paragraph shall be determined by contract, and shall provide that the employer is not liable for any obligations accruing from the operation of any group insurance plan under this paragraph except as agreed to by the employer.

**SECTION 4.** 40.03 (6) (m) of the statutes is repealed.

**SECTION 5.** 40.51 (9m) of the statutes is created to read:

40.51 (9m) Every health care coverage plan offered by the state under sub. (6) and every health care coverage plan offered by the group insurance board under sub. (7) shall, if the health care coverage plan provides maternity coverage, provide coverage for abortion and any other medical services necessary to provide abortion.

**SECTION 6.** 40.56 of the statutes is repealed.

**SECTION 7.** 46.245 of the statutes is repealed.

**SECTION 8.** 48.375 (4) (a) 1. of the statutes is amended to read:

48.375 (4) (a) 1. The person or the person's agent has, either directly or through a referring physician or his or her agent, received and made part of the minor's medical record, ~~under the requirements of s. 253.10,~~ the voluntary and informed written consent of the minor and the voluntary and informed written

consent of one of her parents; or of the minor's guardian or legal custodian, if one has been appointed; or of an adult family member of the minor; or of one of the minor's foster parents, if the minor has been placed in a foster home and the minor's parent has signed a waiver granting the department, a county department, or the foster parent the authority to consent to medical services or treatment on behalf of the minor.

**SECTION 9.** 69.186 (1) (hf) of the statutes is amended to read:

69.186 (1) (hf) The probable ~~postfertilization age of the unborn child, as defined in s. 253.107 (1) (c), and whether an ultrasound was used to assist in making the determination of postfertilization age of the unborn child,~~ gestational age of the pregnancy or, if the probable ~~postfertilization age of the unborn child~~ gestational age of the pregnancy was not determined, the nature of the medical emergency, as defined in s. ~~253.10 (2) (d)~~ 253.107 (1) (b).

**SECTION 10.** 69.186 (1) (k) of the statutes is amended to read:

69.186 (1) (k) If the unborn child is considered to be capable of experiencing pain under s. 253.107 (3) (a), the nature of the medical emergency, as defined in s. ~~253.10 (2) (d)~~ 253.107 (1) (b), that the pregnant woman had.

**SECTION 11.** 253.094 of the statutes is created to read:

**253.094 Right to abortion.** (1) Every individual has the fundamental right to bodily autonomy, which includes the right to access abortion. The state may not prohibit an individual from obtaining an abortion at any time during the pregnancy if an abortion is necessary in the professional judgment of the individual's medical provider.

(2) (a) Except as provided in sub. (1), a law or rule of this state that restricts

an individual's access to abortion is unenforceable if the law or rule does not confer any legitimate health benefit, such as by expanding an individual's access to health care services or by, according to evidence-based research, increasing the individual's safety.

(b) Any person that is or may be aggrieved by the enforcement of a law or rule passed or promulgated after the effective date of this paragraph .... [LRB inserts date], that violates this subsection may bring an action in state or federal court for injunctive relief or damages against a state or local official who enforces or attempts to enforce such a law or rule.

**SECTION 12.** 253.095 of the statutes is repealed.

**SECTION 13.** 253.10 of the statutes is repealed and recreated to read:

**253.10 Requirements for providers of abortion care.** (1) All requirements applicable to health care providers are applicable to providers of abortion care.

**SECTION 14.** 253.105 of the statutes is repealed.

**SECTION 15.** 253.107 (1) (b) of the statutes is amended to read:

253.107 (1) (b) "Medical emergency" ~~has the meaning given in s. 253.10 (2) (d)~~  
means a condition, in a physician's reasonable medical judgment, that makes an abortion necessary.

