



2013 SENATE BILL 345

1 **AN ACT** *to renumber* 450.19 (1) (a); *to renumber and amend* 450.19 (1) (b) and
2 450.19 (2) (a); *to amend* 15.405 (2) (a), 15.405 (17), 101.983 (title), 101.983 (1)
3 (a), 101.983 (1) (b), 101.983 (1) (c) (intro.), 101.983 (1) (c) 1., 101.983 (1) (c) 2.,
4 101.983 (1) (c) 3., 101.983 (1) (d) (intro.), 101.983 (1) (d) 1., 101.983 (1) (d) 2.,
5 101.983 (2) (a), 101.983 (2) (c), 101.983 (3), 101.984 (3), 101.985 (3), 101.985 (5)
6 (b) 1., 101.985 (5) (b) 2. b., 145.01 (5), 255.35 (1m) (g), 440.03 (13) (c), 440.974
7 (2), 441.01 (4), 441.04, 441.08, 441.10 (1), 441.10 (3) (e), 441.115 (1), 441.12 (2),
8 450.035 (1r), 450.035 (1t), 450.035 (2), 450.035 (2g), 450.05, 450.08 (1), 450.08
9 (2) (a), 450.085 (1), 450.19 (2) (intro.), 450.19 (2) (b), 450.19 (2) (d), 450.19 (2)
10 (f), 450.19 (3) (a), 450.19 (3) (b), 452.01 (4) and 452.14 (4m) (intro.); **to repeal**
11 **and recreate** 101.983 (2) (title); and **to create** 101.983 (4), 440.20 (5), 450.19
12 (2) (a) 2. and 450.19 (2) (a) 3. of the statutes; **relating to:** the authority and
13 responsibilities of the Department of Safety and Professional Services and the
14 various boards under that department, the membership of the Cosmetology

SENATE BILL 345

1 Examining Board, professional licensure of pharmacists, the Pharmacy
2 Examining Board's operation of the prescription drug monitoring program,
3 authorizing the construction, installation, alteration, operation, and inspection
4 of elevators and other similar conveyances, and licensing requirements for
5 elevator mechanics, inspectors, and contractors.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 15.405 (2) (a) of the statutes is amended to read:

7 15.405 (2) (a) In operation, the examining board shall be divided into an
8 architect section, a landscape architect section, an a professional engineer section,
9 a designer section and a land surveyor section. Each section shall consist of the 3
10 members of the named profession appointed to the examining board and 2 public
11 members appointed to the section. The examining board shall elect its own officers,
12 and shall meet at least twice annually.

13 **SECTION 2.** 15.405 (17) of the statutes is amended to read:

14 15.405 (17) COSMETOLOGY EXAMINING BOARD. There is created a cosmetology
15 examining board in the department of safety and professional services. The
16 cosmetology examining board shall consist of 9 members appointed for 4-year terms.
17 Four members shall be licensed aestheticians or cosmetologists, 2 members shall be
18 public members, one member shall be a representative of a private school of
19 cosmetology, one member shall be a representative of a public school of cosmetology
20 and one member shall be a licensed electrologist. ~~Except for the 2-~~ No more than 4

SENATE BILL 345

1 members ~~representing schools, no member~~ may be connected with or have any
2 financial interest in a cosmetology school.

3 **SECTION 3.** 101.983 (title) of the statutes is amended to read:

4 **101.983 (title) Conveyance Approvals and permits for conveyances**
5 **required.**

6 **SECTION 4.** 101.983 (1) (a) of the statutes is amended to read:

7 101.983 (1) (a) *Permit Approval required.* No person may construct, install, or
8 alter a conveyance in this state unless an elevator contractor licensed by the
9 department under s. 101.985 (1) has received ~~a permit~~ an approval for the
10 construction, installation, or alteration from the department.

