

2007 DRAFTING REQUEST

Bill

Received: 12/19/2006

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Phil Montgomery (608) 266-5840

By/Representing: Adam Raschka

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies: cts

Submit via email: YES

Requester's email: Rep.Montgomery@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Remote dispensing by pharmacists.

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>
/P1							
/1	tkuczens 12/22/2006	jdyer 12/27/2006	nmatzke 12/28/2006	_____	cduerst 12/28/2006		
	tkuczens 01/30/2007	jdyer 01/31/2007		_____			
/2	tkuczens 02/12/2007	jdyer 02/12/2007	sherritz 01/31/2007	_____	cduerst 01/31/2007		
/3			jfrantze	_____	sbasford	lparisi	

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			02/12/2007 _____		02/12/2007	03/12/2007	

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Handwritten signatures and dates:
2/12 2/12

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1/2 1/31 jld *dh 1/31* *dh/jff 1/31*
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/P1	tkuczens	1 12/27 jld	nwn 12/28	nwn/cd 12/28			

FE Sent For:

<END>

Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935

Celia M. Jackson
Secretary



Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

December 6, 2006

Version of proposed legislation adopted by the PEB on December 6, 2006

450.06 Pharmacy; licensure.

(1) Except as provided in s. 450.065, No pharmacist may dispense at any location which is not licensed as a pharmacy by the board. No person may use or display the title "pharmacy", "drugstore", "apothecary" or any other title, symbol or insignia having the same or similar meanings, except for a place of practice which is licensed as a pharmacy by the board.

Wis. Stats. § 450.065 is created to read:

450.065 Remote Dispensing. (1) A pharmacist may dispense at a location not licensed as a pharmacy pursuant to policies and procedures that are approved by the board.

Kuczenski, Tracy

From: Sundberg, Christopher
Sent: Tuesday, December 19, 2006 2:43 PM
To: Kuczenski, Tracy
Subject: FW: Remote dispensing proposed legislation
Attachments: WISCONSIN REMOTE DISPENSING 12-14-06.doc

how's your workload? this is a nonbudget item that looks pretty straightforward.

From: Raschka, Adam
Sent: Tuesday, December 19, 2006 2:28 PM
To: Sundberg, Christopher
Subject: Remote dispensing proposed legislation

Chris,

Could we please have the attached Remote Dispensing language drafted into legislation.

Thanks,

Adam
Adam Raschka
Office of Representative Phil Montgomery
Chair - Assembly Energy & Utilities Committee
608-266-5840



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1199/PT

TKK:.....

in 12/22/06

RM Run Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1
2

Gen
AN ACT ...; relating to: remote dispensing by pharmacists and authorizing the exercise of rule-making powers *of authority* *keep* *requiring*

Analysis by the Legislative Reference Bureau

Under current law, a pharmacist may only dispense a prescribed drug or device at a pharmacy licensed by the ~~✓~~ Pharmacy Examining Board (~~Board~~). ~~✓~~ This bill authorizes a pharmacist to dispense a prescribed drug or device ^S at a location not licensed as a pharmacy pursuant to rules promulgated by the ~~Board~~. ~~✓~~ * * *

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

3

SECTION 1. 450.06 (1) [✓] of the statutes is amended to read:

4

450.06 (1) No Except as provided in s. 450.062, [✓] *no plan* pharmacist may dispense at any location in this state that is not licensed as a pharmacy by the board. No person in this state may use or display the title "pharmacy," "drugstore," "apothecary," or any other title, symbol, or insignia having the same or similar meanings, except for a place of practice which is licensed under this section as a pharmacy by the board.

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Thursday, January 11, 2007 10:16 AM
To: Raschka, Adam
Subject: RE: LRB 1199/1

Hi Adam -

Section 450.02 (3) (a) of the statutes authorizes the pharmacy examining board to "promulgate rules relating to the manufacture of drugs and the distribution and dispensing of prescription drugs."

I chose to parallel the authorizing language of 450.02 (3) (a) in proposed section 450.065.

Regardless of the language used in proposed section 450.065, however, the PEB will need to go through the formal rule making process required under chapter 227 when it establishes new policies and procedures for dispensing prescription drugs unless you wish to exempt the PEB from the rule-making process. So, there is nothing wrong with the language adopted by the PEB, but in drafting the proposed section 450.065, I chose to use language that more clearly identifies what it is the PEB will be doing.

Does that explanation make sense? Please let me know if you would like me to modify the language of this bill.

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Raschka, Adam
Sent: Wednesday, January 10, 2007 6:19 PM
To: Kuczenski, Tracy
Subject: LRB 1199/1

Tracy,

<< File: WISCONSIN REMOTE DISPENSING 12-14-06.doc >> << File: 07-11991.pdf >>

I was comparing the PEB language I sent you to the draft which was sent to Rep. Montgomery and noticed there are many difference between the two mainly the different section number and "rules promulgated" replacing "policies and procedures that are approved". Is there a problem with the language adopted by the PEB board?

Thanks,

Adam

Adam Raschka
Office of Representative Phil Montgomery
Chair - Assembly Energy & Utilities Committee
608-266-5840

LRB 1199/1

1/23/2007

T. conf. w/ Atty Bill Block (on behalf of PEB) X 61790

→ create 2yr window for PEB to implement pilot project and apply studies to ~~para~~ development and promulgation of administrative rules governing remote dispensing.