**SECTION 16.** 441.07 (1g) (f) of the statutes is repealed.

**SECTION 17.** 448.02 (3) (a) of the statutes is amended to read:

448.02 (3) (a) The board shall investigate allegations of unprofessional conduct and negligence in treatment by persons holding a license or certificate granted by the board. An allegation that a physician has violated s. ~~253.10 (3)~~,

448.30 or 450.13 (2) or has failed to mail or present a medical certification required under s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the subject of the required certificate or that a physician has failed at least 6 times within a 6-month period to mail or present a medical certificate required under s. 69.18 (2) within 6 days after the pronouncement of death of the person who is the subject of the required certificate is an allegation of unprofessional conduct. Information contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be investigated by the board. Information contained in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an investigation of a person named in the report. The board may require a person holding a license or certificate to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its investigation.

**SECTION 18.** 448.02 (3) (a) of the statutes, as affected by 2023 Wisconsin Act 172, section 4, and 2025 Wisconsin Act .... (this act), is repealed and recreated to read:

448.02 (3) (a) The board shall investigate allegations of unprofessional conduct and negligence in treatment by persons holding a license or certificate granted by the board. An allegation that a physician has violated s. 448.30 or 450.13 (2) or has failed to present a medical certification required under s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the subject of

the required certificate or that a physician has failed at least 6 times within a 6-month period to present a medical certificate required under s. 69.18 (2) within 6 days after the pronouncement of death of the person who is the subject of the required certificate is an allegation of unprofessional conduct. Information contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17, or 632.715, or under 42 CFR 1001.2005, shall be investigated by the board. Information contained in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an investigation of a person named in the report. The board may require a person holding a license or certificate to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its investigation.

**SECTION 19.** 457.26 (2) (gm) of the statutes is repealed.

**SECTION 20.** 632.8985 of the statutes is repealed.

**SECTION 21.** 939.75 (2) (b) 1. of the statutes is amended to read:

939.75 (2) (b) 1. An act committed during an induced abortion. This subdivision does not limit the applicability of ss. ~~940.04~~, 940.13, 940.15 and 940.16 to an induced abortion.

**SECTION 22.** 940.04 of the statutes is repealed.

**SECTION 23.** 940.15 (5) of the statutes is repealed.

**SECTION 24.** 968.26 (1b) (a) 2. a. of the statutes is amended to read:

968.26 (1b) (a) 2. a. Section ~~940.04~~, 940.11, 940.19 (2), (4), (5), or (6), 940.195

(2), (4), (5), or (6), 940.198 (2) (b) or (c) or (3), 940.20, 940.201, 940.203, 940.204, 940.205, 940.207, 940.208, 940.22 (2), 940.225 (3), 940.29, 940.302 (2) (c), 940.32, 941.32, 941.38 (2), 942.09 (2), 943.10, 943.205, 943.32 (1), 946.43, 946.44, 946.47, 946.48, 948.02 (3), 948.03 (2) (b) or (c), (3), or (4), 948.04, 948.055, 948.095, 948.10 (1) (a), 948.11, 948.13 (2) (a), 948.14, 948.20, 948.23 (1), (2), or (3) (c) 2. or 3., or 948.30 (1).

**SECTION 9119. Nonstatutory provisions; Health Services.**

(1) REFERENCE CHANGES. Wherever a reference to s. 253.10 (2) (a) appears in the statutes, the legislative reference bureau shall substitute a reference to s. 69.01 (13m), as it defines the term “induced abortion.”

**SECTION 9319. Initial applicability; Health Services.**

(1) ABORTION COVERAGE.

(a) For policies and plans containing provisions inconsistent with s. 40.51 (9m), s. 40.51 (9m) first applies to policy or plan years beginning on the effective date of this subsection, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with s. 40.51 (9m), s. 40.51 (9m) first applies to policy or plan years beginning on the effective date of this subsection or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

**SECTION 9419. Effective dates; Health Services.**

(1) MEDICAL EXAMINING BOARD AUTHORITY. The repeal and recreation of s. 448.02 (3) (a) takes effect on March 1, 2026.”

(END)