

2013 Assembly Bill 445 (LRB -3112)

An Act to amend 450.19 (2) (b); and to create 450.11 (1b) and 450.11 (9) (bm) of the statutes; relating to: identification presentation and monitoring for certain prescription drugs. (FE)

2013

- 10-18. A. Introduced by Representatives Nygren, Petryk, Bernier, Krug, Nerison, Tranel, Born, Czaja, Endsley, Jagler, Kapenga, Kaufert, Kleefisch, Knodl, Knudson, LeMahieu, Marklein, Murphy, Mursau, Murtha, A. Ott, Petersen, Ripp, Swearingen, Strachota, Tauchen, Tittl, Berceau, Bernard Schaber, Bewley, Doyle, Genrich, Kahl, Kolste, Johnson, Richards and Smith; cosponsored by Senators Harsdorf, Cowles, L. Taylor, Darling, Jauch, Gudex, Grothman, T. Cullen, Ellis, Leibham, Kedzie, Petrowski, Lazich, Miller, Erpenbach, Schultz, Hansen and Risser. .... 375
- 10-18. A. Read first time and referred to Committee on Health ..... 375
- 10-29. A. Fiscal estimate received

2014

- 01-08. A. Assembly Amendment 1 offered by Representative Nygren (LRB a1137) ..... 516
- 01-09. A. Public hearing held
- 01-09. A. Executive action taken
- 01-09. A. Report Assembly Amendment 1 adoption recommended by Committee on Health, Ayes 9, Noes 0 ..... 519
- 01-09. A. Report passage as amended recommended by Committee on Health, Ayes 9, Noes 0 ..... 519
- 01-09. A. Referred to calendar of 1-15-2014 ..... 519
- 01-13. A. Assembly Amendment 2 offered by Representative Nygren (LRB a1412) ..... 521
- 01-14. A. Rules suspended to withdraw from calendar of 1-15-2014 and take up ..... 523
- 01-14. A. Read a second time ..... 524
- 01-14. A. Representatives Barca, Jorgensen, Sinicki, Young, Vruwink, Pasch, Hintz, Sargent, Ringhand, Pope, Wright, Ohnstad, Billings, Wachs, Stroebel, Kerkman, Steineke, Rodriguez, Loudenbeck, Spiros, Weatherston, Kulp, Thiesfeldt, Kuglitsch, T. Larson, J. Ott, Skowronski, Williams, Brooks, Hulsey, Hesselbein, C. Taylor, Shankland, Jacque and Zamarripa added as coauthors ..... 524
- 01-14. A. Assembly Substitute Amendment 1 offered by Representative Nygren (LRB s0235) ..... 524
- 01-14. A. Assembly Substitute Amendment 1 adopted ..... 524
- 01-14. A. Ordered to a third reading ..... 524
- 01-14. A. Rules suspended ..... 524
- 01-14. A. Read a third time and passed, Ayes 96, Noes 0 ..... 524
- 01-14. A. Ordered immediately messaged ..... 524
- 01-15. S. Received from Assembly ..... 574
- 01-15. S. Read first time and referred to committee on Health and Human Services ..... 574
- 01-15. S. Senator Carpenter added as a cosponsor ..... 573
- 01-29. S. Public hearing held
- 02-04. S. Executive action taken
- 02-05. S. Report concurrence recommended by Committee on Health and Human Services, Ayes 5, Noes 0 ..... 632
- 02-05. S. Available for scheduling
- 02-17. S. Senator Moulton added as a cosponsor ..... 675
- 02-17. S. Placed on calendar 2-18-2014 pursuant to Senate Rule 18(1) ..... 674
- 02-18. S. Read a second time
- 02-18. S. Ordered to a third reading
- 02-18. S. Rules suspended
- 02-18. S. Read a third time and concurred in
- 02-18. S. Ordered immediately messaged
- 02-18. A. Received from Senate concurred in ..... 672

SB

**2013**  
**ENROLLED BILL**

13en A B-445

**ADOPTED DOCUMENTS:**

Orig     Engr    A SubAmndt 1    13 S 02351 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-21-14                      JR Miller  
Date                                      Enrolling Drafter



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0235/1  
CMH/MED/MPG:eev&wljjf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 445**

January 14, 2014 – Offered by Representative NYGREN.

1 **AN ACT to amend** 450.19 (2) (b); and **to create** 450.11 (1b), 450.11 (9) (bm) and  
2 450.19 (2m) of the statutes; **relating to:** identification presentation, name  
3 recording, monitoring for certain prescription drugs, and authorizing the  
4 exercise of rule-making authority.

