

State of Wisconsin



2023 Assembly Bill 398

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

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

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

SECTION 1. 102.07 (8) (a) of the statutes is amended to read:

102.07 (8) (a) Except as provided in pars. (b) and (bm), and (bw), every independent contractor is, for the purpose of this chapter, an employee of any employer under this chapter for whom he or she is performing service in the course of the trade, business, profession or occupation of such employer at the time of the injury.

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

102.07 (8) (bw) An individual who receives remuneration, a stipend, or compensation for being a participant in a clinical research trial as described in s. 108.02 (15) (ko) is not an employee of the entity conducting the clinical research trial.

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

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

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

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

SECTION 5. Initial applicability.

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

SECTION 6. Effective date.

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

* Section 991.11, WISCONSIN STATUTES: 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."