



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## ☞ Appendix A ... segment II

### LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2013 LRB-3360/P2 (For: Rep. Nygren)

has been copied/added to the drafting file for

**2013 LRBs0207** (For: Rep. Nygren)



***NOTE: BECAUSE OF THE COLOR HIGHLIGHTING AND "STICKY-NOTES" IN THE DIGITAL PDF RECEIVED (DRAFTING INSTRUCTIONS) ... THE ATTACHED WAS INCLUDED AS AN "APPENDIX" INSTEAD OF BEING INSERTED INTO THE "GUTS" OF THE DRAFTING FILE.***

**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 01/08/2013 (Per: MED)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**



1     **AN ACT** *to renumber and amend* 441.07 (1) (d) and 448.015 (4) (bm); *to amend*  
2             450.10 (1) (a) (intro.), 450.11 (1), 450.11 (3), 450.11 (4) (a) 5. a., 450.11 (7) (h) and  
3             895.48 (1); and *to create* 441.07 (1) (d) 2., 441.18, 448.015 (4) (bm) 2., 448.037,  
4             450.01 (1) (d), 450.11 (1i) and 450.11 (4) (a) 5. c. of the statutes; **relating to:**  
5             prescription, possession, dispensing, delivery, and administration of the drug  
6             naloxone and immunity for certain individuals who prescribe, dispense,  
7             deliver, or administer naloxone.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

8             **SECTION 1.** 441.07 (1) (d) of the statutes is renumbered 441.07 (1) (d) (intro.)  
9             and amended to read:

1           441.07 (1) (d) (intro.) Misconduct or unprofessional conduct. In this paragraph,  
2 “misconduct” and “unprofessional conduct” do not include providing any of the  
3 following:

4           1. Providing expedited partner therapy as described in s. 448.035.

5           **SECTION 2.** 441.07 (1) (d) 2. of the statutes is created to read:

6           441.07 (1) (d) 2. Prescribing, delivering, **or dispensing** the drug naloxone in  
7 accordance with s. 441.18 (2).

8           **SECTION 3.** 441.18 of the statutes is created to read:

9           **441.18 Prescription for and delivery of naloxone.** (1) In this section:

10          (a) “Administer” has the meaning given in s. 450.01 (1) (d).

11          (b) “Deliver” has the meaning given in s. 450.01 (5).

12          (c) “Dispense” has the meaning given in s. 450.01 (7).

13          (d) “Opioid-related drug overdose” has the meaning given in s. 448.037 (1) (d).

14          **(2)** (a) An advanced practice nurse certified to issue prescription orders under  
15 s. 441.16 may, directly or by the use of a standing order, prescribe the drug naloxone  
16 to a person in a position to assist an individual at risk of experiencing an  
17 opioid-related drug overdose and may deliver **or dispense** the drug to that person.  
18 A prescription order under this paragraph need not specify the name and address of  
19 the individual to whom the naloxone will be administered, but shall instead specify  
20 the name of the person to whom the drug will be delivered **or dispensed**.

21          (b) An advanced practice nurse who prescribes, delivers, **or dispenses** the drug  
22 naloxone under par. (a) shall ensure that the person to whom the drug will be  
23 delivered **or dispensed** has the knowledge and training necessary to safely  
24 administer the drug to an individual experiencing an opioid-related overdose and

1 that the person will ensure that any individual to whom the person further delivers  
2 or dispenses the drug has or receives that knowledge and training.

3 **(3) An advanced practice nurse who, acting in good faith, prescribes, delivers,**  
4 **or dispenses the drug naloxone in accordance with sub. (2) may not be subject to any**  
5 **criminal or civil liability and may not be subject to professional discipline under s.**  
6 **441.07 for any outcomes resulting from prescribing, delivering, or dispensing that**  
7 **drug.**

8 **SECTION 4.** 448.015 (4) (bm) of the statutes is renumbered 448.015 (4) (bm)  
9 (intro.) and amended to read:

10 448.015 (4) (bm) (intro.) “Unprofessional conduct” does not include ~~providing~~  
11 any of the following:

12 1. Providing expedited partner therapy as described in s. 448.035.

