



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2013 Assembly Bill 445	Assembly Substitute Amendment 1
<i>Memo published: January 16, 2014</i>	<i>Contact: Mary Matthias, Principal Attorney (266-0932)</i>

ASSEMBLY BILL 445

Assembly Bill 445 specifies that a Schedule II or III controlled substance may not be dispensed or delivered without an identification card belonging to the person to whom the controlled substance is dispensed or delivered. An identification card is not required when a health care practitioner administers or dispenses a drug directly to a patient. Under the bill, the name on the identification card must be reported to the Pharmacy Examining Board (Board) through the Prescription Drug Monitoring Program (PDMP).

ASSEMBLY SUBSTITUTE AMENDMENT I

Assembly Substitute Amendment 1 (ASA 1) makes the changes to the bill described below.

Requirement to Record Name on Identification Card

ASA1 requires the pharmacist or other person dispensing or delivering a Schedule II or III controlled substance to record the name on the identification card and maintain the record of that name for as long as is required by administrative rules promulgated by the Board, or until it is submitted to the Board through the PDMP, whichever is sooner.

Acceptable Types of Identification Cards

Under the bill, the types of identification card that are acceptable are the following:

- A Wisconsin motor vehicle operator's license.
- A Wisconsin state identification card issued by the Department of Transportation.
- An identification card issued by a U.S. uniformed service.
- A U.S. passport.

Under ASA 1, the following types of identification cards are also acceptable:

- A motor vehicle operator's license or a state identification card issued by another state.
- A foreign passport.

Exemption for Drugs Delivered to Health Care and Residential Facilities

Under ASA 1, the provisions of the bill do not apply when a drug is delivered to a health care facility if the drug is to be administered in the health care facility. The types of facilities included in this exemption are the following:

- Hospital.
- Nursing home.
- Community-based residential facility.
- Continuing care facility.
- Mental health institution.
- County home.
- County infirmary.
- County hospital.
- County mental health complex.
- Veterans home.
- Center for the developmentally disabled.
- Local health department dispensary.
- Adult family homes.
- Residential care apartment complexes.

Under ASA 1, the Board may, by administrative rule, exempt additional health care facilities from the requirements of the bill.

Exemption When Pharmacist Has Personal Knowledge of a Person

Under ASA1, an identification card is *not* required if the pharmacist or other person dispensing or delivering a Schedule II or III controlled substance has personal knowledge of the person to whom the drug is dispensed or delivered and that the person is the ultimate user or the ultimate user's authorized representative. The pharmacist or other person must record the name of the person and report it to the Board and the PDMP to the same extent that the name on an identification card must be reported.

Method of Payment Must be Reported

Under ASA 1, a PDMP report regarding a Schedule II or III controlled substance must include the method of payment used to purchase the drug.

Delay of PDMP Reporting Requirement

ASA 1 provides that the requirement to include, in a PDMP report, the name on the identification card of a person to whom a Schedule II or III controlled substance is dispensed or delivered, does not go into effect until two years after the bill is enacted. ASA 1 also authorizes the Board to further delay that requirement after consultation with representatives of licensed pharmacists and pharmacies, subject to the approval of the Secretary of the Department of Safety and Professional Services.

BILL HISTORY

Assembly Bill 445 was introduced on October 18, 2013 by Representative Nygren; cosponsored by Senator Harsdorf. Assembly Amendment 1¹ was offered by Representative Nygren on January 8, 2014. On January 9, 2014, the Assembly Committee on Health voted to recommend adoption of the amendment, and passage of the bill as amended, on successive votes of Ayes, 9; Noes, 0.

On January 14, 2014, ASA 1 was offered by Representative Nygren and adopted by the Assembly on a voice vote. The Assembly passed the bill, as amended, on a vote of Ayes, 96; Noes, 0, on the same day.

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¹ ASA1 contains all the provisions of Assembly Amendment 1, along with additional provisions that are not in Assembly Amendment 1.