

2005 DRAFTING REQUEST

Senate Amendment (SA-SB405)

Received: **12/15/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Emergency pharmacy rules

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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/1	phurley	1/12/23 jcd	dm 12/23	dm 12/23			

FE Sent For:

<END>

Hurley, Peggy

From: Rose, Laura
Sent: Friday, December 16, 2005 9:00 AM
To: Hurley, Peggy
Cc: Stegall, Jennifer
Subject: RE: Amendment to SB 405

Peggy,

After talking with Jennifer Stegall of Senator Roessler's office, we think this is what would work the best:

"(ar) If the board disagrees with a decision made by a designee on a variance under par. (a), the board chairperson shall call a meeting of the board as soon as practicable to review the decision. The board may affirm or modify the decision on the variance made by the designee."

Feel free to tweak as necessary - and please give me a call or send an email with any further questions.

Thanks so much!

Laura

From: Hurley, Peggy
Sent: Thursday, December 15, 2005 10:22 AM
To: Rose, Laura
Subject: RE: Amendment to SB 405

Hi Laura,

How about:

"(ar) If a designee grants a variance under par. (a), the board shall call a meeting of the board as soon as practicable to review the variance. The board may affirm or repeal the variance granted by the designee."

Does this make more sense?

Peggy

From: Rose, Laura
Sent: Thursday, December 15, 2005 9:17 AM
To: Hurley, Peggy
Cc: Stegall, Jennifer
Subject: Amendment to SB 405

Hi Peggy,

I staff the Senate Health, etc., Committee, which took executive action on SB 405 yesterday. They decided to adopt an amendment to the bill while in executive session, so we improvised. This is what we came up with. If it needs to be fixed, we can do it on the floor.

At any rate, Senator Roessler was concerned about the broad power given to the board or its designee under the bill. That is the reason for the amendment, which provides that if the board or the board's designee disagrees with the need for the variance, the board must call a meeting to act on the request for a variance.

Here is the amendment: Page 2, line 9;; after that line, insert the following:

"(ar) If the board or its designee does not agree with the need for a variance as determined under par. (a), the board shall call a meeting of the board as soon as is practicable to act on the request for the variance." (end)

2005 SENATE BILL 405

October 26, 2005 - Introduced by Senators OLSEN, ROESSLER, GROTHMAN, COWLES and A. LASEE, cosponsored by Representatives HINES, PETROWSKI, GIELOW, JESKEWITZ, HAHN, ALBERS, NASS, BERCEAU, LOTHIAN, OTT, SHERIDAN, KRAWCZYK, NERISON, MUSSER, BIES, TOWNSEND, LEHMAN, OWENS, GUNDERSON and SHILLING. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

- 1 **AN ACT to create** 450.02 (3m) of the statutes; **relating to:** powers of the
2 Pharmacy Examining Board during times of emergency or disaster.

Analysis by the Legislative Reference Bureau

Under current law, the Pharmacy Examining Board (board) enforces statutory requirements and promulgates rules to regulate the practice of pharmacy. Also under current law, the governor has the power to declare a state of emergency for the state or any portion of the state if a public health emergency exists or if there is an emergency resulting from enemy action or a natural or man-made disaster exists. Unless the legislature passes a joint resolution to extend the duration of a state of emergency, a state of emergency resulting from enemy action may not exceed 60 days and an emergency resulting from natural or man-made emergency disaster may not exceed 30 days.

Under this bill, the board may grant a variance to any statutory requirement or rule regarding the practice of pharmacy if it determines that there is an emergency, if a pharmacist requests the variance, and if the board determines that the variance is necessary to protect public health, safety, and welfare. The variance granted by the board may not exceed 90 days, unless the board decides that an extension is necessary.

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

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Here is the amendment: Page 2, line 9.; after that line, insert the following:

"(ar) If the board or its designee does not agree with the need for a variance as determined under par. (a), the board shall call a meeting of the board as soon as is practicable to act on the request for the variance." (end)

As I think about this, it doesn't make much sense. Under the bill, if the board has granted the variance, why would they meet again and "undo" it? I think the only time this would act as a check on the board is if it disagrees with a decision of the designee. I will try to get a sense from Senator Roessler about how to fix this problem and we can do a floor amendment to this amendment, or she can withdraw this and introduce a new amendment.

However, for the purposes of getting the bill reported out of committee, I think you will need to do an LRB version of the above amendment so that the Committee clerk can do the Committee report.

Thanks Peggy. I'll call to follow up on this and to see if you have any questions.

Laura Rose

Laura Rose
Deputy Director, WI Legislative Council
One East Main St., Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.state.wi.us

Hurley, Peggy

From: Rose, Laura
Sent: Thursday, December 22, 2005 4:52 PM
To: Hurley, Peggy
Cc: Stegall, Jennifer; Asbjornson, Karen
Subject: RE: Amendment to SB 405

Hi Peggy,

What ever became of this as amendment???

Thanks Peggy!

Laura

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PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

laura.rose@legis.state.wi.us

jld

**SENATE AMENDMENT ,
TO 2005 SENATE BILL 405**

*by
12-27*

d-note

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7

At the locations indicated, amend the bill as follows: ✓

1. Page 2, line 9: ✓ after that line insert:

“(am) If a member of the board disagrees with a decision made by a designee
under par. (a), ✓ the board chairperson shall call a meeting of the board as soon as
practicable to review the decision. The board may affirm or modify the designee’s
decision.”. ✓

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1897/1dn

PJH:.....

Jld

Laura,

Please review this draft carefully to ensure that it is consistent with your intent. Please note that I wrote "if any member of the board disagrees" as opposed to your suggested "if the board disagrees" because whether the board disagrees can only be determined after the meeting is held. Please let me know if you want a change. ✓ *

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1897/1dn
PJH;jld:ch

December 23, 2005

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Peggy Hurley
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