State of Wisconsin

1995 Senate Bill 94

Date of enactment: **May 31, 1996**
Date of publication*: **June 14, 1996**

1995 WISCONSIN ACT 386

AN ACT *to repeal* 46.238 (2) and 146.0255 (5); *to renumber* 46.238 (1); and *to amend* 146.0255 (2) of the statutes; **relating to:** permitting testing of an infant for controlled substances, in certain circumstances, without consent of the parent or guardian and eliminating termination of the testing program.

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

SECTION 1. 46.238 (1) of the statutes is renumbered 46.238.

SECTION 2. 46.238 (2) of the statutes is repealed.

SECTION 3. 146.0255 (2) of the statutes is amended to read:

146.0255 (2) TESTING. Any hospital employe who provides health care, social worker or ~~foster care or treatment foster care~~ intake worker under ch. 48 may refer an infant to a physician for testing of the infant's bodily fluids for controlled substances if the hospital employe who provides health care, social worker or ~~foster care or treatment foster care~~ intake worker suspects that the infant has controlled substances in the infant's bodily fluids because of the mother's ~~ingestion~~ use of controlled substances while she was pregnant with the infant. The physician may test the infant to ascertain whether or not the infant has controlled substances in the infant's bodily fluids, ~~if the parent or guardian consents to the testing and~~ if the physician determines that there is a serious risk that there are controlled substances in the infant's bodily fluids because of the mother's ~~ingestion~~ use of controlled substances while she was pregnant with the infant and that the health of the infant may be adversely affected by the controlled substances. If the results of the test indicate that the infant does have controlled substances in the infant's bodily fluids, the physician shall make a report under s. 46.238.

SECTION 4. 146.0255 (5) of the statutes is repealed.

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* Section 991.11, WISCONSIN STATUTES 1993–94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].