



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4245/1
MED:ahe

2015 SENATE BILL 759

February 17, 2016 – Introduced by Senators RISSER, C. LARSON and MILLER, cosponsored by Representatives SARGENT, SINICKI, BERCEAU, KESSLER and POPE. Referred to Committee on Health and Human Services.

1 **AN ACT** *to repeal* 450.095 (2m) (a) 1. and 2.; *to renumber and amend* 450.095
2 (2m) (a) (intro.); *to amend* 450.095 (title) and 450.095 (3); and *to create* 450.01
3 (16) (L), 450.095 (1) (ag) and (ar) and 450.095 (2m) of the statutes; **relating to:**
4 permitting pharmacists to prescribe certain contraceptives and granting
5 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill permits a pharmacist to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives, subject to limitations described as follows.

The bill requires the Pharmacy Examining Board, after consultation with the Medical Examining Board, the Board of Nursing, and the Department of Health Services, and in consideration of guidelines established by the American Congress of Obstetricians and Gynecologists, to promulgate rules to establish standard procedures for the prescribing of contraceptives by pharmacists under the bill. The rules must include certain requirements for pharmacists prescribing contraceptives, such as requiring a pharmacist to complete a training course, requiring a referral to a health care provider following a prescription, and requiring the contraceptive to be dispensed as soon as practicable after the pharmacist issues the prescription order. In addition, the rules must prohibit a pharmacist from requiring a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a contraceptive and from prescribing and dispensing a contraceptive to a patient who

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does not have evidence of a clinical visit for women’s health within the three years immediately following the initial prescription of a contraceptive by a pharmacist to the patient. A pharmacist who prescribes contraceptives as permitted under the bill must comply with those rules, as well as other rules promulgated by the Pharmacy Examining Board.

Under the bill, a pharmacist may prescribe a contraceptive to a person who is under 18 years of age only if the person has evidence of a previous prescription from a primary care practitioner or women’s health care practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive. The bill eliminates this limitation beginning on January 1, 2020.

For further information see the *state* 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:

1 **SECTION 1.** 450.01 (16) (L) of the statutes is created to read:

2 450.01 (16) (L) Prescribing and dispensing hormonal contraceptive patches
3 and self-administered oral hormonal contraceptives pursuant to s. 450.095 (2m).

4 **SECTION 2.** 450.095 (title) of the statutes is amended to read:

5 **450.095** (title) ~~Duty to dispense~~ Prescribing and dispensing of
6 **contraceptives.**

7 **SECTION 3.** 450.095 (1) (ag) and (ar) of the statutes are created to read:

8 450.095 (1) (ag) “Hormonal contraceptive patch” means a transdermal patch
9 applied to the skin of a patient, by the patient or by a practitioner, that releases a
10 drug composed of a combination of hormones that is approved by the federal food and
11 drug administration to prevent pregnancy.

12 (ar) “Self-administered oral hormonal contraceptive” means a drug composed
13 of a combination of hormones that is approved by the federal food and drug
14 administration to prevent pregnancy and that the patient to whom the drug is
15 prescribed may take orally.

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1 **SECTION 4.** 450.095 (2m) of the statutes is created to read:

2 450.095 **(2m)** (a) In accordance with rules promulgated by the board, a
3 pharmacist may prescribe and dispense hormonal contraceptive patches and
4 self-administered oral hormonal contraceptives to any of the following:

5 1. A person who is at least 18 years of age, regardless of whether the person has
6 evidence of a previous prescription from a primary care practitioner or women's
7 health care practitioner for a hormonal contraceptive patch or self-administered
8 oral hormonal contraceptive.

9 2. A person who is under 18 years of age, if the person has evidence of a previous
10 prescription from a primary care practitioner or women's health care practitioner for
11 a hormonal contraceptive patch or self-administered oral hormonal contraceptive.

12 (b) 1. The board shall, after consultation with the medical examining board, the
13 board of nursing, and the department of health services, and in consideration of
14 guidelines established by the American Congress of Obstetricians and
15 Gynecologists, promulgate rules to establish standard procedures for the prescribing
16 of hormonal contraceptive patches and self-administered oral hormonal
17 contraceptives by pharmacists under this subsection.

18 2. The rules promulgated under subd. 1. shall require a pharmacist to do all
19 of the following:

20 a. Complete a training program approved by the board that is related to
21 prescribing hormonal contraceptive patches and self-administered oral hormonal
22 contraceptives.

23 b. Provide a self-screening risk assessment tool that the patient must use prior
24 to the pharmacist's prescribing the hormonal contraceptive patch or
25 self-administered oral hormonal contraceptive.

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1 c. Refer the patient to the patient's primary care practitioner or women's health
2 care practitioner upon prescribing and dispensing the hormonal contraceptive patch
3 or self-administered oral hormonal contraceptive.

4 d. Provide the patient with a written record of the hormonal contraceptive
5 patch or self-administered oral hormonal contraceptive prescribed and dispensed
6 and advise the patient to consult with a primary care practitioner or women's health
7 care practitioner.

8 e. Dispense the hormonal contraceptive patch or self-administered oral
9 hormonal contraceptive to the patient as soon as practicable after the pharmacist
10 issues the prescription order.

11 3. The rules promulgated under subd. 1. shall prohibit a pharmacist from doing
12 any of the following:

13 a. Requiring a patient to schedule an appointment with the pharmacist for the
14 prescribing or dispensing of a hormonal contraceptive patch or self-administered
15 oral hormonal contraceptive.

16 b. Prescribing and dispensing a hormonal contraceptive patch or
17 self-administered oral hormonal contraceptive to a patient who does not have
18 evidence of a clinical visit for women's health within the 3 years immediately
19 following the initial prescription of a hormonal contraceptive patch or
20 self-administered oral hormonal contraceptive by a pharmacist to the patient.

21 **SECTION 5.** 450.095 (2m) (a) (intro.) of the statutes, as created by 2015
22 Wisconsin Act (this act), is renumbered 450.095 (2m) (a) and amended to read:

23 450.095 **(2m)** (a) In accordance with rules promulgated by the board, a
24 pharmacist may prescribe and dispense hormonal contraceptive patches and
25 self-administered oral hormonal contraceptives ~~to any of the following:~~

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1 **SECTION 6.** 450.095 (2m) (a) 1. and 2. of the statutes, as created by 2015
2 Wisconsin Act (this act), are repealed.

3 **SECTION 7.** 450.095 (3) of the statutes is amended to read:

4 450.095 (3) Any person who violates this section or any rules promulgated
5 under this section may be required to forfeit not less than \$250 nor more than \$2,500
6 for each violation.

7 **SECTION 8. Effective dates.** This act takes effect on the day after publication,
8 except as follows:

9 (1) The repeal of section 450.095 (2m) (a) 1. and 2. of the statutes and the
10 renumbering and amendment of section 450.095 (2m) (a) (intro.) of the statutes take
11 effect January 1, 2020.

12

(END)