13 **SECTION 5.** 448.015 (4) (bm) 2. of the statutes is created to read:

14 448.015 (4) (bm) 2. Prescribing, delivering, **or dispensing** the drug naloxone in  
15 accordance with s. 448.037 (2).

16 **SECTION 6.** 448.037 of the statutes is created to read:

17 **448.037 Prescription for and delivery of naloxone.** (1) In this section:

18 (a) “Administer” has the meaning given in s. 450.01 (1) (d).

19 (b) “Deliver” has the meaning given in s. 450.01 (5).

20 (c) “Dispense” has the meaning given in s. 450.01 (7).

21 (d) “Opioid-related drug overdose” means a condition including extreme  
22 physical illness, decreased level of consciousness, respiratory depression, coma, or  
23 the ceasing of respiratory or circulatory function resulting from the consumption or  
24 use of an opioid, or another substance with which an opioid was combined.

1           (2) (a) A physician or physician assistant may, directly or by the use of a  
2 standing order, prescribe the drug naloxone to a person in a position to assist an  
3 individual at risk of experiencing an opioid–related drug overdose and may deliver  
4 **or dispense** the drug to that person. A prescription order under this paragraph need  
5 not specify the name and address of the individual to whom the naloxone will be  
6 administered, but shall instead specify the name of the person to whom the drug will  
7 be delivered **or dispensed**.

8           (b) A physician or physician assistant who prescribes, delivers, **or dispenses** the  
9 drug naloxone under par. (a) shall ensure that the person to whom the drug will be  
10 delivered **or dispensed** has the knowledge and training necessary to safely  
11 administer the drug to an individual experiencing an opioid–related overdose and  
12 that the person will ensure that any individual to whom the person further delivers  
13 or dispenses the drug has or receives that knowledge and training.

14           (3) A physician or physician assistant who, acting in good faith, prescribes,  
15 **delivers, or dispenses the drug naloxone in accordance with sub. (2) may not be**  
16 **subject to any criminal or civil liability and may not be subject to professional**  
17 **discipline under s. 448.02 for any outcomes resulting from prescribing, delivering,**  
18 **or dispensing that drug.**

19           **SECTION 7.** 450.01 (1) (d) of the statutes is created to read:

20           450.01 (1) (d) In the case of the drug naloxone, any person.

21           **SECTION 8.** 450.10 (1) (a) (intro.) of the statutes is amended to read:

22           450.10 (1) (a) (intro.) In this subsection, “unprofessional conduct” includes any  
23 of the following, but does not include the dispensing of an antimicrobial drug for  
24 expedited partner therapy as described in s. 450.11 (1g) **or the delivery or dispensing**  
25 **of naloxone as described in s. 450.11 (1i):**



1           **SECTION 9.** 450.11 (1) of the statutes is amended to read:

2           450.11 (1) DISPENSING. ~~No~~ Except as provided in sub. (1i) (b) 2., no person may  
3 dispense any prescribed drug or device except upon the prescription order of a  
4 practitioner. All prescription orders shall specify the date of issue, the name and  
5 address of the practitioner, the name and quantity of the drug product or device  
6 prescribed, directions for the use of the drug product or device, the symptom or  
7 purpose for which the drug is being prescribed if required under sub. (4) (a) 8., and,  
8 if the order is written by the practitioner, the signature of the practitioner. Except  
9 as provided in ~~s.~~ ss. 441.18 (2), 448.035 (2), and 448.037 (2), all prescription orders  
10 shall also specify the name and address of the patient. Any oral prescription order  
11 shall be immediately reduced to writing by the pharmacist and filed according to sub.  
12 (2).

13           **SECTION 10.** 450.11 (1i) of the statutes is created to read:

14           450.11 (1i) NALOXONE. (a) *Prescription and liability.* 1. A pharmacist may,  
15 upon the prescription order of an advanced practice nurse prescriber under s. 441.18  
16 (2), or a physician or physician assistant under s. 448.037 (2), that complies with the  
17 requirements of sub. (1), deliver or dispense the drug naloxone to the person specified  
18 in the prescription order. The pharmacist shall provide a consultation in accordance  
19 with rules promulgated by the board for the delivery or dispensing of a prescription  
20 to the person to whom the drug is delivered or dispensed.

