



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3647/1
MED:kjf

2015 SENATE BILL 345

October 20, 2015 – Introduced by Senator DARLING, cosponsored by Representative NYGREN. Referred to Committee on Health and Human Services.

1 **AN ACT to renumber and amend** 441.18 (2) (a) and 448.037 (2) (a); **to amend**
2 441.18 (2) (b), 448.037 (2) (b), 450.11 (1i) (a) 1. and 450.11 (4) (a) 5. c.; and **to**
3 **create** 441.18 (2) (a) 2. and 448.037 (2) (a) 2. of the statutes; **relating to:**
4 prescription, dispensing, and delivery of opioid antagonists.

Analysis by the Legislative Reference Bureau

Under current law, a licensed physician, a licensed physician assistant, or an advanced practice nurse certified to issue prescription orders (practitioner) may, directly or by the use of a standing order, prescribe an opioid antagonist to a person in a position to assist an individual at risk of undergoing an opioid-related drug overdose. Opioid antagonists are prescription drugs, such as the drug naloxone, some of which can, when administered to a person undergoing an overdose on drugs such as heroin or prescription narcotics, have the effect of countering the effects of the overdose. A practitioner who prescribes an opioid antagonist in this manner must ensure that the person to whom the opioid antagonist will be delivered (i.e., the person to whom it is prescribed) has the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers or dispenses the opioid antagonist has or receives that knowledge and training. A licensed pharmacist may, upon the prescription order of a practitioner issued in accordance with the provisions described above, deliver (provide) the opioid antagonist to the person specified in the prescription order and may only deliver an opioid antagonist in accordance with

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those provisions or in accordance with his or her other legal authority to dispense prescription drugs.

This bill makes a number of changes and clarifications to the provisions in current law, including the following:

1. Explicitly providing that a practitioner may prescribe an opioid antagonist to one or more licensed pharmacies, and that a licensed pharmacist may, upon and in accordance with the prescription order, deliver an opioid antagonist to an individual as specified in the order.

2. Clarifying current law to provide that a practitioner who prescribes an opioid antagonist, either under current law or to one or more pharmacies under the bill, must ensure that the person to whom the opioid antagonist *is prescribed* has *or has the capacity to provide* the knowledge and training described under current law.

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

1 **SECTION 1.** 441.18 (2) (a) of the statutes is renumbered 441.18 (2) (a) (intro.)
2 and amended to read:

3 441.18 (2) (a) (intro.) An advanced practice nurse certified to issue prescription
4 orders under s. 441.16 may, directly or by the use of a standing order, ~~prescribe~~ do
5 any of the following:

6 1. Prescribe an opioid antagonist to a person in a position to assist an individual
7 at risk of undergoing an opioid-related drug overdose and may deliver the opioid
8 antagonist to that person. A prescription order under this paragraph subdivision
9 need not specify the name and address of the individual to whom the opioid
10 antagonist will be administered, but shall instead specify the name of the person to
11 whom the opioid antagonist ~~will be delivered~~ is prescribed.

12 **SECTION 2.** 441.18 (2) (a) 2. of the statutes is created to read:

13 441.18 (2) (a) 2. Prescribe an opioid antagonist to one or more pharmacies
14 licensed under ch. 450. A prescription order under this subdivision need not specify
15 the name and address of the individual to whom the opioid antagonist will be

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1 administered, but shall instead specify the name of the pharmacies to whom the
2 opioid antagonist is prescribed.

3 **SECTION 3.** 441.18 (2) (b) of the statutes is amended to read:

4 441.18 (2) (b) An advanced practice nurse who prescribes or delivers an opioid
5 antagonist under par. (a) shall ensure that the person to whom the opioid antagonist
6 ~~will be delivered~~ is prescribed ~~has~~ or has the capacity to provide the knowledge and
7 training necessary to safely administer the opioid antagonist to an individual
8 undergoing an opioid-related overdose and that the person demonstrates the
9 capacity to ensure that any individual to whom the person further delivers the opioid
10 antagonist has or receives that knowledge and training.

11 **SECTION 4.** 448.037 (2) (a) of the statutes is renumbered 448.037 (2) (a) (intro.)
12 and amended to read:

13 448.037 (2) (a) (intro.) A physician or physician assistant may, directly or by
14 the use of a standing order, ~~prescribe~~ do any of the following:

15 1. Prescribe an opioid antagonist to a person in a position to assist an individual
16 at risk of undergoing an opioid-related drug overdose and may deliver the opioid
17 antagonist to that person. A prescription order under this ~~paragraph~~ subdivision
18 need not specify the name and address of the individual to whom the opioid
19 antagonist will be administered, but shall instead specify the name of the person to
20 whom the opioid antagonist ~~will be delivered~~ is prescribed.

21 **SECTION 5.** 448.037 (2) (a) 2. of the statutes is created to read:

22 448.037 (2) (a) 2. Prescribe an opioid antagonist to one or more pharmacies
23 licensed under ch. 450. A prescription order under this subdivision need not specify
24 the name and address of the individual to whom the opioid antagonist will be

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1 administered, but shall instead specify the name of the pharmacies to whom the
2 opioid antagonist is prescribed.

3 **SECTION 6.** 448.037 (2) (b) of the statutes is amended to read:

4 448.037 (2) (b) A physician or physician assistant who prescribes or delivers
5 an opioid antagonist under par. (a) shall ensure that the person to whom the opioid
6 antagonist ~~will be delivered~~ is prescribed ~~has or has the capacity to provide~~ the
7 knowledge and training necessary to safely administer the opioid antagonist to an
8 individual undergoing an opioid-related overdose and that the person demonstrates
9 the capacity to ensure that any individual to whom the person further delivers the
10 opioid antagonist has or receives that knowledge and training.

11 **SECTION 7.** 450.11 (1i) (a) 1. of the statutes is amended to read:

12 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
13 prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 1.,
14 or of a physician or physician assistant under s. 448.037 (2) (a) 1., that complies with
15 the requirements of sub. (1), deliver an opioid antagonist to ~~the~~ a person specified in
16 the prescription order and may, upon and in accordance with the prescription order
17 of an advanced practice nurse prescriber under s. 441.18 (2) (a) 2., or of a physician
18 or physician assistant under s. 448.037 (2) (a) 2., that complies with the
19 requirements of sub. (1), deliver an opioid antagonist to an individual as specified in
20 the order. The pharmacist shall provide a consultation in accordance with rules
21 promulgated by the board for the delivery of a prescription to the person to whom the
22 opioid antagonist is delivered.

23 **SECTION 8.** 450.11 (4) (a) 5. c. of the statutes is amended to read:

