2019 ASSEMBLY BILL 645

December 5, 2019 - Introduced by Representatives Born, Nygren, Billings, Bowen, Dittrich, Edming, Felzkowski, Jagler, Kitchens, Knodl, Kulp, Magnafici, Mursau, Novak, Petersen, Petryk, Plumer, Ramthun, Rohrkaste, Snyder, Spiros, Thiesfeldt, Tranel and Tusler, cosponsored by Senators Darling, Cowles, Olsen and Wanggaard. Referred to Committee on Substance Abuse and Prevention.

AN ACT to amend 256.40 (3) (a) (intro.), 256.40 (3) (a) 2. and 256.40 (3) (b) of the statutes; relating to: opioid antagonist administration in jails and medication-assisted treatment availability in prisons and jails.

Analysis by the Legislative Reference Bureau

This bill allows county jails to enter into a written agreement to affiliate with an ambulance service provider or a physician to 1) obtain a supply of naloxone or another opioid antagonist; and 2) allow jailers or keepers of a jail or persons designated with custodial authority by a jailer or keeper to receive the training necessary to safely and properly administer those medications to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose. Under current law, law enforcement agencies and fire departments may enter such agreements; this bill grants that authority to county jails.

Current law also grants law enforcement officers and fire fighters immunity from civil and criminal liability for any outcomes resulting from the administration of an opioid antagonist to a person the officer or fire fighter reasonably believes is undergoing an opioid-related drug overdose, if the officer or firefighter is acting pursuant to an agreement with an ambulance service provider or physician and his or her training. This bill extends the same immunity to a jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper.

The bill requires the Department of Health Services, after consulting with the Department of Corrections, to study the availability of medication-assisted treatment for opioid use disorder in each prison and county jail, including by
identifying certain pieces of data specified in the bill. DHS, again after consulting DOC, must then use the results of the study to propose to implement, or identify county officials to implement, a pilot project to make available all approved medications for medication-assisted treatment for opioid use disorder in at least one prison or county jail. DHS must report its study findings, its proposal, and any requests for proposed statutory changes or funding necessary to implement the pilot project to the Joint Committee on Finance.

For further information see the state and local 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. 256.40 (3) (a) (intro.) of the statutes is amended to read:

256.40 (3) (a) (intro.) A law enforcement agency, county jail, or fire department may enter into a written agreement to affiliate with an ambulance service provider or a physician for all of the following purposes:

SECTION 2. 256.40 (3) (a) 2. of the statutes is amended to read:

256.40 (3) (a) 2. Allowing law enforcement officers, jailers or keepers of a jail or persons designated with custodial authority by the jailer or keeper, and fire fighters to obtain the training necessary to safely and properly administer naloxone or another opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose.

SECTION 3. 256.40 (3) (b) of the statutes is amended to read:

256.40 (3) (b) A law enforcement officer, jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper, or fire fighter who, reasonably believing another person to be undergoing an opioid-related drug overdose, administers naloxone or another opioid antagonist to that person shall be immune from civil or criminal liability for any outcomes resulting from the administration of the opioid antagonist to that person, if the law enforcement officer,
jailer or keeper of a jail or person designated with custodial authority by the jailer
or keeper, or fire fighter is acting pursuant to an agreement and any training
obtained under par. (a).


(1) Study on Medication-Assisted Treatment in Prisons and Jails. The
department of health services, after consulting with the department of corrections,
shall study in each prison and county jail the availability of medication-assisted
treatment for opioid use disorder, including identifying all of the following for each
prison and county jail:

(a) The availability of behavioral health counseling on the premises as
measured by the number of substance abuse counselors available for the number of
persons in custody at the prison or county jail.

(b) The facilities available for inpatient detoxification, including the number
of rooms available.

(c) Each medication and forms of each medication approved by the federal food
and drug administration that are used for treating opioid use disorder for persons
in custody in the prison or county jail and the number of persons in each prison and
county jail who receive each medication each month.

(2) Proposal for Availability of Medication-Assisted Treatment; Report. The
department of health services shall, using the results of the study under sub. (1) and
after consulting with the department of corrections, develop a proposal to
implement, or identify county officials to implement, a pilot project to make available
in at least one prison or county jail all medications for medication-assisted
treatment for opioid use disorder that are approved by the federal food and drug
administration. By the first day of the 13th month beginning after the effective date
of this subsection, the department of health services shall submit a report to the joint
committee on finance that includes the findings of the study under sub. (1), the
proposal under this subsection, and any requests for proposed statutory changes or
funding necessary to implement the pilot project.

(END)