11 **SECTION 5.** 101.983 (1) (b) of the statutes is amended to read:

12 101.983 (1) (b) *Application.* A person applying for ~~a permit~~ an approval under
13 par. (a) shall include, along with the application, copies of specifications and
14 accurately scaled and fully dimensioned plans showing the location of the
15 construction, installation, or alteration in relation to the plans and elevation of the
16 building; the location of the applicable machinery room, if any, and the equipment
17 to be constructed, installed, or altered; and all structural supporting members
18 relevant to the construction, installation, or alteration, including foundations. The
19 specifications and plans shall be sufficiently complete to illustrate all details of
20 design and construction, installation, or alteration. The application shall specify all
21 materials to be used and all loads to be supported or conveyed. The department may
22 authorize a person to include the application and other information required under
23 this paragraph with any submission required under s. 101.12 (1) to avoid duplicative
24 filing of information.

25 **SECTION 6.** 101.983 (1) (c) (intro.) of the statutes is amended to read:

SENATE BILL 345**SECTION 6**

1 101.983 (1) (c) *Revocation.* (intro.) The department may revoke ~~a permit~~ an
2 approval issued under this subsection if the department finds any of the following:

3 **SECTION 7.** 101.983 (1) (c) 1. of the statutes is amended to read:

4 101.983 (1) (c) 1. That information submitted under par. (b) by the person
5 obtaining the ~~permit~~ approval contains false statements or misrepresentations of
6 material fact.

7 **SECTION 8.** 101.983 (1) (c) 2. of the statutes is amended to read:

8 101.983 (1) (c) 2. That the ~~permit~~ approval was issued in error.

9 **SECTION 9.** 101.983 (1) (c) 3. of the statutes is amended to read:

10 101.983 (1) (c) 3. That the work performed under the ~~permit~~ approval is not
11 consistent with information submitted under par. (b) by the person obtaining the
12 ~~permit~~ approval or is in violation of this subchapter or rules promulgated under this
13 subchapter.

14 **SECTION 10.** 101.983 (1) (d) (intro.) of the statutes is amended to read:

15 101.983 (1) (d) *Expiration.* (intro.) ~~A permit~~ An approval issued under this
16 subsection expires under any of the following circumstances:

17 **SECTION 11.** 101.983 (1) (d) 1. of the statutes is amended to read:

18 101.983 (1) (d) 1. If the work authorized under the ~~permit~~ approval is not
19 commenced within 6 months after the date on which the ~~permit~~ approval is issued,
20 or within a shorter period of time as specified by the department at the time the
21 ~~permit~~ approval is issued.

22 **SECTION 12.** 101.983 (1) (d) 2. of the statutes is amended to read:

23 101.983 (1) (d) 2. If the work authorized under the ~~permit~~ approval is
24 suspended or abandoned for 60 consecutive days at any time following the

SENATE BILL 345

1 commencement of the work, or for a shorter period of time as specified by the
2 department at the time the permit approval is issued.

3 **SECTION 13.** 101.983 (2) (title) of the statutes, as affected by 2013 Wisconsin
4 Act 20, is repealed and recreated to read:

5 101.983 (2) (title) OPERATING PERMITS; INSPECTIONS.

6 **SECTION 14.** 101.983 (2) (a) of the statutes is amended to read:

7 101.983 (2) (a) *Permit Operating permit required.* No person may allow a
8 conveyance to be operated on property owned by the person unless the person has
9 received a permit for the under this subsection from the department that authorizes
10 its operation from the department. ~~The department may not issue a permit required~~
11 ~~under this paragraph until all inspections required under par. (c) are completed.~~

12 **SECTION 15.** 101.983 (2) (c) of the statutes is amended to read:

13 101.983 (2) (c) *Inspections.* The department may not issue or renew a permit
14 for a conveyance under this subsection unless the department has received or an
15 independent inspector has conducted an inspection of the conveyance and has
16 prepared an inspection report for certifying that the conveyance issued by an
17 elevator inspector licensed under s. 101.985 (3) indicating that the conveyance
18 complies with this subchapter and any applicable rules promulgated under this
19 subchapter. This inspection by the department does not exempt the owner from the
20 requirement to ensure that the department receives an inspection report from a
21 licensed elevator inspector. Upon performing this inspection, the Any inspection
22 under this subsection or sub. (3) shall be performed by an inspector who is licensed
23 under s. 101.985 (3).

