March 2, 2016 – Introduced by Representatives SARGENT, KESSLER, POPE, SINICKI and BERCEAU, cosponsored by Senators RISSER, C. LARSON and MILLER. Referred to Committee on Health.

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

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

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

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

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

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

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

(ar) “Self-administered oral hormonal contraceptive” means a drug composed of a combination of hormones that is approved by the federal food and drug administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.
SECTION 4. 450.095 (2m) of the statutes is created to read:

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

1. A person who is at least 18 years of age, regardless of whether 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.

2. A person who is under 18 years of age, 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.

(b) 1. The board shall, 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, promulgate rules to establish standard procedures for the prescribing of hormonal contraceptive patches and self-administered oral hormonal contraceptives by pharmacists under this subsection.

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

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

b. Provide a self-screening risk assessment tool that the patient must use prior to the pharmacist’s prescribing the hormonal contraceptive patch or self-administered oral hormonal contraceptive.
c. Refer the patient to the patient’s primary care practitioner or women’s health care practitioner upon prescribing and dispensing the hormonal contraceptive patch or self-administered oral hormonal contraceptive.

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

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

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

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

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

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

450.095 (2m) (a) In accordance with rules promulgated by the board, a pharmacist may prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to any of the following.
SECTION 6. 450.095 (2m) (a) 1. and 2. of the statutes, as created by 2015 Wisconsin Act .... (this act), are repealed.

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

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

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

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