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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Assembly Bill 975**

**Assembly Amendment 3**

### 2023 ASSEMBLY BILL 975

Under current law, no person may perform or induce or attempt to perform or induce an abortion upon a woman if the probable postfertilization age of the unborn child is 20 or more weeks unless the woman is undergoing a medical emergency. When the probable postfertilization age of the unborn child is 20 or more weeks and the pregnant woman is undergoing a medical emergency, the physician must terminate the pregnancy in the manner that, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless termination of the pregnancy in that manner poses a greater risk either of death of the pregnant woman or of substantial and irreversible physical impairment of a major bodily function of the woman than other available methods.

2023 Assembly Bill 975 changes the probable postfertilization age of the unborn child from 20 or more weeks to 14 or more weeks.

The bill also specifies that the substantive provisions of the bill will not take effect unless voters approve the referendum question set out in the bill at the April 2024 election. The referendum question is the following: “Shall the statutory provisions treated in (this act) take effect, thus prohibiting under Wisconsin Statutes an abortion if the probable postfertilization age of the unborn child is 14 or more weeks, except in the case of a medical emergency?”

### ASSEMBLY AMENDMENT 3

Assembly Amendment 3 adds that the provision on abortion at 14 or more weeks probable postfertilization age does not apply to an abortion if the abortion is performed or induced on a pregnant woman whose pregnancy is the result of sexual assault or incest.

Additionally, Assembly Amendment 3 specifies that no physician who performs a medical intervention designed or intended to prevent the death of a pregnant woman is considered to have violated the section on abortion at 14 or more weeks, except that the physician must make 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. Medical treatment provided to the woman by a physician that results in accidental or unintentional injury or death to the unborn child does not violate the provision on abortion at 14 or more weeks probable postfertilization age.

Assembly Amendment 3 also updates the referendum question submitted to voters to reflect the substantive changes in the amendment.

### BILL HISTORY

Representative Rozar offered Assembly Amendment 3 on January 24, 2024. On January 24, 2024, the Assembly Committee on Health, Aging and Long-Term Care voted to recommend adoption of Assembly Amendment 3 and passage of the bill, as amended, on votes of Ayes, 9; Noes, 7.

For a full history of the bill, visit the Legislature’s [bill history page](#).

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