

State of Wisconsin



2015 Assembly Bill 310

Date of enactment: **February 18, 2016**
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2015 WISCONSIN ACT 151

AN ACT *to create* 253.075 of the statutes; **relating to:** family planning and preventive health services grants and granting rule-making authority.

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

SECTION 1. 253.075 of the statutes is created to read:
253.075 Family planning and related preventive health services grant. (1) **DEFINITIONS.** In this section:

(a) "AIDS" means acquired immunodeficiency syndrome.

(b) "Family planning" has the meaning given in s. 253.07 (1) (a).

(c) "Family planning and related preventive health services funds" means federal funds received by the state under Title X of the federal Public Health Service Act, [42 USC 300 to 300a-6](#), that are allocated for the purposes described in this section.

(d) "Family planning services" has the meaning given in s. 253.07 (1) (b).

(e) "Federally qualified health center" means a center that meets the requirements for federal funding under [42 USC 1396d](#) (1) of the federal Public Health Service Act, and any amendments to that act, and that has been designated as a federally qualified health center by the federal government.

(f) "HIV" has the meaning given in s. 252.01 (1m).

(g) "Hospital" has the meaning given in s. 50.33 (2).

(2) **DEPARTMENT'S DUTIES.** (a) Beginning with the 2018 application deadline and before each subsequent application deadline thereafter for grant funds under Title

X of the federal Public Health Service Act, [42 USC 300 to 300a-6](#), the department shall apply to the federal department of health and human services for grant funds under Title X of the federal Public Health Service Act, [42 USC 300 to 300a-6](#).

(b) The department shall promulgate all rules necessary to implement and administer this section.

(3) **INDIVIDUAL RIGHTS, MEDICAL PRIVILEGE.** (a) The request of any person for family planning services or his or her refusal to accept any service shall in no way affect the right of the person to receive public assistance, public health services, or any other public service. Nothing in this section may abridge the right of the individual to make decisions concerning family planning nor may any individual be required to state his or her reason for refusing any offer of family planning services.

(b) Any employee of the agencies engaged in the administration of the provisions of this section may refuse to accept the duty of offering family planning services to the extent that the duty is contrary to his or her personal beliefs. A refusal may not be grounds for dismissal, suspension, demotion, or any other discrimination in employment. The directors or supervisors of the agencies shall reassign the duties of employees in order to carry out the provisions of this section.

(c) All information gathered by any agency, entity, or person conducting programs in family planning, other than statistical information compiled without reference

* Section 991.11, WISCONSIN STATUTES: 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."

to the identity of any individual or other information that the individual allows to be released through his or her informed consent, shall be considered a confidential medical record.

(4) FAMILY PLANNING AND PREVENTIVE HEALTH SERVICES. Subject to sub. (5), the department shall distribute grants received under sub. (2) that may be used for family planning and related preventive health services, including any of the following:

- (a) Screening for cervical cancer and breast cancer.
- (b) Screening for high blood pressure, anemia, and diabetes.
- (c) Screening for sexually transmitted diseases and HIV or AIDS.
- (d) Infertility services.
- (e) Health education.
- (f) Pregnancy testing.
- (g) Contraceptive services.
- (h) Pelvic exams.
- (i) Referrals for other health and social services.

(5) FAMILY PLANNING AND RELATED PREVENTIVE HEALTH SERVICES FUNDS. (a) The department shall distribute family planning and related preventive health services funds to public entities, including state, county, and local health departments and health clinics, and the well-woman program under s. 255.06. If any moneys remain,

the department may then distribute grant funds under this section to nonpublic entities that are hospitals or federally qualified health centers that provide comprehensive primary and preventive care.

(b) Subject to par. (c), a public entity that receives family planning and related preventive health services funds under this section may provide some or all of the funds to other public or private entities provided that the recipient of the funds does not do any of the following:

1. Provide abortion services.
2. Have an affiliate that provides abortion services.

(c) Providing abortion services or having an affiliate that provides abortion services solely under the circumstances described in s. 20.927 (2) does not disqualify an entity from receiving family planning and preventive health services grant funds from a public entity under par. (b).

SECTION 2. Nonstatutory provisions.

(1) During the 2015–17 biennium, the department of health services shall use current staff and current appropriations to fund the duties described in section 253.075 of the statutes, as created by this act. During the 2015–17 biennium, the department of health services may not hire additional staff who would be charged with carrying out any of the duties required for the purpose of implementing section 253.075 of the statutes, as created by this act.