24 (d) *Instruction on operation.* When issuing or renewing a permit under this
25 subsection, the department shall give the owner notice of relevant conveyance safety

SENATE BILL 345**SECTION 15**

1 requirements and shall instruct the owner as to the procedure for obtaining periodic
2 inspections and renewing the permit under which the ~~lift or equipment~~ conveyance
3 is operated.

4 **SECTION 16m.** 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20,
5 is amended to read:

6 101.983 (3) INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. ~~No owner of~~
7 ~~a residence may sell or otherwise transfer~~ If the owner and a prospective buyer of an
8 individual residential dwelling unit that is served by a dumbwaiter or an elevator
9 unless the owner provides the purchaser or transferee, prior to the sale or transfer
10 of the property, with an inspection report from enter into a contract of sale for the unit
11 that includes a provision requiring that the dumbwaiter or elevator be inspected, the
12 inspection shall be performed by an elevator inspector licensed under s. 101.985 (3)
13 that indicates that the dumbwaiter or elevator complies with this subchapter and
14 any applicable rules promulgated under this subchapter.

15 **SECTION 17.** 101.983 (4) of the statutes is created to read:

16 101.983 (4) MUNICIPALITIES AS AGENTS. The department may appoint a city or
17 village as its agent to do any of the following:

18 (a) Issue approvals under sub. (1) (a).

19 (b) Issue or renew permits under sub. (2) (a).

20 (c) Conduct inspections and prepare inspection reports as provided under sub.
21 (2) (c) and sub. (3).

22 (d) Give notice and provide instruction as required under sub. (2) (d).

23 **SECTION 18.** 101.984 (3) of the statutes is amended to read:

24 101.984 (3) ELEVATOR INSPECTOR. No individual may perform an elevator
25 inspection of a conveyance in this state unless the individual is licensed as an

SENATE BILL 345

1 elevator inspector under s. 101.985 (3) and holds a certification as an elevator
2 inspector issued by a person approved by the American Society of Mechanical
3 Engineers.

4 **SECTION 19.** 101.985 (3) of the statutes is amended to read:

5 101.985 (3) ELEVATOR INSPECTOR. The department shall issue an elevator
6 inspector license to each individual who demonstrates to the satisfaction of the
7 department that the individual is adequately qualified and able to provide elevator
8 inspection services of conveyances as required under s. 101.983 (2). The department
9 shall promulgate rules that establish the qualifications required for issuance of an
10 elevator inspector license.

11 **SECTION 20.** 101.985 (5) (b) 1. of the statutes is amended to read:

12 101.985 (5) (b) 1. ~~Except as otherwise provided in this subdivision, an~~ An
13 applicant for renewal of a license under sub. (1), (2) (ab), (ad), or (b), or (3) shall
14 provide to the department a certificate indicating that, during the ~~one-year period~~
15 ~~before the date on which the applicant's license expires~~ term of the license, the
16 applicant has satisfactorily met the education requirements established by rule
17 under subd. 2. ~~If the applicant is not an individual, the certificate shall indicate that~~
18 ~~the education requirements were satisfactorily met by an individual who, as of the~~
19 ~~date of the application, is an agent of the applicant.~~

20 **SECTION 21.** 101.985 (5) (b) 2. b. of the statutes is amended to read:

21 101.985 (5) (b) 2. b. The number of hours of education required ~~on an annual~~
22 ~~basis.~~

23 **SECTION 22.** 145.01 (5) of the statutes is amended to read:

24 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON-SITE
25 WASTEWATER TREATMENT SYSTEMS. "Governmental unit responsible for the regulation

SENATE BILL 345**SECTION 22**

1 of private on-site wastewater treatment systems” or “governmental unit”, unless
2 otherwise qualified, means the county except that in a county with a population of
3 500,000 750,000 or more these terms mean the city, village or town where the private
4 on-site wastewater treatment system is located.

5 **SECTION 23.** 255.35 (1m) (g) of the statutes is amended to read:

6 255.35 (1m) (g) “School of pharmacy” means a school of pharmacy that is
7 accredited by the ~~American~~ Accreditation Council ~~on Pharmaceutical for Pharmacy~~
8 Education.

