AN ACT to renumber and amend 302.386 (3) (b); to amend 302.38 (1) and 302.386 (4) (a); and to create 302.386 (3) (b) 1. of the statutes; relating to: costs of prescription drugs and devices for incarcerated persons.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Corrections (DOC) may require a prisoner in a secured correctional facility for adults or juveniles to pay a deductible, coinsurance, copayment, or similar charge if the prisoner receives medical or dental care. DOC must establish by rule the amounts to charge for the services. Under this bill, DOC must generally require such a prisoner to pay a deductible, coinsurance, copayment, or similar charge for prescription drugs or devices. DOC must establish by rule the amount to charge for each prescription drug or device.

Under current law, a sheriff may charge a county jail prisoner for costs of medical care provided to the prisoner in a jail. Under this bill, the sheriff must charge a county jail prisoner for prescription drugs and devices provided to the county jail prisoner in jail. The amount the sheriff must charge is the amount DOC establishes by rule for the same prescription drug or device provided to a prisoner in a prison.

For further information see the state and local 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:
**SECTION 1.** 302.38 (1) of the statutes is amended to read:

302.38 (1) If a prisoner needs medical or hospital care or is intoxicated or incapacitated by alcohol the sheriff, superintendent, or other keeper of the jail or house of correction shall provide appropriate care or treatment and may transfer the prisoner to a hospital or to an approved treatment facility under s. 51.45 (2) (b) and (c), making provision for the security of the prisoner. The sheriff, superintendent, or other keeper may provide appropriate care or treatment under this subsection for a prisoner under 18 years of age and may transfer a prisoner under 18 years of age under this subsection without obtaining the consent of the prisoner’s parent, guardian, or legal custodian. The sheriff, superintendent, or other keeper shall charge a prisoner for the costs of providing any medical care or treatment that is a prescription drug or device while the prisoner is in the jail or house of correction, and the amount charged shall be an amount equivalent to the amount the department charges a prisoner under s. 302.386 (4) for the same prescription drug or device. The sheriff, superintendent, or other keeper may charge a prisoner for the costs of providing medical care other than medical care that is a prescription drug or device to the prisoner while he or she is in the jail or house of correction. If the sheriff or other keeper maintains a personal money account for an inmate’s use for payment for items from canteen, vending, or similar services, the sheriff or other keeper may make deductions from the account to pay for the charges under this subsection.

**SECTION 2.** 302.386 (3) (b) of the statutes is renumbered 302.386 (3) (b) 2. and amended to read:

302.386 (3) (b) 2. If the resident under par. (a) requests the medical services or dental services, the department shall require the resident to pay the deductible, coinsurance, copayment, or similar charge. The department may not charge the
person less than $2.50 for each request. The requirements under this paragraph subdivision are subject to the exception and waiver provisions under par. (c).

SECTION 3. 302.386 (3) (b) 1. of the statutes is created to read:

302.386 (3) (b) 1. If any medical or dental services the resident under par. (a) receives is a prescription drug or device, the department shall require the resident to pay a deductible, coinsurance, copayment, or similar charge, as determined under sub. (4) (a), on the prescription drug or device. The requirements under this subdivision are subject to the exception and waiver provisions under par. (c).

SECTION 4. 302.386 (4) (a) of the statutes is amended to read:

302.386 (4) (a) The Subject to sub. (3) (b) 2., the specific medical or dental services on which a deductible, coinsurance, copayment, or similar charge may be imposed under sub. (3) (a) or must be imposed under sub. (3) (b).

SECTION 5. Initial applicability.

(1) This act first applies to medical treatment received on the effective date of this subsection.

(END)