



1997 ASSEMBLY BILL 404

June 4, 1997 - Introduced by Representatives SPRINGER, OTT, OURADA, HUBER, RYBA, RILEY, BOCK, PLALE, R. YOUNG, NOTESTEIN, BOYLE, L. YOUNG, ROBSON, HASENOHRL, SYKORA, KELSO and PLOUFF, cosponsored by Senators DECKER, CLAUSING, WIRCH and ROESSLER. Referred to Committee on Consumer Affairs.

1 **AN ACT to amend** 146.995 (title) and 146.995 (3); and **to create** 93.25 and
2 146.995 (2m) of the statutes; **relating to:** requiring physicians to report
3 injuries to, and deaths of, minors that they suspect are caused by articles
4 intended for use by minors and requiring the secretary of agriculture, trade and
5 consumer protection to publicize dangers created by such articles.

Analysis by the Legislative Reference Bureau

This bill requires physicians to report to the department of agriculture, trade and consumer protection injuries to, or deaths of, minors that the physician reasonably suspects are caused by a consumer product that is intended for use by minors. The bill also requires the secretary of agriculture, trade and consumer protection to give adequate notice to the public of such consumer products that create an unreasonable risk of injury or an imminent hazard.

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:

6 **SECTION 1.** 93.25 of the statutes is created to read:

ASSEMBLY BILL 404**SECTION 1**

1 **93.25 Public notice.** If the secretary determines that a consumer product, as
2 defined in s. 100.42 (1) (c), that is intended for use by a minor creates an unreasonable
3 risk of injury or imminent hazard to the public health, welfare or safety, the secretary
4 shall ensure that adequate notice of that risk or hazard is given to the public.

5 **SECTION 2.** 146.995 (title) of the statutes is amended to read:

6 **146.995 (title) Reporting of injuries and deaths caused by children's**
7 **products, wounds and burn injuries.**

8 **SECTION 3.** 146.995 (2m) of the statutes is created to read:

9 **146.995 (2m)** Any physician who reasonably suspects that an injury to a minor
10 whom the physician treats or the death of a minor was caused by a consumer product,
11 as defined in s. 100.42 (1) (c), that is intended for use by a minor shall report the
12 consumer product's name, any other identifying information and the type of injury
13 or death involved as soon as reasonably possible to the department of agriculture,
14 trade and consumer protection.

15 **SECTION 4.** 146.995 (3) of the statutes is amended to read:

16 **146.995 (3)** Any person reporting in good faith under sub. (2) or (2m), and any
17 inpatient health care facility that employs the person who reports, are immune from
18 all civil and criminal liability that may result because of the report. In any
19 proceeding, the good faith of any person reporting under this section shall be
20 presumed.

21 **SECTION 5.** Effective date.

22 (1) This act takes effect on the first day of the 7th month beginning after
23 publication.

24

(END)