9 **SECTION 24.** 440.03 (13) (c) of the statutes is amended to read:

10 440.03 (13) (c) The department shall require an applicant for a private
11 detective license or a private security permit under s. 440.26, an applicant for a
12 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
13 appraiser certification under s. 458.06 or license under s. 458.08, and a person for
14 whom the department conducts an investigation under par. (b), to be photographed
15 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person’s
16 fingerprints. The department of justice may submit the fingerprint cards, and the
17 department of justice shall submit the fingerprint cards of all applicants for a real
18 estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal
19 bureau of investigation for the purpose of verifying the identity of the persons
20 fingerprinted and obtaining records of their criminal arrests and convictions.

21 **SECTION 25.** 440.20 (5) of the statutes is created to read:

22 440.20 (5) In addition to any grounds for discipline specified in chs. 440 to 480,
23 the department, or the appropriate credentialing board or other board in the
24 department, may reprimand a credential holder, or may deny, limit, suspend, or
25 revoke a credential, if the credential holder fails to respond, to the satisfaction of the

SENATE BILL 345

1 department, credentialing board, or other board in the department, within 30 days
2 to a request for information from the department, credentialing board, or other board
3 in the department in connection with an investigation of alleged misconduct of the
4 credential holder.

5 **SECTION 26.** 440.974 (2) of the statutes is amended to read:

6 440.974 (2) The department shall promulgate rules establishing continuing
7 education requirements for individuals registered under this subchapter. The rules
8 promulgated under this subsection shall require the completion of at least ~~20~~ 40
9 hours of continuing education ~~during each calendar year~~ every 2 years.

10 **SECTION 27.** 441.01 (4) of the statutes is amended to read:

11 441.01 (4) The board shall direct that those schools ~~which~~ that qualify be placed
12 on ~~the accredited~~ a list of schools the board has approved for professional nurses or
13 of schools the board has approved for licensed practical nurses on application and
14 proof of qualifications; and shall make a study of nursing education and initiate rules
15 and policies to improve it.

16 **SECTION 28.** 441.04 of the statutes is amended to read:

17 **441.04 Requisites for examination as a registered nurse.** Any person
18 who has graduated from a high school or its equivalent as determined by the board,
19 does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and
20 111.335, holds a diploma of graduation from ~~an accredited~~ a school of nursing
21 approved by the board or that the board has authorized to admit students pending
22 approval, and, if ~~the~~ that school is located outside this state, submits evidence of
23 general and professional educational qualifications comparable to those required in
24 this state at the time of graduation may apply to the department for licensure by the

SENATE BILL 345**SECTION 28**

1 board as a registered nurse,; and upon payment of the fee specified under s. 440.05
2 (1), that person shall be entitled to examination.

3 **SECTION 29.** 441.08 of the statutes is amended to read:

4 **441.08 Temporary permit.** A nurse who has graduated from ~~an accredited~~
5 a school approved by the board or that the board has authorized to admit students
6 pending approval but who is not licensed in this state may be granted a temporary
7 permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for
8 compensation until the nurse can qualify for licensure. The temporary permit may
9 be renewed once. Each applicant for renewal of a temporary permit under this
10 section shall complete the nursing workforce survey and pay the fee required under
11 s. 441.01 (7). Further renewals may be granted in hardship cases. The board may
12 promulgate rules limiting the use and duration of temporary permits and providing
13 for revocation of temporary permits.

14 **SECTION 30.** 441.10 (1) of the statutes is amended to read:

15 **441.10 (1) PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES.** A
16 person who is 18 years of age or older, does not have an arrest or conviction record,
17 subject to ss. 111.321, 111.322 and 111.335, has completed 2 years of high school or
18 its equivalent as determined by the board, and holds a diploma of graduation from
19 ~~an accredited~~ a school for licensed practical nurses approved by ~~that~~ the board or that
20 the board has authorized to admit students pending approval, may apply to the board
21 for licensing as a licensed practical nurse,; and, upon payment of the examination
22 fee specified in s. 440.05 (1), that person shall be entitled to take an examination.
23 Any school for licensed practical nurses, in order to be ~~accredited~~ approved by the
24 board, must offer a course of not less than 9 months.

