



State of Wisconsin
2025 - 2026 LEGISLATURE

LRBb0601/1
SWB&JPC:skw

**SENATE AMENDMENT 16,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 45**

July 2, 2025 - Offered by Senators HESSELBEIN, SMITH, SPREITZER, DRAKE, L. JOHNSON, ROYS, CARPENTER, DASSLER-ALFHEIM, HABUSH SINYKIN, KEYESKI, LARSON, PFAFF, RATCLIFF and WALL.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** At the appropriate places, insert all of the following:

3 “**SECTION 1.** 40.03 (6) (a) 1. of the statutes is amended to read:

4 40.03 (6) (a) 1. ~~Except as provided in par. (m), shall~~ Shall, on behalf of the
5 state, enter into a contract or contracts with one or more insurers authorized to
6 transact insurance business in this state for the purpose of providing the group
7 insurance plans provided for by this chapter; or

8 **SECTION 2.** 40.03 (6) (a) 2. of the statutes is amended to read:

9 40.03 (6) (a) 2. ~~Except as provided in par. (m), may~~ May, wholly or partially in
10 lieu of subd. 1., on behalf of the state, provide any group insurance plan on a self-
11 insured basis in which case the group insurance board shall approve a written

1 description setting forth the terms and conditions of the plan, and may contract
2 directly with providers of hospital, medical or ancillary services to provide insured
3 employees with the benefits provided under this chapter.

4 **SECTION 3.** 40.03 (6) (b) of the statutes is amended to read:

5 40.03 (6) (b) ~~Except as provided in par. (m), may~~ May provide other group
6 insurance plans for employees and their dependents and for annuitants and their
7 dependents in addition to the group insurance plans specifically provided under
8 this chapter. The terms of the group insurance under this paragraph shall be
9 determined by contract, and shall provide that the employer is not liable for any
10 obligations accruing from the operation of any group insurance plan under this
11 paragraph except as agreed to by the employer.

12 **SECTION 4.** 40.03 (6) (m) of the statutes is repealed.

13 **SECTION 5.** 40.51 (9m) of the statutes is created to read:

14 40.51 (9m) Every health care coverage plan offered by the state under sub. (6)
15 and every health care coverage plan offered by the group insurance board under
16 sub. (7) shall, if the health care coverage plan provides maternity coverage, provide
17 coverage for abortion and any other medical services necessary to provide abortion.

18 **SECTION 6.** 40.56 of the statutes is repealed.

19 **SECTION 7.** 46.245 of the statutes is repealed.

20 **SECTION 8.** 48.375 (4) (a) 1. of the statutes is amended to read:

21 48.375 (4) (a) 1. The person or the person's agent has, either directly or
22 through a referring physician or his or her agent, received and made part of the
23 minor's medical record, ~~under the requirements of s. 253.10,~~ the voluntary and
24 informed written consent of the minor and the voluntary and informed written

1 consent of one of her parents; or of the minor's guardian or legal custodian, if one
2 has been appointed; or of an adult family member of the minor; or of one of the
3 minor's foster parents, if the minor has been placed in a foster home and the
4 minor's parent has signed a waiver granting the department, a county department,
5 or the foster parent the authority to consent to medical services or treatment on
6 behalf of the minor.

7 **SECTION 9.** 69.186 (1) (hf) of the statutes is amended to read:

8 69.186 (1) (hf) The probable ~~postfertilization age of the unborn child, as~~
9 ~~defined in s. 253.107 (1) (c), and whether an ultrasound was used to assist in~~
10 ~~making the determination of postfertilization age of the unborn child, gestational~~
11 ~~age of the pregnancy~~ or, if the probable ~~postfertilization age of the unborn child~~
12 gestational age of the pregnancy was not determined, the nature of the medical
13 emergency, as defined in s. ~~253.10 (2) (d)~~ 253.107 (1) (b).

14 **SECTION 10.** 69.186 (1) (k) of the statutes is amended to read:

15 69.186 (1) (k) If the unborn child is considered to be capable of experiencing
16 pain under s. 253.107 (3) (a), the nature of the medical emergency, as defined in s.
17 ~~253.10 (2) (d)~~ 253.107 (1) (b), that the pregnant woman had.

18 **SECTION 11.** 253.094 of the statutes is created to read:

19 **253.094 Right to abortion.** (1) Every individual has the fundamental right
20 to bodily autonomy, which includes the right to access abortion. The state may not
21 prohibit an individual from obtaining an abortion at any time during the pregnancy
22 if an abortion is necessary in the professional judgment of the individual's medical
23 provider.

24 **(2)** (a) Except as provided in sub. (1), a law or rule of this state that restricts

1 an individual's access to abortion is unenforceable if the law or rule does not confer
2 any legitimate health benefit, such as by expanding an individual's access to health
3 care services or by, according to evidence-based research, increasing the
4 individual's safety.

5 (b) Any person that is or may be aggrieved by the enforcement of a law or rule
6 passed or promulgated after the effective date of this paragraph [LRB inserts
7 date], that violates this subsection may bring an action in state or federal court for
8 injunctive relief or damages against a state or local official who enforces or attempts
9 to enforce such a law or rule.

10 **SECTION 12.** 253.095 of the statutes is repealed.

11 **SECTION 13.** 253.10 of the statutes is repealed and recreated to read:

12 **253.10 Requirements for providers of abortion care. (1)** All
13 requirements applicable to health care providers are applicable to providers of
14 abortion care.