* Nonstat

See § 450.02(3m) ?

1/24/07

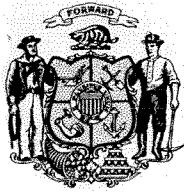
Per Adams Raschka (Rep. Montgomery's office)

T. conf

PEB meets on Feb 7th. Draft completed by then.

2/12/07

Per Bill Block, eliminate rule making deadline (sec. (1) of non-stat.)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1199/1²

TKK:jld:nwn

insert

By 2/5/07
if possible

in 1/30/07

2007 BILL

Regen

1 AN ACT to amend 450.06 (1); and to create 450.062 of the statutes; relating to:
2 remote dispensing by pharmacists and ^{authorizing} requiring the exercise of rule-making
3 ^{POWERS} authority. ✓

Analysis by the Legislative Reference Bureau

Under current law, a pharmacist may only dispense a prescribed drug or device at a pharmacy licensed by the Pharmacy Examining Board (board). This bill authorizes a pharmacist to dispense a prescribed drug or device at a location not licensed as a pharmacy pursuant to rules promulgated by the board.

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

4 SECTION 1. 450.06 (1) of the statutes is amended to read:
5 450.06 (1) No Except as provided in s. 450.062, no pharmacist may dispense
6 at any location in this state that is not licensed as a pharmacy by the board. No
7 person in this state may use or display the title "pharmacy," "drugstore,"
8 "apothecary," or any other title, symbol, or insignia having the same or similar

BILL

1 meanings, except for a place of practice which is licensed under this section as a
2 pharmacy by the board.

3 **SECTION 2.** 450.062 of the statutes is created to read:

4 **450.062 Remote dispensing.** A pharmacist may dispense at a location not
5 licensed as a pharmacy pursuant to rules promulgated by the board.

6  (END)

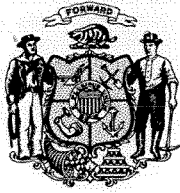
✓ Inred 2-6

Insert 2-6

SECTION 3. Nonstatutory provisions.

* (1) RULE-MAKING[✓] DEADLINE. The ~~Pharmacy~~ ~~Examining~~ ~~Board~~ shall submit in proposed form the rules governing remote dispensing under section[✓] 450.062 of the statutes, as created by this act,[✓] to the legislative council staff under section 227.15 (1)[✓] of the statutes no later than the first day of the 16th month beginning after the effective date of this subsection.[✓]

(2) VARIANCE PERIOD FOR PROMULGATION OF ADMINISTRATIVE RULES. Notwithstanding section 227.10 (1)[✓] of the statutes, for the period before the effective date of the rules promulgated under section 450.062[✓] of the statutes, as created by this act, but ending no later than the first day of the[✓] 25th month beginning after the effective date of this act,[✓] a pharmacist may dispense at a location not licensed as a pharmacy pursuant to policies and procedures established by the ~~Pharmacy~~ ~~Examining~~ ~~Board~~.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1199/2³
TKK:jld:sh

in 2/12/07

2007 BILL

Regen

1 AN ACT *to amend* 450.06 (1); and *to create* 450.062 of the statutes; **relating to:**
2 remote dispensing by pharmacists and authorizing the exercise of rule-making
3 powers.

Analysis by the Legislative Reference Bureau

Under current law, a pharmacist may only dispense a prescribed drug or device at a pharmacy licensed by the Pharmacy Examining Board (board). This bill authorizes a pharmacist to dispense a prescribed drug or device at a location not licensed as a pharmacy pursuant to rules promulgated by the board.

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

4 **SECTION 1.** 450.06 (1) of the statutes is amended to read:
5 450.06 (1) No Except as provided in s. 450.062, no pharmacist may dispense
6 at any location in this state that is not licensed as a pharmacy by the board. No
7 person in this state may use or display the title "pharmacy," "drugstore,"
8 "apothecary," or any other title, symbol, or insignia having the same or similar

BILL

1 meanings, except for a place of practice which is licensed under this section as a
2 pharmacy by the board.

3 **SECTION 2.** 450.062 of the statutes is created to read:

4 **450.062 Remote dispensing.** A pharmacist may dispense at a location not
5 licensed as a pharmacy pursuant to rules promulgated by the board.

6 **SECTION 3. Nonstatutory provisions.**

7 *MOVE* (1) **RULE-MAKING DEADLINE.** The pharmacy examining board shall submit in
8 proposed form the rules governing remote dispensing under section 450.062 of the
9 statutes, as created by this act, to the legislative council staff under section 227.15
10 (1) of the statutes no later than the first day of the 16th month beginning after the
11 effective date of this subsection.

12 (2) **VARIANCE PERIOD FOR PROMULGATION OF ADMINISTRATIVE RULES.**

13 Notwithstanding section 227.10 (1) of the statutes, for the period before the effective
14 date of the rules promulgated under section 450.062 of the statutes, as created by this
15 act, but ending no later than the first day of the 25th month beginning after the
16 effective date of this act, a pharmacist may dispense at a location not licensed as a
17 pharmacy pursuant to policies and procedures established by the pharmacy
18 examining board.

19 (END)

Basford, Sarah

From: Raschka, Adam
Sent: Monday, March 12, 2007 10:27 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-1199/3 Topic: Remote dispensing by pharmacists.

Please Jacket LRB 07-1199/3 for the ASSEMBLY.