



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0924/1
SWB:emw

2017 ASSEMBLY BILL 560

October 19, 2017 - Introduced by Representatives HEBL, LOUDENBECK, ANDERSON, BERCEAU, CONSIDINE, CROWLEY, GANNON, HESSELBEIN, KOLSTE, MACCO, MASON, MURSAU, OHNSTAD, POPE, SINICKI, SPIROS, SPREITZER, STEFFEN, SUBECK, C. TAYLOR and VRUWINK, cosponsored by Senator CARPENTER. Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 154.19 (2) (b) 2., 154.19 (3) (b) 2., 154.21 (1) (a), (b) and (c),
2 154.225 (2) (a), (b) and (c), 154.25 (1), 154.29 (1) and 154.29 (2); and **to create**
3 154.17 (1m), 154.19 (2) (b) 1m., 154.25 (6d) and 154.28 of the statutes; **relating**
4 **to:** allowing do-not-resuscitate necklaces or pendants and requiring the
5 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill adds do-not-resuscitate necklaces or pendants that meet certain requirements to the types of standardized do-not-resuscitate jewelry that a person may wear to signify that the person is a qualified patient who has obtained a do-not-resuscitate order from a physician and that the order has not been revoked. Under current law, the only type of do-not-resuscitate jewelry allowed for qualifying patients is a do-not-resuscitate bracelet meeting certain criteria.

The bill also requires the Department of Health Services to establish rules for a uniform standard for the size, color, and design of all do-not-resuscitate necklaces and pendants, but as under current law for do-not-resuscitate bracelets, the department may also approve a do-not-resuscitate necklace or pendant developed and distributed by a commercial vendor if certain requirements are met.

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

ASSEMBLY BILL 560**SECTION 1**

1 **SECTION 1.** 154.17 (1m) of the statutes is created to read:

2 154.17 **(1m)** “Do-not-resuscitate necklace or pendant” means a standardized
3 identification necklace or pendant that meets the specifications established under
4 s. 154.28 (1), or that is approved by the department under s. 154.28 (2), that bears
5 the inscription “Do Not Resuscitate” and signifies that the wearer is a qualified
6 patient who has obtained a do-not-resuscitate order and that the order has not been
7 revoked.

8 **SECTION 2.** 154.19 (2) (b) 1m. of the statutes is created to read:

9 154.19 **(2)** (b) 1m. Place around the neck of the patient a do-not-resuscitate
10 necklace or pendant that meets the specifications established under s. 154.28 (1).

11 **SECTION 3.** 154.19 (2) (b) 2. of the statutes is amended to read:

12 154.19 **(2)** (b) 2. Provide an order form from a commercial vendor approved by
13 the department under s. 154.27 (2) or 154.28 (2) to permit the patient to order a
14 do-not-resuscitate bracelet or a do-not-resuscitate necklace or pendant from the
15 commercial vendor.

16 **SECTION 4.** 154.19 (3) (b) 2. of the statutes is amended to read:

17 154.19 **(3)** (b) 2. The do-not-resuscitate bracelet or do-not-resuscitate
18 necklace or pendant appears to have been tampered with or removed.

19 **SECTION 5.** 154.21 (1) (a), (b) and (c) of the statutes are amended to read:

20 154.21 **(1)** (a) The patient expresses to an emergency medical technician, first
21 responder or to a person who serves as a member of an emergency health care
22 facility’s personnel the desire to be resuscitated. The emergency medical technician,
23 first responder or the member of the emergency health care facility shall promptly
24 remove the do-not-resuscitate bracelet or the do-not-resuscitate necklace or
25 pendant.

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1 (b) The patient defaces, burns, cuts or otherwise destroys the
2 do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant.

3 (c) The patient removes the do-not-resuscitate bracelet or the
4 do-not-resuscitate necklace or pendant or another person, at the patient's request,
5 removes the do-not-resuscitate bracelet or the do-not-resuscitate necklace or
6 pendant.

7 **SECTION 6.** 154.225 (2) (a), (b) and (c) of the statutes are amended to read:

8 154.225 (2) (a) The guardian or health care agent directs an emergency medical
9 technician, first responder or a person who serves as a member of an emergency
10 health care facility's personnel to resuscitate the patient. The emergency medical
11 technician, first responder or the member of the emergency health care facility shall
12 promptly remove the do-not-resuscitate bracelet or the do-not-resuscitate necklace
13 or pendant.

14 (b) The guardian or health care agent defaces, burns, cuts or otherwise destroys
15 the do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant.

16 (c) The guardian or health care agent removes the do-not-resuscitate bracelet
17 or the do-not-resuscitate necklace or pendant.

18 **SECTION 7.** 154.25 (1) of the statutes is amended to read:

19 154.25 (1) SUICIDE. Under this subchapter, the withholding or withdrawing of
20 resuscitation from a patient wearing a valid do-not-resuscitate bracelet or
21 do-not-resuscitate necklace or pendant does not, for any purpose, constitute suicide.
22 Requesting a do-not-resuscitate order under this subchapter does not, for any
23 purpose, constitute attempted suicide.

24 **SECTION 8.** 154.25 (6d) of the statutes is created to read:

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1 154.25 (6d) VALID DO-NOT-RESUSCITATE NECKLACE OR PENDANT. A
2 do-not-resuscitate necklace or pendant that has not been removed, altered, or
3 tampered with in any way shall be presumed valid, unless the patient, the patient's
4 guardian, or the patient's health care agent expresses to the emergency medical
5 technician, first responder, or emergency health care facility personnel the patient's
6 desire to be resuscitated.

7 **SECTION 9.** 154.28 of the statutes is created to read:

8 **154.28 Specifications and distribution of do-not-resuscitate necklace**
9 **or pendant. (1)** The department shall establish by rule a uniform standard for the
10 size, color, and design of all do-not-resuscitate necklaces or pendants. Except as
11 provided in sub. (2), the rules shall require that the do-not-resuscitate necklaces or
12 pendants include the inscription "Do Not Resuscitate"; the name, address, date of
13 birth, and gender of the patient; and the name, business telephone number, and
14 signature of the attending physician issuing the order.

15 **(2)** The department may approve a do-not-resuscitate necklace or pendant
16 developed and distributed by a commercial vendor if the necklace or pendant
17 contains an emblem that displays an internationally recognized medical symbol on
18 the front and the words "Wisconsin Do-Not-Resuscitate-EMS" and the qualified
19 patient's first and last name on the back. The department may not approve a
20 do-not-resuscitate necklace or pendant developed and distributed by a commercial
21 vendor if the vendor does not require a doctor's order for the necklace or pendant
22 prior to distributing it to a patient.

23 **SECTION 10.** 154.29 (1) of the statutes is amended to read:

24 154.29 (1) Any person who willfully conceals, defaces or damages the
25 do-not-resuscitate bracelet or the do-not-resuscitate necklace or pendant of

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1 another person without that person's consent may be fined not more than \$500 or
2 imprisoned for not more than 30 days or both.

3 **SECTION 11.** 154.29 (2) of the statutes is amended to read:

4 154.29 (2) Any person who, with the intent to cause the withholding or
5 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
6 transfers a do-not-resuscitate bracelet or a do-not-resuscitate necklace or pendant
7 to that patient or conceals the revocation under s. 154.21 of a do-not-resuscitate
8 order or any responsible person who withholds personal knowledge of a revocation
9 under s. 154.21 is guilty of a Class F felony.

10 (END)