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

5 **SECTION 1.** 450.11 (1b) of the statutes is created to read:

6 450.11 (1b) IDENTIFICATION CARD REQUIRED FOR CERTAIN CONTROLLED SUBSTANCES.

7 (a) In this subsection:

8 1. “Health care facility” means a facility, as defined in s. 647.01 (4); any  
9 hospital, nursing home, community-based residential facility, county home, county  
10 infirmary, county hospital, county mental health complex, or other place licensed or  
11 approved by the department of health services under s. 49.70, 49.71, 49.72, 50.03,

1 50.032, 50.033, 50.034, 50.35, 51.08, or 51.09; a facility under s. 45.50, 51.05, 51.06,  
2 233.40, 233.41, 233.42, or 252.10; and any other facility identified by the board by  
3 rule.

4 2. "Identification card" means any of the following:

5 a. An operator's license issued under ch. 343 or under a comparable law of  
6 another state.

7 b. An identification card issued under s. 343.50 or under a comparable law of  
8 another state.

9 c. An identification card issued by a U.S. uniformed service.

10 d. A U.S. or foreign passport.

11 (b) Except as provided under par. (e), a controlled substance included in  
12 schedule II or III of ch. 961 may not be dispensed, and may not be delivered to a  
13 representative of the ultimate user, without an identification card belonging to the  
14 person to whom the drug is being dispensed or delivered.

15 (bm) A pharmacist or other person dispensing or delivering a drug shall legibly  
16 record the name on each identification card presented under par. (b) to the  
17 pharmacist or other person, and the name of each person to whom a drug is dispensed  
18 or delivered subject to par. (e) 2., and shall maintain that record for a time established  
19 by the board by rule or, for a record that is subject to s. 450.19, until the name is  
20 delivered to the board under s. 450.19, whichever is sooner.

21 (c) If the person to whom a drug subject to par. (b) is being delivered is not the  
22 ultimate user of the drug, the person delivering the drug may ask the ultimate user  
23 of the drug to designate a person who is authorized to pick up the drug on behalf of  
24 the ultimate user and may inform the person to whom the drug is being delivered  
25 that his or her identification is being recorded.

1 (d) A pharmacist is immune from any civil or criminal liability and from  
2 discipline under s. 450.10 for any act taken by the pharmacist in reliance on an  
3 identification card that the pharmacist reasonably believed was authentic and  
4 displayed the name of the person to whom the drug was being delivered if the sale  
5 was made in good faith.

6 (e) No identification card is required under par. (b) if any of the following  
7 applies:

8 1. The drug is administered or dispensed directly to the ultimate user by a  
9 practitioner.

10 2. The pharmacist or other person dispensing or delivering the drug has  
11 personal knowledge of the person to whom the drug is dispensed or delivered and  
12 that the person is the ultimate user or the ultimate user's authorized representative.

13 3. The drug is delivered to a health care facility to be administered in the health  
14 care facility.

15 (f) The board may, by rule, establish an exemption from the requirements under  
16 this subsection for the delivery of a drug by mail if the board determines that the  
17 exemption is necessary.

18 **SECTION 2.** 450.11 (9) (bm) of the statutes is created to read:

19 450.11 (9) (bm) A violation of sub. (1b) is not punishable under par. (a) or (b).

20 **SECTION 3.** 450.19 (2) (b) of the statutes is amended to read:

21 450.19 (2) (b) Identify specific data elements to be contained in a record  
22 documenting the dispensing of a prescription drug, including the method of payment  
23 and, subject to sub. (2m), the name recorded under s. 450.11 (1b) (bm). In identifying  
24 specific data elements, the board shall consider data elements identified by similar

1 programs in other states and shall ensure, to the extent possible, that records  
2 generated by the program are easily shared with other states.

3 **SECTION 4.** 450.19 (2m) of the statutes is created to read:

4 450.19 (2m) (a) The rules promulgated under sub. (2) may not require that a  
5 record delivered to the board before 2 years after the effective date of this paragraph  
6 .... [LRB inserts date], contain the name recorded under s. 450.11 (1b) (bm).

7 (b) After consultation with representatives of licensed pharmacists and  
8 pharmacies, and subject to the approval of the secretary, the board may delay the  
9 requirement that a record delivered to the board contain the name recorded under  
10 s. 450.11 (1b) (bm) for an additional period beyond the date specified in par. (a).

11 (END)