25 **SECTION 31.** 441.10 (3) (e) of the statutes is amended to read:

SENATE BILL 345

1 441.10 (3) (e) The board may grant a temporary permit to a practical nurse who
2 has graduated from an ~~accredited~~ a school approved by the board or that the board
3 has authorized to admit students pending approval but who is not licensed in this
4 state, upon payment of the fee specified in s. 440.05 (6), to practice for compensation
5 until the practical nurse qualifies for licensure. The board may grant further
6 renewals in hardship cases. The board may promulgate rules limiting the use and
7 duration of temporary permits and providing for revocation of temporary permits.

8 **SECTION 32.** 441.115 (1) of the statutes is amended to read:

9 441.115 (1) This chapter shall may not be construed to affect nursing by
10 friends, members of the family, or undergraduates in ~~an accredited~~ a school approved
11 by the board, nor be construed to interfere with members of religious communities
12 or orders having charge of hospitals or taking care of the sick in their homes, except
13 that none of ~~such excepted~~ those persons ~~while engaged in such activities shall~~ may
14 represent himself or herself as a registered, trained, certified, or graduate nurse
15 unless registered under this subchapter.

16 **SECTION 33.** 441.12 (2) of the statutes is amended to read:

17 441.12 (2) No person shall may operate in this state a school for professional
18 nurses or a school for practical nurses unless the ~~same shall be accredited~~ school is
19 approved by the board. No solicitation shall may be made in this state of the sale of,
20 or registration in, a course by correspondence or conducted ~~without~~ outside of the
21 state for practical nurses unless all written material used in ~~such~~ the solicitation
22 plainly states in type as large as any other type on the material that the course is not
23 ~~accredited in this state~~ approved by the board for training of practical nurses.

24 **SECTION 34.** 450.035 (1r) of the statutes is amended to read:

SENATE BILL 345**SECTION 34**

1 450.035 (1r) A pharmacist may not administer by injection a prescribed drug
2 product or device unless he or she has successfully completed a course of study and
3 training in injection technique conducted by a course provider approved by the
4 ~~American Accreditation Council on Pharmaceutical for Pharmacy~~ Education or the
5 board. A pharmacist may administer a prescribed drug product or device under this
6 subsection only in the course of teaching self-administration techniques to a patient.
7 A pharmacist who administers a prescribed drug product or device under this
8 subsection shall comply with the requirements and procedures established in rules
9 promulgated by the board under s. 450.02 (2g) (b).

10 **SECTION 35.** 450.035 (1t) of the statutes is amended to read:

11 450.035 (1t) A person engaged in the practice of pharmacy under s. 450.03 (1)
12 (f) or (g) may not administer a prescribed drug product or device unless he or she has
13 successfully completed a course of study and training in administration technique
14 conducted by a course provider approved by the ~~American Accreditation Council on~~
15 ~~Pharmaceutical for Pharmacy~~ Education or the board. A person engaged in the
16 practice of pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug
17 product or device under this subsection only under the direct supervision of a
18 pharmacist who has successfully completed a course of study and training in
19 administration technique conducted by a course provider approved by the ~~American~~
20 ~~Accreditation Council on Pharmaceutical for Pharmacy~~ Education or the board, and
21 only in the course of teaching self-administration techniques to a patient. A person
22 engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) who administers a
23 prescribed drug product or device under this subsection shall comply with the
24 requirements and procedures established in rules promulgated by the board under
25 s. 450.02 (2g) (b).

SENATE BILL 345

1 **SECTION 36.** 450.035 (2) of the statutes is amended to read:

2 450.035 (2) A pharmacist may not administer a vaccine unless he or she has
3 successfully completed 12 hours in a course of study and training, approved by the
4 ~~American Accreditation Council on Pharmaceutical~~ for Pharmacy Education or the
5 board, in vaccination storage, protocols, administration technique, emergency
6 procedures, and record keeping and has satisfied the requirements specified in sub.
7 (2t). A pharmacist may not administer a vaccine under this subsection to a person
8 who is under the age of 6.

