



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-025

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

a. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

The agency’s petition for repeal of s. Phar s. 5.03, Wis. Adm. Code, is an unauthorized rule that follows the Legislature’s intent, evidenced by the legislative history of 2017 Wisconsin Act 18, to remove the requirements for display of a pharmacist’s license. In particular, testimony received during public hearings and instructions in drafting files associated with the Act support the expectation that the Act would fully remove the display requirement from state law.

4. Adequacy of References to Related Statutes, Rules and Forms

In its description of statutory authority, the agency appears to intend to refer to “s. 450.02 (3) (d) and (e), Stats.,” rather than “s. 450.02 (3) (d) and (3), Stats.”.