15 **SECTION 14.** 253.105 of the statutes is repealed.

16 **SECTION 15.** 253.107 (1) (b) of the statutes is amended to read:

17 253.107 (1) (b) "Medical emergency" ~~has the meaning given in s. 253.10 (2) (d)~~
18 means a condition, in a physician's reasonable medical judgment, that makes an
19 abortion necessary.

20 **SECTION 16.** 441.07 (1g) (f) of the statutes is repealed.

21 **SECTION 17.** 448.02 (3) (a) of the statutes is amended to read:

22 448.02 (3) (a) The board shall investigate allegations of unprofessional
23 conduct and negligence in treatment by persons holding a license or certificate
24 granted by the board. An allegation that a physician has violated s. ~~253.10 (3),~~

1 448.30 or 450.13 (2) or has failed to mail or present a medical certification required
2 under s. 69.18 (2) within 21 days after the pronouncement of death of the person
3 who is the subject of the required certificate or that a physician has failed at least 6
4 times within a 6-month period to mail or present a medical certificate required
5 under s. 69.18 (2) within 6 days after the pronouncement of death of the person who
6 is the subject of the required certificate is an allegation of unprofessional conduct.
7 Information contained in reports filed with the board under s. 49.45 (2) (a) 12r.,
8 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be investigated
9 by the board. Information contained in a report filed with the board under s.
10 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of
11 negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the
12 discretion of the board, be used as the basis of an investigation of a person named in
13 the report. The board may require a person holding a license or certificate to
14 undergo and may consider the results of one or more physical, mental or
15 professional competency examinations if the board believes that the results of any
16 such examinations may be useful to the board in conducting its investigation.

17 **SECTION 18.** 448.02 (3) (a) of the statutes, as affected by 2023 Wisconsin Act
18 172, section 4, and 2025 Wisconsin Act (this act), is repealed and recreated to
19 read:

20 448.02 (3) (a) The board shall investigate allegations of unprofessional
21 conduct and negligence in treatment by persons holding a license or certificate
22 granted by the board. An allegation that a physician has violated s. 448.30 or
23 450.13 (2) or has failed to present a medical certification required under s. 69.18 (2)
24 within 21 days after the pronouncement of death of the person who is the subject of

1 the required certificate or that a physician has failed at least 6 times within a 6-
2 month period to present a medical certificate required under s. 69.18 (2) within 6
3 days after the pronouncement of death of the person who is the subject of the
4 required certificate is an allegation of unprofessional conduct. Information
5 contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b),
6 609.17, or 632.715, or under 42 CFR 1001.2005, shall be investigated by the board.
7 Information contained in a report filed with the board under s. 655.045 (1), as
8 created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report
9 filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be
10 used as the basis of an investigation of a person named in the report. The board
11 may require a person holding a license or certificate to undergo and may consider
12 the results of one or more physical, mental or professional competency
13 examinations if the board believes that the results of any such examinations may be
14 useful to the board in conducting its investigation.

15 **SECTION 19.** 457.26 (2) (gm) of the statutes is repealed.

16 **SECTION 20.** 632.8985 of the statutes is repealed.

17 **SECTION 21.** 939.75 (2) (b) 1. of the statutes is amended to read:

18 939.75 (2) (b) 1. An act committed during an induced abortion. This
19 subdivision does not limit the applicability of ss. ~~940.04~~, 940.13, 940.15 and 940.16
20 to an induced abortion.

21 **SECTION 22.** 940.04 of the statutes is repealed.

22 **SECTION 23.** 940.15 (5) of the statutes is repealed.

23 **SECTION 24.** 968.26 (1b) (a) 2. a. of the statutes is amended to read:

24 968.26 (1b) (a) 2. a. Section ~~940.04~~, 940.11, 940.19 (2), (4), (5), or (6), 940.195

(2), (4), (5), or (6), 940.198 (2) (b) or (c) or (3), 940.20, 940.201, 940.203, 940.204, 940.205, 940.207, 940.208, 940.22 (2), 940.225 (3), 940.29, 940.302 (2) (c), 940.32, 941.32, 941.38 (2), 942.09 (2), 943.10, 943.205, 943.32 (1), 946.43, 946.44, 946.47, 946.48, 948.02 (3), 948.03 (2) (b) or (c), (3), or (4), 948.04, 948.055, 948.095, 948.10 (1) (a), 948.11, 948.13 (2) (a), 948.14, 948.20, 948.23 (1), (2), or (3) (c) 2. or 3., or 948.30 (1).

SECTION 9119. Nonstatutory provisions; Health Services.

(1) REFERENCE CHANGES. Wherever a reference to s. 253.10 (2) (a) appears in the statutes, the legislative reference bureau shall substitute a reference to s. 69.01 (13m), as it defines the term “induced abortion.”

SECTION 9319. Initial applicability; Health Services.

(1) ABORTION COVERAGE.

(a) For policies and plans containing provisions inconsistent with s. 40.51 (9m), s. 40.51 (9m) first applies to policy or plan years beginning on the effective date of this subsection, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with s. 40.51 (9m), s. 40.51 (9m) first applies to policy or plan years beginning on the effective date of this subsection or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

SECTION 9419. Effective dates; Health Services.

(1) MEDICAL EXAMINING BOARD AUTHORITY. The repeal and recreation of s. 448.02 (3) (a) takes effect on March 1, 2026.”.

(END)