9 **SECTION 37.** 450.035 (2g) of the statutes is amended to read:

10 450.035 (2g) A person engaged in the practice of pharmacy under s. 450.03 (1)
11 (f) or (g) may not administer a vaccine unless he or she acts under the direct
12 supervision of a pharmacist and he or she and the supervising pharmacist have
13 successfully completed 12 hours in a course of study and training, approved by the
14 ~~American Accreditation Council on Pharmaceutical~~ for Pharmacy Education or the
15 board, in vaccination storage, protocols, administration technique, emergency
16 procedures, and record keeping and the supervising pharmacist has satisfied the
17 requirements specified in sub. (2t). A person engaged in the practice of pharmacy
18 under s. 450.03 (1) (f) or (g) may not administer a vaccine under this subsection to
19 a person who is under the age of 18.

20 **SECTION 38.** 450.05 of the statutes is amended to read:

21 **450.05 Pharmacist licensed in other state; licensure.** The board may,
22 upon application and payment of the fee specified in s. 440.05 (2), license as a
23 pharmacist any person who is licensed in another state if the person produces
24 satisfactory evidence of having met requirements comparable to those that existed
25 in this state at the time the person became licensed in the other state. The board

SENATE BILL 345**SECTION 38**

1 shall ~~not~~ may deny a license as a pharmacist under this section to any person whose
2 license to practice pharmacy in another state has been voluntarily surrendered,
3 limited, suspended, or revoked. The board may require an applicant under this
4 section to pass an equivalency examination administered by the board. If the board
5 requires an equivalency examination, any person licensed as a pharmacist in
6 another state who is engaged in the active practice of pharmacy may only be required
7 to pass an examination on state and federal laws, rules, and regulations.

8 **SECTION 39.** 450.08 (1) of the statutes is amended to read:

9 450.08 (1) The renewal date for all licenses granted by the board is specified
10 under s. 440.08 (2) (a). ~~Only~~ Except as provided under sub. (2) (a), only a holder of
11 an unexpired license may engage in his or her licensed activity.

12 **SECTION 40.** 450.08 (2) (a) of the statutes is amended to read:

13 450.08 (2) (a) A pharmacist's license may be renewed by complying with
14 continuing education requirements under s. 450.085 and paying the applicable fee
15 determined by the department under s. 440.03 (9) (a) on or before the applicable
16 renewal date specified under s. 440.08 (2) (a). ~~Failure~~ Notwithstanding s. 440.08 (3)
17 (a), if a pharmacist fails to obtain renewal ~~within the time period specified under this~~
18 ~~paragraph terminates the right of the person to be licensed as a pharmacist by that~~
19 date, the board may suspend the pharmacist's license, and such right can only be
20 acquired by passing ~~the board may require the pharmacist to pass~~ an examination
21 to the satisfaction of the board to restore that license.

22 **SECTION 41.** 450.085 (1) of the statutes is amended to read:

23 450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall
24 submit proof that he or she has completed, within the 2-year period immediately
25 preceding the date of his or her application, 30 hours of continuing education in

SENATE BILL 345

1 courses conducted by a provider that is approved by the ~~American~~ Accreditation
2 ~~Council on Pharmaceutical~~ for Pharmacy Education or in courses approved by the
3 board. Courses specified in s. 450.035 (1r) and (2) are courses in continuing
4 education for purposes of this subsection. This subsection does not apply to an
5 applicant for renewal of a license that expires on the first renewal date after the date
6 on which the board initially granted the license.

7 **SECTION 42.** 450.19 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 3,
8 is renumbered 450.19 (1) (ar).

9 **SECTION 43.** 450.19 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 3,
10 is renumbered 450.19 (1) (ag) and amended to read:

11 450.19 (1) (ag) “~~Prescription~~ Monitored prescription drug” means a substance
12 identified in s. 961.16 ~~or~~, 961.18, 961.20, or 961.22 or a drug identified by the board
13 by rule as having a substantial potential for abuse.

14 **SECTION 44.** 450.19 (2) (intro.) of the statutes is amended to read:

15 450.19 (2) (intro.) The board shall establish by rule a program for monitoring
16 the dispensing of monitored prescription drugs. The program shall do all of the
17 following:

18 **SECTION 45.** 450.19 (2) (a) of the statutes is renumbered 450.19 (2) (a) (intro.)
19 and amended to read:

20 450.19 (2) (a) (intro.) Require a ~~pharmacist~~ pharmacy or ~~a~~ practitioner to
21 generate a record documenting each dispensing of a monitored prescription drug at
22 the pharmacy or, if the monitored prescription drug is not dispensed at a pharmacy,
23 by the practitioner and to deliver the record to the board, except that the program
24 may not require the generation of a record ~~when a~~ in any of the following
25 circumstances:

SENATE BILL 345**SECTION 45**

1 1. A monitored prescription drug is administered directly to a patient.

2 **SECTION 46.** 450.19 (2) (a) 2. of the statutes is created to read:

3 450.19 (2) (a) 2. A monitored prescription drug is compounded, packaged, or
4 labeled in preparation for delivery but is not delivered.

5 **SECTION 47.** 450.19 (2) (a) 3. of the statutes is created to read:

6 450.19 (2) (a) 3. The prescription order is for a monitored prescription drug that
7 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined
8 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
9 to last the patient 7 days or less.

10 **SECTION 48.** 450.19 (2) (b) of the statutes is amended to read:

11 450.19 (2) (b) Identify specific data elements to be contained in a record
12 documenting the dispensing of a monitored prescription drug. In identifying specific
13 data elements, the board shall consider data elements identified by similar programs
14 in other states and shall ensure, to the extent possible, that records generated by the
15 program are easily shared with other states.

16 **SECTION 49.** 450.19 (2) (d) of the statutes is amended to read:

17 450.19 (2) (d) Specify a secure electronic format for delivery of a record
18 generated under the program and authorize the board to grant a pharmacist
19 pharmacy or practitioner a waiver of the specified format.

20 **SECTION 50.** 450.19 (2) (f) of the statutes is amended to read:

21 450.19 (2) (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
22 promulgated under this subsection.

23 **SECTION 51.** 450.19 (3) (a) of the statutes is amended to read:

24 450.19 (3) (a) A pharmacy, pharmacist, or practitioner is immune from civil or
25 criminal liability or professional discipline arising from the pharmacy's,

SENATE BILL 345

1 pharmacist's, or practitioner's compliance in good faith with this section or with rules
2 promulgated under this section.

3 **SECTION 52.** 450.19 (3) (b) of the statutes is amended to read:

4 450.19 (3) (b) Nothing in this section may be construed to require a pharmacy,
5 pharmacist, or practitioner to obtain, before prescribing or dispensing a monitored
6 prescription drug to a patient, information about the patient that has been collected
7 pursuant to the program ~~described~~ established under sub. (2).

8 **SECTION 53.** 452.01 (4) of the statutes is amended to read:

9 452.01 (4) "Disciplinary proceeding" means a proceeding against one or more
10 licensees or registrants in which the board may revoke, suspend, or limit a license
11 or registration, reprimand a licensee or registrant, ~~issue a private letter of warning~~
12 ~~to a licensee or registrant,~~ or assess a forfeiture or require education or training
13 under s. 452.14 (4m).

14 **SECTION 54.** 452.14 (4m) (intro.) of the statutes is amended to read:

15 452.14 (4m) (intro.) In addition to or in lieu of a reprimand, ~~the issuance of a~~
16 ~~private letter of warning~~ or a revocation, limitation, or suspension of a license or
17 certificate of registration under sub. (3), the board may do any of the following:

18 **SECTION 55. Initial applicability.**

19 (1) The treatment of section 101.985 (5) (b) 1. and 2. b. of the statutes first
20 applies to applications for renewals of licenses that are submitted to the department
21 on the effective date of this subsection.

22 (END)