

State of Misconsin **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

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

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.

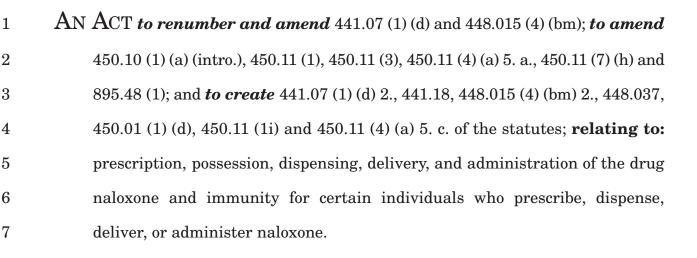


9

State of Misconsin 2013 - 2014 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



Analysis by the Legislative Reference Bureau

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

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

SECTION 1. 441.07 (1) (d) of the statutes is renumbered 441.07 (1) (d) (intro.) 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.

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

-4-

- (b) A physician or physician assistant who prescribes, delivers, or dispenses the drug naloxone under par. (a) shall ensure that the person to whom the drug will be delivered or dispensed has the knowledge and training necessary to safely administer the drug to an individual experiencing an opioid–related overdose and that the person will ensure that any individual to whom the person further delivers or dispenses the drug has or receives that knowledge and training.
- (3) A physician or physician assistant who, acting in good faith, prescribes, delivers, or dispenses the drug naloxone in accordance with sub. (2) may not be subject to any criminal or civil liability and may not be subject to professional discipline under s. 448.02 for any outcomes resulting from prescribing, delivering, or dispensing that drug.

Section 7. 450.01 (1) (d) of the statutes is created to read:

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

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

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



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

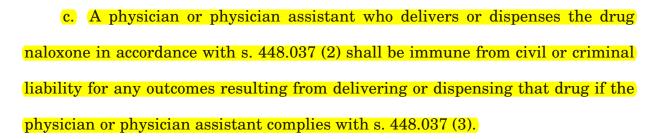
450.11 (1) DISPENSING. No Except as provided in sub. (1i) (b) 2., no person may dispense any prescribed drug or device except upon the prescription order of a practitioner. All prescription orders shall specify the date of issue, the name and address of the practitioner, the name and quantity of the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

Section 10. 450.11 (1i) of the statutes is created to read:

- 450.11 (1i) NALOXONE. (a) *Prescription and liability*. 1. A pharmacist may, upon the prescription order of an advanced practice nurse prescriber under s. 441.18 (2), or a physician or physician assistant under s. 448.037 (2), that complies with the requirements of sub. (1), deliver or dispense the drug naloxone to the person specified in the prescription order. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the delivery or dispensing of a prescription to the person to whom the drug is delivered or dispensed.
- 2. A pharmacist who, acting in good faith, delivers or dispenses the drug naloxone in accordance with subd. 1. may not be subject to any criminal or civil liability and may not be subject to professional discipline under s. 450.10 for any outcomes resulting from delivering or dispensing that drug.

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

- 2. Any person who is not a pharmacist, physician, physician assistant, or advanced practice nurse prescriber may deliver or dispense the drug naloxone to another person.
- (c) *Immunity*. 1. In this paragraph, "opioid-related drug overdose" has the meaning given in s. 448.037 (1) (d).
- 2. a. Except as provided in subd. 2. b. to d., any person who delivers or dispenses the drug naloxone to another person shall be immune from civil or criminal liability for any outcomes resulting from delivering or dispensing that drug.
- b. An advanced practice nurse prescriber who delivers or dispenses the drug naloxone in accordance with s. 441.18 (2) shall be immune from civil or criminal liability for any outcomes resulting from delivering or dispensing that drug if the advanced practice nurse prescriber complies with s. 441.18 (3).



- d. A pharmacist who delivers or dispenses the drug naloxone in accordance with par. (a) 1. shall be immune from civil or criminal liability for any outcomes resulting from delivering or dispensing that drug if the pharmacist complies with par. (a) 2.
- 3. Except as provided in s. 895.48 (1g), any person who, reasonably believing 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

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

7 (END)