

2019 DRAFTING REQUEST

Bill

For: Gordon Hintz (608) 266-2254 Drafter: kpaczusk
By: Brett Secondary Drafters:
Date: 8/28/2019 May Contact:

Same as LRB:

Submit via email: YES
Requester's email: Rep.Hintz@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov
konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Universal purchase of vaccines

Instructions:

See attached

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. It contains three rows of drafting history data.

FE Sent For: AF Intro <END>

## Dodge, Tamara

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**From:** Halverson, Brett  
**Sent:** Wednesday, August 28, 2019 10:00 AM  
**To:** Dodge, Tamara  
**Subject:** some bill ideas to p-draft

Hello Tami,

Can you preliminarily draft (p-draft) the following bill ideas for me, please:

- A bill allowing dentists to administer vaccines in the state. This would ideally be similar to a bill in Oregon from earlier this year: <https://www.ada.org/en/publications/ada-news/2019-archive/april/oregon-passes-bill-allowing-dentists-to-administer-vaccines20190426t142836>. The idea is to allow children and adults to receive vaccines when they visit the dentist, assuming that is something most people do more regularly than they go to a doctor. Furthermore, I imagine it would be similar in scope to 2010 LRB-1365/1 & LRB 2140/1 regarding pharmacists and vaccines.
- A bill allowing 16-year-olds to make vaccine decisions for themselves, without parental consent. This would be similar to 2019 bill draft LRB-2543, but for 16-year-olds instead of that bill's 14-year-old age.
- A bill to make Wisconsin a universal purchase state with the Vaccines for Children (VFC) program (referenced here: <http://www.ncsl.org/research/health/immunizations-policy-issues-overview.aspx> under state policies) where WI would purchase all recommended vaccines for all children, including those who are fully insured, instead of just those financed by VFC. The idea would be that the state is reimbursed by insurance companies for those children who are fully insured, but that all vaccines would be in one group instead of separated because of separate purchasing, ideally removing any potential logistical barriers to children being vaccinated.

Please call me if you have any questions or want to talk through these.

Thank you!  
-Brett

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### **Brett Halverson**

Office of Representative Gordon Hintz  
Assembly Democratic Leader  
201 West | 608-266-2254  
[brett.halverson@legis.wisconsin.gov](mailto:brett.halverson@legis.wisconsin.gov)

## **Paczuski, Konrad**

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**From:** Halverson, Brett <Brett.Halverson@legis.wisconsin.gov>  
**Sent:** Wednesday, September 11, 2019 2:17 PM  
**To:** Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>  
**Subject:** RE: some bill ideas to p-draft

Konrad,

Thanks so much for checking in. To answer your questions:

- The reimbursement amount should be determined by fair market value. In other words, what they would have paid if the universal purchase program wasn't in place. Is there a way to codify that?
- The vaccines part of the program should be those that under state law a K-12 student must have a record on file for (or exemption, as the case may be), so the usual suspects -- MMR, etc. Not flu or others that are not mandated for children in schools.

Let me know if you have any other questions. Thanks!

-Brett

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### **Brett Halverson**

Office of Representative Gordon Hintz  
Assembly Democratic Leader  
201 West | 608-266-2254  
[brett.halverson@legis.wisconsin.gov](mailto:brett.halverson@legis.wisconsin.gov)

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**From:** Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>  
**Sent:** Tuesday, September 10, 2019 12:33 PM  
**To:** Halverson, Brett <Brett.Halverson@legis.wisconsin.gov>  
**Subject:** RE: some bill ideas to p-draft

Brett,

I'm working on the drafting request about establishing a universal purchase program for vaccines in Wisconsin, and some questions have come up about how to implement the program. As I understand it, under the program, DHS would purchase vaccines and distribute them to practitioners to be administered to children. First, the instructions indicated that insurance companies should make reimbursements to the state for the vaccines. For the bill draft, how should the reimbursement amount that insurance companies pay be determined? Second, how should the program determine which vaccines are part of the program?

If you'd like to talk about these questions, I'd be happy to discuss them. Thanks,

Konrad

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**From:** Halverson, Brett <Brett.Halverson@legis.wisconsin.gov>  
**Sent:** Wednesday, August 28, 2019 10:00 AM

To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>

Subject: some bill ideas to p-draft

Hello Tami,

Can you preliminarily draft (p-draft) the following bill ideas for me, please:

- A bill allowing dentists to administer vaccines in the state. This would ideally be similar to a bill in Oregon from earlier this year: <https://www.ada.org/en/publications/ada-news/2019-archive/april/oregon-passes-bill-allowing-dentists-to-administer-vaccines20190426t142836>. The idea is to allow children and adults to receive vaccines when they visit the dentist, assuming that is something most people do more regularly than they go to a doctor. Furthermore, I imagine it would be similar in scope to 2010 LRB-1365/1 & LRB 2140/1 regarding pharmacists and vaccines.
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Please call me if you have any questions or want to talk through these.

