October 20, 2015 – Introduced by Representative NYGREN, cosponsored by Senator DARLING. Referred to Committee on Health.

AN ACT to renumber and amend 441.18 (2) (a) and 448.037 (2) (a); to amend 441.18 (2) (b), 448.037 (2) (b), 450.11 (1i) (a) 1. and 450.11 (4) (a) 5. c.; and to create 441.18 (2) (a) 2. and 448.037 (2) (a) 2. of the statutes; relating to: prescription, dispensing, and delivery of opioid antagonists.

Analysis by the Legislative Reference Bureau

Under current law, a licensed physician, a licensed physician assistant, or an advanced practice nurse certified to issue prescription orders (practitioner) may, directly or by the use of a standing order, prescribe an opioid antagonist to a person in a position to assist an individual at risk of undergoing an opioid-related drug overdose. Opioid antagonists are prescription drugs, such as the drug naloxone, some of which can, when administered to a person undergoing an overdose on drugs such as heroin or prescription narcotics, have the effect of countering the effects of the overdose. A practitioner who prescribes an opioid antagonist in this manner must ensure that the person to whom the opioid antagonist will be delivered (i.e., the person to whom it is prescribed) has the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers or dispenses the opioid antagonist has or receives that knowledge and training. A licensed pharmacist may, upon the prescription order of a practitioner issued in accordance with the provisions described above, deliver (provide) the opioid antagonist to the person specified in the prescription order and may only deliver an opioid antagonist in accordance with
Those provisions or in accordance with his or her other legal authority to dispense prescription drugs.

This bill makes a number of changes and clarifications to the provisions in current law, including the following:

1. Explicitly providing that a practitioner may prescribe an opioid antagonist to one or more licensed pharmacies, and that a licensed pharmacist may, upon and in accordance with the prescription order, deliver an opioid antagonist to an individual as specified in the order.

2. Clarifying current law to provide that a practitioner who prescribes an opioid antagonist, either under current law or to one or more pharmacies under the bill, must ensure that the person to whom the opioid antagonist is prescribed has or has the capacity to provide the knowledge and training described under current law.

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

SECTION 1. 441.18 (2) (a) of the statutes is renumbered 441.18 (2) (a) (intro.) and amended to read:

441.18 (2) (a) (intro.) An advanced practice nurse certified to issue prescription orders under s. 441.16 may, directly or by the use of a standing order, prescribe any of the following:

1. Prescribe an opioid antagonist to a person in a position to assist an individual at risk of undergoing an opioid-related drug overdose and may deliver the opioid antagonist to that person. A prescription order under this paragraph subdivision need not specify the name and address of the individual to whom the opioid antagonist will be administered, but shall instead specify the name of the person to whom the opioid antagonist will be delivered is prescribed.

SECTION 2. 441.18 (2) (a) 2. of the statutes is created to read:

441.18 (2) (a) 2. Prescribe an opioid antagonist to one or more pharmacies licensed under ch. 450. A prescription order under this subdivision need not specify the name and address of the individual to whom the opioid antagonist will be
administered, but shall instead specify the name of the pharmacies to whom the
opioid antagonist is prescribed.

SECTION 3. 441.18 (2) (b) of the statutes is amended to read:

441.18 (2) (b) An advanced practice nurse who prescribes or delivers an opioid
antagonist under par. (a) shall ensure that the person to whom the opioid antagonist
will be delivered is prescribed has or has the capacity to provide the knowledge and
training necessary to safely administer the opioid antagonist to an individual
undergoing an opioid-related overdose and that the person demonstrates the
capacity to ensure that any individual to whom the person further delivers the opioid
antagonist has or receives that knowledge and training.

SECTION 4. 448.037 (2) (a) of the statutes is renumbered 448.037 (2) (a) (intro.)
and amended to read:

448.037 (2) (a) (intro.) A physician or physician assistant may, directly or by
the use of a standing order, prescribe do any of the following:

1. Prescribe an opioid antagonist to a person in a position to assist an individual
at risk of undergoing an opioid-related drug overdose and may deliver the opioid
antagonist to that person. A prescription order under this paragraph subdivision
need not specify the name and address of the individual to whom the opioid
antagonist will be administered, but shall instead specify the name of the person to
whom the opioid antagonist will be delivered is prescribed.

SECTION 5. 448.037 (2) (a) 2. of the statutes is created to read:

448.037 (2) (a) 2. Prescribe an opioid antagonist to one or more pharmacies
licensed under ch. 450. A prescription order under this subdivision need not specify
the name and address of the individual to whom the opioid antagonist will be
administered, but shall instead specify the name of the pharmacies to whom the opioid antagonist is prescribed.

**SECTION 6.** 448.037 (2) (b) of the statutes is amended to read:

448.037 (2) (b) A physician or physician assistant who prescribes or delivers an opioid antagonist under par. (a) shall ensure that the person to whom the opioid antagonist will be delivered has or has has the capacity to provide the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers the opioid antagonist has or receives that knowledge and training.

**SECTION 7.** 450.11 (1i) (a) 1. of the statutes is amended to read:

450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 1., or of a physician or physician assistant under s. 448.037 (2) (a) 1., that complies with the requirements of sub. (1), deliver an opioid antagonist to the person specified in the prescription order and may, upon and in accordance with the prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 2., or of a physician or physician assistant under s. 448.037 (2) (a) 2., that complies with the requirements of sub. (1), deliver an opioid antagonist to an individual as specified in the order. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the delivery of a prescription to the person to whom the opioid antagonist is delivered.

**SECTION 8.** 450.11 (4) (a) 5. c. of the statutes is amended to read:
450.11 (4) (a) 5. c. For an opioid antagonist when delivered under sub. (1i) (a), the name of the person to whom the opioid antagonist will be delivered as specified in s. 441.18 (2) (a) or 448.037 (2) (a).

(END)