



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Senate Bill 138**

**Senate Substitute  
Amendment 1**

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### 2005 Senate Bill 138

Current law requires a physician to provide certain oral and written information to a woman who is seeking an abortion, at least 24 hours before the abortion is to be performed. 2005 Senate Bill 138 requires that a physician provide additional information to a woman who is seeking an abortion, if the probable gestational age of the woman's unborn child is 20 weeks or more. Among other things, the bill requires a physician to orally inform the woman as follows:

If the probable gestational age of the woman's unborn child is 20 weeks or more, that the woman's unborn child has the physical structures necessary to experience pain; that there is evidence that by 20 weeks' gestation unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted to be a response to pain; and that there is evidence that the abortion methods most commonly used when an unborn child is at 20 weeks' gestation or older, whether by dismemberment, poisoning, penetrating the skull, or crushing the skull, cause substantial pain to the unborn child.

The bill also requires that the written materials that are required to be provided under current law to the woman include the same information relating to fetal pain, described above. In addition, the materials must contain detailed descriptions of abortion methods used in the second trimester, specifically the dilation and evacuation method and the dilation and extraction method.

The bill also amends the legislative findings of the current law relating to informed consent for abortion, to include the information relating to fetal pain and the detailed description of abortion methods, described above.

**Senate Substitute Amendment 1**

Senate Substitute Amendment 1 deletes from the bill the detailed description of abortion methods, specifically the dilation and evacuation and the dilation and extraction method, from both the legislative findings and the written materials that must be given to the woman prior to the abortion.

**Legislative History**

The Senate Committee on Health, Children, Families, Aging and Long-Term Care held a public hearing on the bill on April 19, 2005. On June 14, 2005, the committee took executive action on the bill, and recommended introduction and adoption of Senate Substitute Amendment 1 by a vote of Ayes, 3; Noes, 2; and recommended passage of the bill, as amended, by a vote of Ayes, 3; Noes, 2.

LR:rv