



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3974/1
MED:cdc

2023 ASSEMBLY BILL 398

September 6, 2023 - Introduced by Representatives GUNDRUM, ARMSTRONG, DITTRICH, MURPHY, PENTERMAN, RETTINGER and STEFFEN, cosponsored by Senators STROEBEL, BALLWEG and KNODL. Referred to Committee on Health, Aging and Long-Term Care.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 102.07 (8) (a); and *to create* 102.07 (8) (bw), 104.01 (2) (b) 6.
2 and 108.02 (15) (ko) of the statutes; **relating to:** participants in clinical
3 research trials.

Analysis by the Legislative Reference Bureau

This bill provides that for the purposes of the minimum wage law and worker's compensation law an individual who is a participant in a clinical research trial and receives remuneration, a stipend, or compensation for participating in the trial is not an employee of the entity that conducts the trial. The bill also provides that such participation is generally not considered covered employment under the unemployment insurance (UI) law. As a consequence, amounts paid by employers for such participation are not subject to UI contribution requirements and are not counted as base period wages for purposes of determining eligibility for UI benefits.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 102.07 (8) (a) of the statutes is amended to read:
5 102.07 (8) (a) Except as provided in pars. (b) ~~and~~, (bm), and (bw), every
6 independent contractor is, for the purpose of this chapter, an employee of any

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1 employer under this chapter for whom he or she is performing service in the course
2 of the trade, business, profession or occupation of such employer at the time of the
3 injury.

4 **SECTION 2.** 102.07 (8) (bw) of the statutes is created to read:

5 102.07 (8) (bw) An individual who receives remuneration, a stipend, or
6 compensation for being a participant in a clinical research trial as described in s.
7 108.02 (15) (ko).

8 **SECTION 3.** 104.01 (2) (b) 6. of the statutes is created to read:

9 104.01 (2) (b) 6. Any individual who receives remuneration, a stipend, or
10 compensation for being a participant in a clinical research trial.

11 **SECTION 4.** 108.02 (15) (ko) of the statutes is created to read:

12 108.02 (15) (ko) "Employment," as applied to work for a given employer other
13 than a government unit, an Indian tribe, or a nonprofit organization, except as the
14 employer elects otherwise with the department's approval, does not include
15 participation, by an individual who receives remuneration, a stipend, or
16 compensation, in a clinical research trial.

17 **SECTION 5. Initial applicability.**

18 (1) The treatment of s. 108.02 (15) (ko) first applies to participation occurring
19 on the effective date of this subsection.

20 **SECTION 6. Effective date.**

21 (1) This act takes effect the Sunday after publication.

22 (END)