



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0252/1
SWB&JPC:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 975**

January 25, 2024 - Offered by Representative WICHGERS.

1 **AN ACT** *to create* 20.9278 of the statutes; **relating to:** prohibitions on the use
2 of public employees and public property for activities relating to abortion and
3 requiring a referendum.

Analysis by the Legislative Reference Bureau

This bill prohibits any person employed by the state, a state agency, or a local governmental unit from providing abortion services or training others or receiving training in performing abortions while acting within the scope of his or her employment. Further, this bill prohibits the use of public property to provide abortion services or train individuals in performing abortions. However, it is not a violation of the prohibitions established in the bill for a physician to perform a medical intervention designed or intended to prevent the death of a pregnant woman if the physician makes all reasonable medical efforts under the circumstances to preserve both the life of the woman and the life of the unborn child in a manner consistent with conventional medical practice. Under the bill, “public property” is defined to mean a public facility, public institution, or other building or part of a building that is owned, leased, or controlled by the state, a state agency, or a local governmental unit, or any equipment or other physical asset that is owned, leased, or controlled by the state, a state agency, or a local governmental unit.

This bill requires a referendum before giving effect to the prohibitions created in the bill. Under the bill, at the April 2024 election, the electors would vote on the

question whether the statutory provisions treated in the bill shall take effect “thus prohibiting under Wisconsin Statutes any person employed by the state, a state agency, or a local governmental unit from providing abortion services, from training others to perform abortions, and from receiving training in performing abortions while acting within the scope of his or her employment and prohibiting under Wisconsin Statutes the use of public property to provide abortion services or train individuals in performing abortions.” If a majority of votes cast in the election approves the question, the prohibition takes effect three months after the election results are certified. If the question is not approved by a majority of votes cast, the prohibition does not take effect.

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

1 **SECTION 1.** 20.9278 of the statutes is created to read:

2 **20.9278 Prohibition on the use of public employees and public**
3 **property for abortion-related activities.** (1) In this section:

4 (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

5 (b) “Local governmental unit” means a city, village, town, county, or long-term
6 care district under s. 46.2895 or an agency or subdivision of a city, village, town, or
7 county.

8 (c) “Public property” means a public facility, public institution, or other
9 building or part of a building that is owned, leased, or controlled by the state, a state
10 agency, or a local governmental unit, or any equipment or other physical asset that
11 is owned, leased, or controlled by the state, a state agency, or a local governmental
12 unit.

13 (d) “State agency” means an office, department, agency, institution of higher
14 education, association, society or other body in state government created or
15 authorized to be created by the constitution or any law, which is entitled to expend
16 moneys appropriated by law, including the legislature, the courts, and an authority
17 created in ch. 231 or 233.

1 **(2)** Except as provided in sub. (4), no person employed by this state, by a state
2 agency, or by a local governmental unit may do any of the following while acting
3 within the scope of his or her employment, whether located within or without the
4 state:

5 (a) Provide abortion services.

6 (b) Train others to perform abortions or receive training in performing
7 abortions.

8 **(3)** Except as provided in sub. (4), no public property may be used to do any of
9 the following, whether located within or without the state:

10 (a) Provide abortion services.

11 (b) Train individuals to perform abortions.

12 **(4)** (a) This section does not apply to a physician who performs a medical
13 intervention designed or intended to prevent the death of a pregnant woman if the
14 physician makes all reasonable medical efforts under the circumstances to preserve
15 both the life of the woman and the life of the unborn child in a manner consistent with
16 conventional medical practice. Medical treatment provided to a pregnant woman by
17 a physician that results in accidental or unintentional injury or death to the
18 pregnant woman's unborn child is not a violation of this section.

19 (b) Nothing in this section prohibits an individual from engaging in activities
20 done outside the scope of employment at and without the use of funds or property of
21 the state, any state agency, or any local governmental unit.

22 **SECTION 2. Nonstatutory provisions.**

23 (1) There shall be submitted to the vote of the electors at the April 2024 election
24 the following question: "Shall the statutory provisions treated in 2023 Wisconsin Act
25 (this act) take effect, thus prohibiting under Wisconsin Statutes any person

1 employed by the state, a state agency, or a local governmental unit from providing
2 abortion services, from training others to perform abortions, and from receiving
3 training in performing abortions while acting within the scope of his or her
4 employment and prohibiting under Wisconsin Statutes the use of public property to
5 provide abortion services or train individuals in performing abortions?”.

6 (2) The requirement under s. 8.37 that the referendum question shall be filed
7 with the official or agency preparing the ballot for the election no later than 70 days
8 before the election shall not apply to the referendum question that is to be submitted
9 to the voters under sub. (1).

10 (3) If the question under sub. (1) is approved by a majority of all votes cast on
11 the question at the April 2024 election, the treatment of s. 20.9278 by this act shall
12 take effect. Otherwise, the treatment of that statutory provision by this act shall not
13 take effect.

14 **SECTION 3. Initial applicability.**

15 (1) This act first applies to a contract that is entered into, renewed, or modified
16 on the effective date of this subsection, except as provided in sub. (2).

17 (2) This act first applies to an employee who is affected by a collective
18 bargaining agreement that contains provisions inconsistent with this act on the day
19 on which the collective bargaining agreement expires or is extended, modified, or
20 renewed, whichever occurs first.

21 **SECTION 4. Effective dates.** This act takes effect on the first day of the 4th
22 month beginning after the election results regarding the question under SECTION 2
23 (1) of this act are certified as provided under s. 7.70 if the condition set forth in
24 SECTION 2 (3) of this act is satisfied, except as follows:

