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State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 440

December 20, 2011 – Introduced by Representative Stone, cosponsored by Senator Vukmir. Referred to Committee on Health.

1 AN ACT *to amend* 450.11 (2), 961.38 (1r) and 961.38 (2) of the statutes; **relating**

to: electronic prescriptions for schedule II controlled substances.

Analysis by the Legislative Reference Bureau

Under current law, controlled substances are divided into five separate schedules, depending on the substance's potential for abuse, whether the substance has a currently accepted and safe medical use, and whether and to what degree the substance leads to physical or psychological dependence. Schedule II substances are those that have a high potential for abuse and may lead to severe physical or psychological dependence, but also have a currently accepted medical use.

Under current law, a drug that is a schedule II substance may be dispensed to a person directly by a practitioner or by a pharmacy with a written prescription by the practitioner or, in the case of an emergency, by a pharmacist who receives an oral or electronic prescription by the practitioner that is promptly reduced to writing and filed by the pharmacist.

Under this bill, a drug that is a schedule II substance may be dispensed by a pharmacy with an electronic prescription by the practitioner in cases that are not emergencies and without the requirement that the prescription be reduced to writing.

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

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SECTION 1.	450.11	(2)	of the	statutes	is	amended	to	read

450.11 (2) Prescription order file. Every prescription order shall be filed in a suitable book or file and preserved for at least 5 years. Subject to s. 961.38 (2), prescription Prescription orders transmitted electronically may be filed and preserved in electronic format.

Section 2. 961.38 (1r) of the statutes is amended to read:

961.38 (**1r**) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule II may be dispensed without the written <u>or electronic</u> prescription of a practitioner.

Section 3. 961.38 (2) of the statutes is amended to read:

961.38 **(2)** In emergency situations, as defined by rule of the pharmacy examining board, schedule II drugs may be dispensed upon <u>an</u> oral or electronic prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with rules of the pharmacy examining board promulgated under s. 961.31. No prescription for a schedule II substance may be refilled.

17 (END)