21           2. A pharmacist who, acting in good faith, delivers or dispenses the drug  
22 naloxone in accordance with subd. 1. may not be subject to any criminal or civil  
23 liability and may not be subject to professional discipline under s. 450.10 for any  
24 outcomes resulting from delivering or dispensing that drug.

1 (b) *Possession, dispensing, and delivery.* 1. Any person may possess the drug  
2 naloxone.

3 2. Any person who is not a pharmacist, physician, physician assistant, or  
4 advanced practice nurse prescriber may deliver or dispense the drug naloxone to  
5 another person.

6 (c) *Immunity.* 1. In this paragraph, “opioid–related drug overdose” has the  
7 meaning given in s. 448.037 (1) (d).

8 2. a. Except as provided in subd. 2. b. to d., any person who delivers or dispenses  
9 the drug naloxone to another person shall be immune from civil or criminal liability  
10 for any outcomes resulting from delivering or dispensing that drug.

11 b. An advanced practice nurse prescriber who delivers or dispenses the drug  
12 naloxone in accordance with s. 441.18 (2) shall be immune from civil or criminal  
13 liability for any outcomes resulting from delivering or dispensing that drug if the  
14 advanced practice nurse prescriber complies with s. 441.18 (3).

15 c. A physician or physician assistant who delivers or dispenses the drug  
16 naloxone in accordance with s. 448.037 (2) shall be immune from civil or criminal  
17 liability for any outcomes resulting from delivering or dispensing that drug if the  
18 physician or physician assistant complies with s. 448.037 (3).

19 d. A pharmacist who delivers or dispenses the drug naloxone in accordance  
20 with par. (a) 1. shall be immune from civil or criminal liability for any outcomes  
21 resulting from delivering or dispensing that drug if the pharmacist complies with  
22 par. (a) 2.

23 3. Except as provided in s. 895.48 (1g), any person who, reasonably believing  
24 another person to be experiencing an opioid–related drug overdose, administers the

1 drug naloxone to that person shall be immune from civil or criminal liability for any  
2 outcomes resulting from the administration of the drug to that person.

3 **SECTION 11.** 450.11 (3) of the statutes is amended to read:

4 450.11 (3) PREPARATION OF PRESCRIPTION DRUGS. ~~No~~ Except as provided in sub.  
5 (1i) (b), no person other than a pharmacist or practitioner or their agents and  
6 employees as directed, supervised and inspected by the pharmacist or practitioner  
7 may prepare, compound, dispense, or prepare for delivery for a patient any  
8 prescription drug.

9 **SECTION 12.** 450.11 (4) (a) 5. a. of the statutes is amended to read:

10 450.11 (4) (a) 5. a. ~~Except as provided in subd. 5. b. and c.,~~ the full name of the  
11 patient.

12 **SECTION 13.** 450.11 (4) (a) 5. c. of the statutes is created to read:

13 450.11 (4) (a) 5. c. For the drug naloxone when delivered or dispensed under  
14 sub. (1i), the name of the person to whom the drug will be delivered or dispensed as  
15 specified in s. 441.18 (2) or 448.037 (2).

16 **SECTION 14.** 450.11 (7) (h) of the statutes is amended to read:

17 450.11 (7) (h) ~~No~~ Except as provided in sub. (1i) (b), no person may possess a  
18 prescription drug unless the prescription drug is obtained in compliance with this  
19 section.

20 **SECTION 15.** 895.48 (1) of the statutes is amended to read:

21 895.48 (1) ~~Any~~ Except as provided in sub. (1g), any person who renders  
22 emergency care at the scene of any emergency or accident in good faith shall be  
23 immune from civil liability for his or her acts or omissions in rendering such  
24 emergency care. ~~This~~



1            **(1g)** The immunity described in sub. (1) and s. 450.11 (1i) (c) 3. does not extend  
2 when employees trained in health care or health care professionals render  
3 emergency care for compensation and within the scope of their usual and customary  
4 employment or practice at a hospital or other institution equipped with hospital  
5 facilities, at the scene of any emergency or accident, enroute to a hospital or other  
6 institution equipped with hospital facilities or at a physician’s office.

7

**(END)**