



1999 ASSEMBLY BILL 479

September 20, 1999 - Introduced by Representatives SKINDRUD, KAUFERT, JENSEN, HUNDERTMARK, LADWIG, PETTIS, RHOADES, AINSWORTH, GOETSCH, HAHN, KEDZIE, M. LEHMAN, MUSSER, SPILLNER, STASKUNAS, STONE, VRAKAS, JOHNSRUD and GROTHMAN, cosponsored by Senators ROSENZWEIG, DRZEWIECKI and DARLING. Referred to Committee on Children and Families.

1 **AN ACT** *to amend* 51.61 (6); and *to create* 51.48 of the statutes; **relating to:**
2 alcohol or other drug testing of a minor.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, before a minor 14 years of age or over may receive outpatient mental health treatment, the written, informed consent of the minor and the minor's parent or guardian is required. This bill permits the parent or guardian of a minor to consent to having the minor tested for the presence of drugs or alcohol in the minor's body without the consent of the minor.

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:

3 **SECTION 1.** 51.48 of the statutes is created to read:

4 **51.48 Alcohol and other drug testing for minors.** The parent or guardian
5 of a minor may consent to having the minor tested for the presence of alcohol or other
6 drugs in the minor's body. Consent of the minor is not required under this section.

7 **SECTION 2.** 51.61 (6) of the statutes is amended to read:

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1 51.61 (6) Subject to the rights of patients provided under this chapter, the
2 department, county departments under s. 51.42 or 51.437 and any agency providing
3 services under an agreement with the department or those county departments have
4 the right to use customary and usual treatment techniques and procedures in a
5 reasonable and appropriate manner in the treatment of patients who are receiving
6 services under the mental health system, for the purpose of ameliorating the
7 conditions for which the patients were admitted to the system. The written,
8 informed consent of any patient shall first be obtained, unless the person has been
9 found not competent to refuse medication and treatment under s. 51.61 (1) (g). In
10 the case of a minor, the written, informed consent of the parent or guardian is
11 required. Except as provided under s. 51.48 or an order issued under s. 51.14 (3) (h)
12 or (4) (g), if the minor is 14 years of age or older, the written, informed consent of the
13 minor and the minor’s parent or guardian is required. A refusal of either a minor 14
14 years of age or older or the minor’s parent or guardian to provide written, informed
15 consent for outpatient mental health treatment is reviewable under s. 51.14.

16 (END)