

Republican Lawmakers Announce Legislation Providing New Exceptions to Wisconsin's 1849 Abortion Law

Evers: "I won't sign anything less" than a repeal of Wisconsin's 1849-era criminal abortion ban

In a press conference in the state capitol on March 15, a dozen Republican state lawmakers joined Assembly Speaker Robin Vos (R-Rochester) and Sen. Mary Felzkowski (R-Irma) to propose legislation that creates additional exceptions to Wisconsin's 1849 abortion statute regarding life and health of the mother, and rape and incest.

The existing statute's validity is currently being contested by the Wisconsin Attorney General in a case that is pending before Dane County Circuit Court and, regardless of the outcome, is likely to be appealed to the Wisconsin Supreme Court.

During the Capitol press conference, Sen. Felzkowski said she had heard from constituents and the medical community following the release of the U.S. Supreme Court's decision in Dobbs.

"When I had conversations with constituents, they want to make sure that if there are complications in the pregnancy or the baby is found to be non-viable, that they can access the health care that is needed so that the mother can survive the pregnancy and we can move forward," said Felzkowski during the Republicans' press conference.

According to a non-partisan Legislative Council memo on the proposal, the bill would provide exceptions to the abortion prohibition law created in 1849 in certain situations, including:

- When pregnancy is contraindicated due to a serious risk of death of the pregnant woman or of substantial and irreversible physical impairment of a major bodily function of the woman.
- When the fetus has no chance of survival, including a physical condition of the fetus that makes survival of the fetus outside of the uterus not possible, an anembryonic pregnancy, an ectopic pregnancy, or a molar pregnancy.

Additionally, the legislation says that Wisconsin's abortion prohibition doesn't apply if a pregnancy is a result of sexual assault or incest when the pregnancy is in its first trimester.

Gov. Evers and Democrats in the Legislature said the proposal didn't go far enough, calling on a full repeal of Wisconsin's 1849 abortion prohibition law. Sen. Felzkowski acknowledged during the press conference that, currently, there are not enough Republican votes in support of this bill to get the legislation through the Senate. Speaker Vos indicated he was hopeful to be able to secure 50 Republican votes to get this legislation through the Assembly.

Follow these links to read the [draft legislation](#) and a [non-partisan Legislative Council summary](#) of the proposed bill.

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