Thank you!

-Brett

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State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4137/2 *rept*  
KP:..  
*WLJ*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*IN: 9/13*  
*OUT: TODAY, Please*

1 AN ACT <sup>gc</sup>...; relating to: purchasing and distributing vaccines for children and  
2 making an appropriation.

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

Under this bill, the Department of Health Services establishes a program that provides all children in this state with the vaccines specified under the statewide immunization program. Specifically, the bill requires DHS to purchase the vaccines and distribute the vaccines to health care providers who participate in the program, and those health care providers administer the vaccines to children. Insurers that provide coverage to a child who receives a vaccine under the program must reimburse the department for the cost of obtaining the vaccine.

DHS

For further information see the *state* 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:***

3 SECTION 1. 20.435 (1) (cm) of the statutes is amended to read:  
4 20.435 (1) (cm) *Immunization*. A sum sufficient not to exceed in each fiscal year  
5 the difference between \$9,000,000 and the sum of the moneys received in each fiscal  
6 year from the federal government for the provision of vaccine vaccines to immunize

1 children, including moneys under 42 USC 247b and 42 USC 1396s, for the provision  
 2 of vaccine vaccines to immunize children under the program under s. 252.04 (1)  
 3 252.045. ✓

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 433 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; 2013 a. 20, 92; 2013 a. 116 s. 31; 2013 a. 126, 127, 129, 131, 132, 137; 2013 a. 166 s. 77; 2013 a. 168 s. 21; 2013 a. 195, 203, 246; 2015 a. 55, 153, 172, 195, 265, 274; 2017 a. 12, 28; 2017 a. 59 ss. 369 to 392, 451; 2017 a. 96, 184, 186, 250, 261, 266, 296; 2019 a. 9.

4 **SECTION 2.** 20.435 (1) (jm) of the statutes is created to read:  
 5 20.435 (1) (jm) *Purchasing and distributing vaccines for children.* All moneys  
 6 received from reimbursements under s. 252.045 (3) for the department to purchase  
 7 and distribute vaccines for children under s. 252.045. ✓

8 **SECTION 3.** 252.045 of the statutes is created to read:  
 9 **252.045 Purchase and distribution of vaccines for children.** (1) In this  
 10 section:

11 (a) "Health care provider" means a health care provider, as defined in s. 146.81  
 12 (1), who is authorized under chs. 440 to 480 to administer a vaccine.

13 (b) "Insurer" has the meaning given in s. 632.745 (15). ✓

14 (2) The department shall establish a program to provide all children in this  
 15 state with vaccines under the immunization program under s. 252.04. ✓ From the  
 16 appropriation under s. 20.435 (1) (cm) and (jm), the department shall purchase  
 17 vaccines for diseases specified under s. 252.04 (1) for all children in this state, and  
 18 distribute the vaccines to health care providers who participate in the program. *under this section*  
 19 Health care providers participating in the program shall administer vaccines  
 20 received under this *subsection* section to children. *administer*

*STEF*  
*..... under this section*  
*administer*





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4137/P1  
KP:wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11  
NO  
changes  
jacket  
Per  
KP

1 AN ACT *to amend* 20.435 (1) (cm); and *to create* 20.435 (1) (jm) and 252.045 of  
2 the statutes; **relating to:** purchasing and distributing vaccines for children  
3 and making an appropriation.

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*Analysis by the Legislative Reference Bureau*

Under this bill, the Department of Health Services establishes a program that provides all children in this state with the vaccines specified under the statewide immunization program. Specifically, the bill requires DHS to purchase the vaccines and distribute the vaccines to health care providers who participate in the program, and those health care providers administer the vaccines to children. Insurers that provide coverage to a child who receives a vaccine under the program must reimburse DHS for the cost of obtaining the vaccine.

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

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16 state with vaccines under the immunization program under s. 252.04. From the  
17 appropriation under s. 20.435 (1) (cm) and (jm), the department shall purchase  
18 vaccines for diseases specified under s. 252.04 (1) for all children in this state and  
19 distribute the vaccines to health care providers who participate in the program  
20 under this section. Health care providers participating in the program under this  
21 section shall administer vaccines received under this subsection to children.

22 (3) An insurer that provides coverage to a child who receives a vaccine under  
23 the program under this section shall reimburse the department for the department's  
24 cost of obtaining the vaccine.

25 (END)