



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0325/1
MED:amn

2019 ASSEMBLY BILL 304

June 20, 2019 - Introduced by Representatives KITCHENS, FELZKOWSKI, AUGUST, BORN, DITTRICH, DUCHOW, JAMES, KERKMAN, KNODL, KRUG, KUGLITSCH, KURTZ, LOUDENBECK, MACCO, MAGNAFICI, MURSAU, NEYLON, NOVAK, NYGREN, OLDENBURG, PLUMER, RAMTHUN, ROHRKASTE, SKOWRONSKI, SNYDER, SPIROS, STEFFEN, STEINEKE, SUMMERFIELD, SWEARINGEN, TITTL, TRANEL, TUSLER, VORPAGEL, VOS and WITTKE, cosponsored by Senators BERNIER, DARLING, FEYEN, MARKLEIN, TESTIN and WANGGAARD. Referred to Committee on Health.

1 **AN ACT** *to amend* 450.095 (title) and 450.095 (3); and *to create* 450.01 (16) (L),
2 450.095 (1) (ag) and (ar) and 450.095 (2m) of the statutes; **relating to:**
3 permitting pharmacists to prescribe certain contraceptives, extending the time
4 limit for emergency rule procedures, providing an exemption from emergency
5 rule procedures, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill permits a pharmacist to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives, subject to limitations described as follows.

The bill requires the Pharmacy Examining Board, after consultation with the Medical Examining Board, the Board of Nursing, and the Department of Health Services, to promulgate rules to establish standard procedures for the prescribing of contraceptives by pharmacists under the bill. The rules must include a self-assessment questionnaire, developed in consideration of guidelines established by the American Congress of Obstetricians and Gynecologists, that must be used by a pharmacist when prescribing a contraceptive. The rules must include certain requirements for pharmacists prescribing contraceptives, such as 1) requiring a report to the patient's primary health care practitioner following a prescription, and 2) requiring the contraceptive to be dispensed as soon as practicable after the pharmacist issues the prescription order. In addition, the rules must prohibit a pharmacist from prescribing or dispensing a contraceptive to a patient unless 1) the

ASSEMBLY BILL 304

patient has responded to the self-assessment questionnaire and undergone a blood pressure screening and 2) the use of the contraceptive is not contraindicated based upon the results of the questionnaire and screening. A pharmacist who prescribes contraceptives as permitted under the bill must comply with those rules, as well as any other rules promulgated by the Pharmacy Examining Board. Finally, under the bill, a pharmacist may prescribe a contraceptive only to a person who is at least 18 years of age.

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:

1 **SECTION 1.** 450.01 (16) (L) of the statutes is created to read:

2 450.01 (16) (L) Prescribing and dispensing hormonal contraceptive patches
3 and self-administered oral hormonal contraceptives pursuant to s. 450.095 (2m).

4 **SECTION 2.** 450.095 (title) of the statutes is amended to read:

5 **450.095** (title) ~~**Duty to dispense**~~ **Prescribing and dispensing of**
6 **contraceptives.**

7 **SECTION 3.** 450.095 (1) (ag) and (ar) of the statutes are created to read:

8 450.095 (1) (ag) “Hormonal contraceptive patch” means a transdermal patch
9 applied to the skin of a patient, by the patient or by a practitioner, that releases a
10 drug composed of a combination of hormones that is approved by the federal food and
11 drug administration to prevent pregnancy.

12 (ar) “Self-administered oral hormonal contraceptive” means a drug composed
13 of a combination of hormones that is approved by the federal food and drug
14 administration to prevent pregnancy and that the patient to whom the drug is
15 prescribed may take orally.

16 **SECTION 4.** 450.095 (2m) of the statutes is created to read:

ASSEMBLY BILL 304

1 450.095 **(2m)** (a) In accordance with rules promulgated by the board, a
2 pharmacist may prescribe and dispense hormonal contraceptive patches and
3 self-administered oral hormonal contraceptives to a person who is at least 18 years
4 of age.

5 (b) 1. The board shall, after consultation with the medical examining board, the
6 board of nursing, and the department of health services, promulgate rules to
7 establish standard procedures for the prescribing of hormonal contraceptive patches
8 and self-administered oral hormonal contraceptives by pharmacists under this
9 subsection.

10 2. The rules promulgated under subd. 1. shall include a self-assessment
11 questionnaire, developed in consideration of guidelines established by the American
12 Congress of Obstetricians and Gynecologists, that must be used by a pharmacist as
13 described in subd. 3. a.

14 3. The rules promulgated under subd. 1. shall require a pharmacist to do all
15 of the following:

16 a. Provide the self-assessment questionnaire described in subd. 2. to a patient
17 prior to the pharmacist's prescribing the hormonal contraceptive patch or
18 self-administered oral hormonal contraceptive to the patient.

19 b. Report to the patient's primary care practitioner upon prescribing and
20 dispensing the hormonal contraceptive patch or self-administered oral hormonal
21 contraceptive.

22 c. Provide the patient with a written record of the hormonal contraceptive
23 patch or self-administered oral hormonal contraceptive prescribed and dispensed.

ASSEMBLY BILL 304**SECTION 4**

1 d. Dispense the hormonal contraceptive patch or self-administered oral
2 hormonal contraceptive to the patient as soon as practicable after the pharmacist
3 issues the prescription order.

4 4. The rules promulgated under subd. 1. shall prohibit a pharmacist from
5 prescribing and dispensing a hormonal contraceptive patch or self-administered
6 oral hormonal contraceptive to a patient unless all of the following apply:

7 a. The patient has responded to the self-assessment questionnaire provided
8 under subd. 3. a. and undergone a blood pressure screening.

9 b. The use of the hormonal contraceptive patch or self-administered oral
10 hormonal contraceptive by the patient is not contraindicated based upon the results
11 of the questionnaire and screening.

12 **SECTION 5.** 450.095 (3) of the statutes is amended to read:

13 450.095 (3) Any person who violates this section or any rules promulgated
14 under this section may be required to forfeit not less than \$250 nor more than \$2,500
15 for each violation.

16 **SECTION 6. Nonstatutory provisions.**

17 (1) The pharmacy examining board may promulgate emergency rules under s.
18 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2),
19 emergency rules promulgated under this subsection remain in effect until May 1,
20 2021, or the date on which permanent rules take effect, whichever is sooner.
21 Notwithstanding s. 227.24 (1) (a) and (3), the examining board is not required to
22 provide evidence that promulgating a rule under this subsection as an emergency
23 rule is necessary for the preservation of the public peace, health, safety, or welfare
24 and is not required to provide a finding of emergency for a rule promulgated under
25 this subsection.

