



## 2015 SENATE BILL 237

August 24, 2015 – Introduced by Senators KAPENGA, LAZICH, LEMAHIEU, MOULTON, ROTH and STROEBEL, cosponsored by Representatives JACQUE, KLEEFISCH, ALLEN, BERNIER, BORN, BRANDTJEN, R. BROOKS, CRAIG, CZAJA, EDMING, GANNON, HEATON, HORLACHER, HUTTON, JARCHOW, KNODL, KNUDSON, KOOYENGA, KREMER, KRUG, T. LARSON, MACCO, MURPHY, A. OTT, PETERSEN, QUINN, ROHRKASTE, SANFELIPPO, SCHRAA, SKOWRONSKI, STEFFEN, THIESFELDT, TITTL and VORPAGEL. Referred to Committee on Health and Human Services.

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

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Department of Health Services (DHS) to apply, on an annual basis, for grant funds under Title X of the federal Public Health Service Act and to distribute funds received first to the Wisconsin Well-Woman Program and public entities, including state, county, and local health departments and health clinics, and, if there are remaining funds, to certain nonpublic entities.

Under this bill, DHS must annually apply for Title X grant funds and distribute these funds for family planning and related preventive health services, including those specified in the bill. DHS must distribute grant funds giving first priority to the Wisconsin Well-Woman Program and to public entities, including state, county, and local health departments and health clinics. If any moneys remain after those distributions, DHS may then distribute grant funds to nonpublic entities that are hospitals or federally qualified health centers that provide comprehensive primary and preventive care.

Under this bill, a public entity that receives family planning and preventive health services grant funds may provide some or all of the funds to other public or private entities provided that the recipient of the funds does not provide abortion

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services, make referrals for abortion services, or have an affiliate that provides abortion services or makes referrals for abortion services.

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

1           **SECTION 1.** 253.075 of the statutes is created to read:

2           **253.075 Family planning and related preventive health services grant.**

3           **(1) DEFINITIONS.** In this section:

4           (a) “AIDS” means acquired immunodeficiency syndrome.

5           (b) “Family planning” has the meaning given in s. 253.07 (1) (a).

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

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

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

15          (f) “HIV” has the meaning given in s. 252.01 (1m).

16          (g) “Hospital” has the meaning given in s. 50.33 (2).

17          **(2) DEPARTMENT’S DUTIES.** (a) The department shall annually apply to the  
18 federal department of health and human services for grant funds under Title X of the  
19 federal Public Health Service Act, 42 USC 300 to 300a-6.

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

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

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

13           (c) All information gathered by any agency, entity, or person conducting  
14 programs in family planning, other than statistical information compiled without  
15 reference to the identity of any individual or other information that the individual  
16 allows to be released through his or her informed consent, shall be considered a  
17 confidential medical record.

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

22           (a) Screening for cervical cancer and breast cancer.

23           (b) Screening for high blood pressure, anemia, and diabetes.

24           (c) Screening for sexually transmitted diseases and HIV or AIDS.

25           (d) Infertility services.

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1 (e) Health education.

2 (f) Pregnancy testing.

3 (g) Contraceptive services.

4 (h) Pelvic exams.

5 (i) Referrals for other health and social services.

6 **(5) FAMILY PLANNING AND RELATED PREVENTIVE HEALTH SERVICES FUNDS.** (a) The  
7 department shall distribute family planning and related preventive health services  
8 funds to the well-woman program under s. 255.06 and to public entities, including  
9 state, county, and local health departments and health clinics. If any moneys  
10 remain, the department may then distribute grant funds under this section to  
11 nonpublic entities that are hospitals or federally qualified health centers that  
12 provide comprehensive primary and preventive care.

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

17 1. Provide abortion services.

18 2. Make referrals for abortion services.

19 3. Have an affiliate that provides abortion services or makes referrals for  
20 abortion services.

21 (c) Providing abortion services, making referrals for abortion services, or  
22 having an affiliate that provides abortion services or makes referrals for abortion  
23 services solely under the circumstances described in s. 20.927 (2) does not disqualify

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1 an entity from receiving family planning and preventive health services grant funds  
2 from a public entity under par. (b).

3 (END)