

State of Wisconsin



2005 Senate Bill 138

Date of enactment:
Date of publication*:

2005 WISCONSIN ACT

AN ACT *to amend* 253.10 (3) (d) 2. and 253.10 (4); and *to create* 253.10 (1) (a) 4m. and 253.10 (3) (c) 1. dm. of the statutes; **relating to:** voluntary and informed consent for abortions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 253.10 (1) (a) 4m. of the statutes is created to read:

253.10 (1) (a) 4m. By 20 weeks' gestation, an unborn child has the physical structures necessary to experience pain. There is substantial 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. Anesthesia is routinely administered to unborn children who are 20 weeks' gestational age or older who undergo prenatal surgery. There is evidence that the abortion methods most commonly used when an unborn child is at 20 weeks' gestation or older cause substantial pain to the unborn child.

SECTION 2. 253.10 (3) (c) 1. dm. of the statutes is created to read:

253.10 (3) (c) 1. dm. 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 cause substantial pain to the unborn child.

SECTION 3. 253.10 (3) (d) 2. of the statutes is amended to read:

253.10 (3) (d) 2. Materials, including photographs, pictures or drawings, that are designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at 2-week gestational increments for the first 16 weeks of her pregnancy and at 4-week gestational increments from the 17th week of the pregnancy to full term, including any relevant information regarding the time at which the unborn child could possibly be viable. The pictures or drawings must contain the dimensions of the unborn child and must be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental and designed to convey only accurate scientific information about the unborn child at the various gestational ages, including appearance, mobility, brain and heart activity and function, tactile sensitivity, the physical structures necessary to experience pain, and the presence of internal organs and external members. The materials shall also contain objective, accurate information describing the methods of abortion procedures commonly employed, the medical and psychological risks commonly associated with each such procedure, including the risks of infection, psychological trauma, hemorrhage, endometritis, perforated uterus, incomplete abortion, failed abortion, danger to subsequent pregnancies and infertility, and the medical risks commonly associated with carrying

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

a child to birth. The materials shall contain the following statement: "By 20 weeks' gestation, an unborn child has the physical structures necessary to experience pain. There is substantial 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. Anesthesia is routinely administered to unborn children who are 20 weeks' gestational age or older who undergo prenatal surgery. There is evidence that the abortion methods most commonly used when an unborn child is at 20 weeks' gestation or older cause substantial pain to the unborn child."

SECTION 4. 253.10 (4) of the statutes is amended to read:

253.10 (4) HOTLINE AND INTERNET ACCESS. The department may maintain a toll-free telephone number that is available 24 hours each day or maintain access to an Internet Web page on the department's Web site, or both, to provide the materials specified in sub. (3) (d) 4.

SECTION 5. Nonstatutory provisions.

(1) REVISION, PUBLICATION, AND DISTRIBUTION OF PRINTED INFORMATION. By the date that is 60 days after publication of this act, the department of health and family services shall revise the materials specified under section 253.10 (3) (d) of the statutes in accordance with sec-

tion 253.10 (3) (c) 1. dm. and (d) 2. of the statutes, as affected by this act, publish the revised materials, and distribute the revised materials to county departments, as required under section 253.10 (3) (d) (intro.) of the statutes.

(2) NOTIFICATION TO PHYSICIANS. By the date that is 60 days after publication of this act, the department of health and family services shall notify physicians specified under section 253.10 (3) (e) of the statutes of the availability of the revised materials specified in subsection (1).

(3) REPLACEMENT OF PRINTED INFORMATION. By the date that is 65 days after publication of this act, all of the following shall take place:

(a) A physician specified under section 46.245 of the statutes shall replace any materials specified under section 253.10 (3) (d) of the statutes in his or her possession with the revised materials specified in subsection (1).

(b) County departments, as specified in section 253.10 (3) (d) of the statutes, shall replace any materials specified in section 253.10 (3) (d) of the statutes, as affected by this act, with the revised materials distributed by the department of health and family services under subsection (1).