



**JIM DOYLE**  
**GOVERNOR**  
**STATE OF WISCONSIN**

---

January 6, 2006

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 138, which requires doctors to make certain statements to women seeking abortions.

A woman considering an abortion is confronted with a profoundly personal dilemma. Her decision making process becomes more difficult the further along the pregnancy. Few abortions occur after the twentieth week of gestation and when they are being considered it is often because of serious, sometimes fatal, health care complications for the fetus and/or the pregnant woman. In any such circumstance, it is my hope that a woman's family, friends and personal physician will be available to assist her in making the best decision for her and her family. Certainly, they are the individuals best positioned to do so.

The state already intervenes in this decision making process by requiring that a woman considering an abortion provide informed consent. Her physician must provide information on fetal development and the risks of undergoing an abortion. According to state law the information currently provided must be objective and accurate.

The required notice of fetal pain in this bill fails to reflect a consensus of medical opinion. In fact, a recent article in the Journal of the American Medical Association reported that after a thorough review of the available literature, there is no conclusive scientific evidence of when a fetus first feels pain. Many of the studies reviewed indicate that pain perception probably does not function before the third trimester.

For any medical procedure, the information that a doctor provides to a patient should be based on the best available science and proven medical practice. All the more so when the medical procedure involves a pregnant woman with potentially serious medical complications. It would be reckless to inject a requirement that doctors communicate unproven science to their patients during an already difficult and sometimes traumatic time. Certainly, the legislature is in no position to decide what is and what is not settled medical fact.

This bill intrudes on the doctor patient relationship in a heavy handed manner and contravenes the requirement that doctors provide objective and accurate information to their patients. In any case, I trust doctors, not the Legislature, to make medical

judgments. We should keep the doctor-patient relationship between doctors and patients and keep the Legislature out of it.

Respectfully submitted,

JIM DOYLE  
Governor