



## 2019 ASSEMBLY BILL 788

January 23, 2020 - Introduced by Representatives MURPHY, SKOWRONSKI and MILROY, cosponsored by Senators FEYEN and CARPENTER. Referred to Committee on Health.

1     **AN ACT** *to repeal* 450.062 (intro.); *to renumber* 450.062 (1) to (4); *to renumber*  
2           *and amend* 450.09 (2); *to amend* 450.06 (1), 450.06 (2) (b), 450.06 (2m), 450.09  
3           (1) (a) and 450.09 (2) (title); and *to create* 450.01 (21c), 450.02 (5) and 450.09  
4           (2) (b) of the statutes; **relating to:** licensing and regulation of pharmacies and  
5           remote dispensing sites under the pharmacy practice law, extending the time  
6           limit for emergency rule procedures, providing an exemption from rule-making  
7           procedures, and granting rule-making authority.

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

Generally, under current law, no pharmacist may dispense at any location in this state that is not licensed as a pharmacy by the Pharmacy Examining Board, except that a pharmacist may, pursuant to rules promulgated by the board, dispense at certain specifically identified types of locations that are not licensed as pharmacies, which include health care facilities, health care provider offices or clinics, and jails and other adult and juvenile correctional or residential facilities.

This bill instead requires the aforementioned locations to be licensed by the board as pharmacies. As such, the bill requires that they adhere to a number of requirements that apply to other pharmacies, including the requirement for a managing pharmacist to be designated for the pharmacy. However, the bill allows pharmacies at any of those locations to be operated as remote dispensing sites, in

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which case a pharmacist is not required to be present at the pharmacy, but in that case a pharmacist must remotely supervise the pharmacy. Finally, the bill allows the board to promulgate rules governing pharmacies operated as remote dispensing sites, which may exempt pharmacies operated as remote dispensing sites from rules that apply to other pharmacies.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 450.01 (21c) of the statutes is created to read:

2           450.01 (21c) "Remote dispensing site" means a pharmacy governed by s. 450.09  
3 (2) (b) 2.

4           **SECTION 2.** 450.02 (5) of the statutes is created to read:

5           450.02 (5) The board may promulgate rules governing pharmacies that are  
6 operated as remote dispensing sites. Rules promulgated under this subsection may  
7 exempt pharmacies operated as remote dispensing sites from requirements  
8 governing pharmacies that are not operated as remote dispensing sites.

9           **SECTION 3.** 450.06 (1) of the statutes is amended to read:

10           450.06 (1) ~~Except as provided in s. 450.062, no~~ No pharmacist or person  
11 engaged in the practice of pharmacy under s. 450.03 (1) (f), (g), or (i) may dispense  
12 at any location in this state that is not licensed as a pharmacy by the board. No  
13 person in this state may use or display the title "pharmacy," "drugstore,"  
14 "apothecary," or any other title, symbol, or insignia having the same or similar  
15 meanings, except for a place of practice which is licensed under this section as a  
16 pharmacy by the board.

17           **SECTION 4.** 450.06 (2) (b) of the statutes is amended to read:

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1           450.06 (2) (b) The location of the pharmacy is inspected in a manner approved  
2 by the board and found to meet all the requirements of this chapter.

3           **SECTION 5.** 450.06 (2m) of the statutes is amended to read:

4           450.06 (2m) The board may ~~request, but may not require,~~ that practice-related  
5 information be submitted on the application under sub. (2) (a).

6           **SECTION 6.** 450.062 (intro.) of the statutes is repealed.

7           **SECTION 7.** 450.062 (1) to (4) of the statutes are renumbered 450.09 (2) (b) 1.  
8 a. to d.

9           **SECTION 8.** 450.09 (1) (a) of the statutes is amended to read:

10           450.09 (1) (a) Every pharmacy shall be under the control of the managing  
11 pharmacist who signed the pharmacy license application, the most recent license  
12 renewal application or the most recent amended schedule of operations. The  
13 managing pharmacist shall be responsible for the professional operations of the  
14 pharmacy. A pharmacist may be the managing pharmacist of not more than one  
15 community and one institutional pharmacy at any time and shall be engaged in the  
16 practice of pharmacy at each location he or she supervises. The board shall by rule  
17 define community pharmacy and institutional pharmacy for the purposes of this  
18 section, but a pharmacy that is operated exclusively as a remote dispensing site shall  
19 not be considered a community pharmacy or institutional pharmacy for the purposes  
20 of this paragraph.

21           **SECTION 9.** 450.09 (2) (title) of the statutes is amended to read:

22           450.09 (2) (title) ~~PRESENCE OF~~ SUPERVISION BY PHARMACIST.

23           **SECTION 10.** 450.09 (2) of the statutes is renumbered 450.09 (2) (a) and  
24 amended to read:

**ASSEMBLY BILL 788****SECTION 10**

1           450.09 (2) (a) No pharmaceutical service may be provided to any person unless  
2 a pharmacist is present in the pharmacy to provide or supervise the service, except  
3 as provided in par. (b).

4           **SECTION 11.** 450.09 (2) (b) of the statutes is created to read:

5           450.09 (2) (b) 1. A pharmacist is not required to be present in a pharmacy if the  
6 pharmacy is any of the following locations:

7           2. Whenever a pharmacist is not present at the pharmacy when allowed under  
8 subd. 1., all of the following shall apply:

9           a. The pharmacy shall be considered a remote dispensing site and shall be  
10 subject to and governed by any rules promulgated under s. 450.02 (5).

11           b. A pharmacist shall, in accordance with any rules promulgated under s.  
12 450.02 (5), remotely supervise the pharmaceutical services provided.

13           **SECTION 12. Nonstatutory provisions.**

14           (1) The pharmacy examining board may promulgate emergency rules under s.  
15 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2),  
16 emergency rules promulgated under this subsection remain in effect until May 1,  
17 2022, or the date on which permanent rules take effect, whichever is sooner.  
18 Notwithstanding s. 227.24 (1) (a) and (3), the examining board is not required to  
19 provide evidence that promulgating a rule under this subsection as an emergency  
20 rule is necessary for the preservation of the public peace, health, safety, or welfare  
21 and is not required to provide a finding of emergency for a rule promulgated under  
22 this subsection.

23           (2) Sections Phar 6.04, 6.05, 6.06, 6.07, and 6.075, Wis. Adm. Code, do not apply  
24 to remote dispensing sites, as defined in s. 450.01 (21c), until the date that is 6

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1 months after the effective date of this subsection, except as the pharmacy examining  
2 board otherwise provides by rule.

3 **SECTION 13. Effective dates.** This act takes effect on the first day of the 7th  
4 month beginning after publication, except as follows:

5 (1) SECTION 12 (1) of this act takes effect on the day after publication.

6 (END)