



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1574/1
KP:cjs

2021 ASSEMBLY BILL 4

January 19, 2021 - Introduced by Representatives SANFELIPPO, CABRAL-GUEVARA, DITTRICH, DUCHOW, MOSES, MURPHY and ROZAR, cosponsored by Senator KOOYENGA. Referred to Committee on Health.

1 **AN ACT** *to renumber and amend* 450.035 (2g); *to amend* 450.03 (1) (f), 450.03
2 (1) (g), 450.03 (1) (i), 450.035 (2i) (a), 450.035 (2i) (b), 450.035 (2m), 450.035 (2t)
3 (intro.), 450.035 (2t) (a), 450.035 (3) and 450.035 (4); and *to create* 450.035 (2h)
4 of the statutes; **relating to:** pharmacy technicians and pharmacy students
5 administering vaccines.

Analysis by the Legislative Reference Bureau

This bill authorizes pharmacy technicians to administer vaccines. Under current law, a pharmacy technician is a person who provides services as directed, supervised, and inspected by a pharmacist. To administer vaccines under the bill, a pharmacy technician must complete two hours of training and must be supervised by a pharmacist.

Also, under the bill, any health care provider who is authorized to administer vaccines may supervise pharmacy students who have completed two years of pharmacy school while they administer a vaccine. Current law requires pharmacy students who have completed two years of pharmacy school to be supervised by a pharmacist while administering a vaccine.

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

ASSEMBLY BILL 4**SECTION 1**

1 **SECTION 1.** 450.03 (1) (f) of the statutes is amended to read:

2 450.03 (1) (f) A person who has successfully completed his or her second year
3 in, and is enrolled at, an accredited school of pharmacy and whose practice of
4 pharmacy is limited to performing duties under the direct supervision of a person
5 licensed as a pharmacist by the board and administering vaccines under the direct
6 supervision of a health care provider authorized to administer vaccines.

7 **SECTION 2.** 450.03 (1) (g) of the statutes is amended to read:

8 450.03 (1) (g) A person who has applied for a license under s. 450.05 whose
9 practice of pharmacy is limited to performing duties under the direct supervision of
10 a person licensed as a pharmacist by the board and administering vaccines under the
11 direct supervision of a health care provider authorized to administer vaccines during
12 the period before which the board takes final action on the person's application.

13 **SECTION 3.** 450.03 (1) (i) of the statutes is amended to read:

14 450.03 (1) (i) Any person who is providing services, including administering
15 vaccines, as directed, supervised, and inspected by a pharmacist who has the power
16 to direct, decide, and oversee the implementation of the services rendered, subject
17 to any rules promulgated by the board and subject to s. 450.035 (2m).

18 **SECTION 4.** 450.035 (2g) of the statutes is renumbered 450.035 (2g) (a) and
19 amended to read:

20 450.035 (2g) (a) A person engaged in the practice of pharmacy under s. 450.03
21 (1) (f) or (g) may not administer a vaccine unless he or she acts under the direct
22 supervision of a ~~pharmacist~~ health care provider authorized to administer vaccines
23 and he or she ~~and the supervising pharmacist have~~ has successfully completed 12
24 hours in a course of study and training, approved by the Accreditation Council for
25 Pharmacy Education or the board, in vaccination storage, protocols, administration

ASSEMBLY BILL 4**SECTION 4**

1 technique, emergency procedures, and record keeping ~~and~~. If the supervising health
2 care provider under this paragraph is a pharmacist, a person engaged in the practice
3 of pharmacy under s. 450.03 (1) (f) or (g) may not administer a vaccine unless the
4 supervising pharmacist has successfully completed a course of study and training
5 specified in sub. (2) and has satisfied the requirements specified in sub. (2t).

6 (b) A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g)
7 may not administer a vaccine under this subsection to a person who is under the age
8 of 6.

9 **SECTION 5.** 450.035 (2h) of the statutes is created to read:

10 450.035 (2h) (a) A person engaged in the practice of pharmacy under s. 450.03
11 (1) (i) may not administer a vaccine unless all of the following are satisfied:

12 1. The person has successfully completed at least 2 hours in a course of study
13 and training, approved by the Accreditation Council for Pharmacy Education or the
14 board, in hands-on injection technique and the recognition and treatment of
15 emergency reactions to vaccines.

16 2. The person acts under the direct supervision of a pharmacist and the
17 supervising pharmacist has successfully completed a course of study and training
18 specified in sub. (2) and has satisfied the requirements specified in sub. (2t).

19 3. The person holds a current certification in basic life support or
20 cardiopulmonary resuscitation.

21 4. The person holds a certified pharmacy technician certification from either
22 the Pharmacy Technician Certification Board, or its successor organization, or the
23 National Healthcareer Association, or its successor organization.

24 (b) A person engaged in the practice of pharmacy under s. 450.03 (1) (i) may not
25 administer a vaccine under this subsection to a person who is under the age of 6.

ASSEMBLY BILL 4**SECTION 6**

1 **SECTION 6.** 450.035 (2i) (a) of the statutes is amended to read:

2 450.035 **(2i)** (a) Subject to subs. (2) ~~and~~, (2g), and (2h), a pharmacist or a person
3 engaged in the practice of pharmacy under s. 450.03 (1) (f) ~~or~~, (g), or (i) may
4 administer without a prescription order any vaccine listed in the current
5 immunization schedules recommended by the federal advisory committee on
6 immunization practices and published by the federal centers for disease control and
7 prevention.

8 **SECTION 7.** 450.035 (2i) (b) of the statutes is amended to read:

9 450.035 **(2i)** (b) Subject to subs. (2) ~~and~~, (2g), and (2h), a pharmacist or a person
10 engaged in the practice of pharmacy under s. 450.03 (1) (f) ~~or~~, (g), or (i) may initiate
11 and administer any vaccine not listed in the current immunization schedules
12 recommended by the federal advisory committee on immunization practices and
13 published by the federal centers for disease control and prevention if the vaccine is
14 administered pursuant to a prescription order, vaccination protocol, or standing
15 order.

16 **SECTION 8.** 450.035 (2m) of the statutes is amended to read:

17 450.035 **(2m)** Except as provided in sub. (1t) ~~or~~, (2g), or (2h), a pharmacist may
18 not delegate to any person any administration of a prescribed drug product or device
19 or vaccine under sub. (1r) or (2).

20 **SECTION 9.** 450.035 (2t) (intro.) of the statutes is amended to read:

21 450.035 **(2t)** (intro.) A pharmacist may not administer a vaccine under sub. (2)
22 or supervise a person administering a vaccine under sub. (2g) or (2h) unless the
23 pharmacist satisfies each of the following:

24 **SECTION 10.** 450.035 (2t) (a) of the statutes is amended to read:

ASSEMBLY BILL 4**SECTION 10**

1 450.035 **(2t)** (a) The pharmacist has in effect liability insurance that covers the
2 pharmacist and a person who administers a vaccine under sub. (2g) or (2h) against
3 loss, expense and liability resulting from errors, omissions or neglect in the
4 administration of vaccines in an amount that is not less than \$1,000,000 for each
5 occurrence and \$2,000,000 for all occurrences in any one policy year.

6 **SECTION 11.** 450.035 (3) of the statutes is amended to read:

7 450.035 **(3)** A pharmacist or a person engaged in the practice of pharmacy
8 under s. 450.03 (1) (f) ~~or~~, (g), or (i) who successfully completes a course of study and
9 training specified in sub. (1r), (1t), (2), ~~or (2g), or (2h),~~ or holds a certification under
10 sub. (2h), shall maintain proof of completion or holding the certification and, upon
11 request, provide copies of such proof to the department or the board.

12 **SECTION 12.** 450.035 (4) of the statutes is amended to read:

13 450.035 **(4)** A pharmacist or person engaged in the practice of pharmacy under
14 s. 450.03 (1) (f) ~~or~~, (g), or (i) who administers a vaccine to a person under this section
15 shall update, or cause a pharmacy to update, the Wisconsin Immunization Registry
16 established by the department of health services within 7 days of administering the
17 vaccine.

18

(END)