



## 2019 ASSEMBLY BILL 290

June 13, 2019 - Introduced by Representatives SARGENT, KOLSTE, NEUBAUER, ANDERSON, BOWEN, BROSTOFF, CONSIDINE, GRUSZYNSKI, HESSELBEIN, HINTZ, OHNSTAD, POPE, SINICKI, STUBBS, SUBECK, C. TAYLOR and ZAMARRIPA, cosponsored by Senators RISSER, LARSON, SMITH and L. TAYLOR. Referred to Committee on Health.

1 **AN ACT to amend** 450.095 (title) and 450.095 (3); and **to create** 450.01 (16) (L),  
2 450.095 (1) (ag) and (ar) and 450.095 (2m) of the statutes; **relating to:**  
3 permitting pharmacists to prescribe, administer, and dispense certain  
4 contraceptives, granting rule-making authority, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill permits a pharmacist to prescribe and administer injectable hormonal contraceptives and prescribe and dispense self-administered hormonal contraceptives, subject to limitations described as follows.

The bill requires the Pharmacy Examining Board, after consultation with the Medical Examining Board, the Board of Nursing, and the Department of Health Services, and in consideration of guidelines established by the American College of Obstetricians and Gynecologists, to promulgate rules to establish standard procedures for the prescribing of contraceptives by pharmacists under the bill. The rules must include certain requirements for pharmacists prescribing, dispensing, and administering contraceptives, such as requiring a pharmacist to complete a training course, requiring a referral to a health care provider following a prescription, and requiring the contraceptive to be administered or dispensed as soon as practicable after the pharmacist issues the prescription order. In addition, the rules must prohibit a pharmacist from requiring a patient to schedule an appointment with the pharmacist for the prescribing, administering, or dispensing of a contraceptive and from prescribing, administering, and dispensing a contraceptive to a patient who does not have evidence of a clinical visit for women's

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health within the three years immediately following the initial prescription of a contraceptive by a pharmacist to the patient. A pharmacist who prescribes, administers, or dispenses contraceptives as permitted under the bill must comply with those rules, as well as other rules promulgated by the Pharmacy Examining Board.

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:*

1           **SECTION 1.** 450.01 (16) (L) of the statutes is created to read:

2           450.01 **(16)** (L) Prescribing and administering injectable hormonal  
3           contraceptives and prescribing and dispensing self-administered hormonal  
4           contraceptives pursuant to s. 450.095 (2m).

5           **SECTION 2.** 450.095 (title) of the statutes is amended to read:

6           **450.095** (title) ~~Duty to dispense~~ Prescribing, administering, and  
7           dispensing of contraceptives.

8           **SECTION 3.** 450.095 (1) (ag) and (ar) of the statutes are created to read:

9           450.095 **(1)** (ag) “Injectable hormonal contraceptive” means a drug composed  
10          of a hormone or a combination of hormones that is approved by the federal food and  
11          drug administration to prevent pregnancy and that a health care practitioner  
12          administers to the patient by injection.

13          (ar) “Self-administered hormonal contraceptive” means a drug composed of a  
14          hormone or a combination of hormones that is approved by the federal food and drug  
15          administration to prevent pregnancy and that the patient to whom the drug is  
16          prescribed may self-administer. “Self-administered hormonal contraceptive”  
17          includes hormonal contraceptive patches and hormonal contraceptive pills.

18          **SECTION 4.** 450.095 (2m) of the statutes is created to read:

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1           450.095 **(2m)** (a) In accordance with rules promulgated by the board and  
2 subject to s. 450.035, a pharmacist may prescribe and administer injectable  
3 hormonal contraceptives and may prescribe and dispense self-administered  
4 hormonal contraceptives.

5           (b) 1. The board shall, after consultation with the medical examining board, the  
6 board of nursing, and the department of health services, and in consideration of  
7 guidelines established by the American College of Obstetricians and Gynecologists,  
8 promulgate rules to establish standard procedures for the prescribing of injectable  
9 hormonal contraceptives and self-administered hormonal contraceptives by  
10 pharmacists under this subsection.

11           2. The rules promulgated under subd. 1. shall require a pharmacist to do all  
12 of the following:

13           a. Complete a training program approved by the board that is related to  
14 prescribing injectable hormonal contraceptives and self-administered hormonal  
15 contraceptives.

16           b. Provide a self-screening risk assessment tool that the patient must use prior  
17 to the pharmacist's prescribing the injectable hormonal contraceptive or  
18 self-administered hormonal contraceptive.

19           c. Refer the patient to the patient's primary care practitioner or women's health  
20 care practitioner upon prescribing and administering the injectable hormonal  
21 contraceptive or prescribing and dispensing the self-administered hormonal  
22 contraceptive.

23           d. Provide the patient with a written record of the injectable hormonal  
24 contraceptive prescribed and administered or the self-administered hormonal

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1 contraceptive prescribed and dispensed and advise the patient to consult with a  
2 primary care practitioner or women's health care practitioner.

3 e. Administer the injectable hormonal contraceptive or dispense the  
4 self-administered hormonal contraceptive to the patient as soon as practicable after  
5 the pharmacist issues the prescription order.

6 3. The rules promulgated under subd. 1. shall prohibit a pharmacist from doing  
7 any of the following:

8 a. Requiring a patient to schedule an appointment with the pharmacist for the  
9 prescribing or administering of an injectable hormonal contraceptive or the  
10 prescribing or dispensing of a self-administered hormonal contraceptive.

11 b. Prescribing and administering an injectable hormonal contraceptive or  
12 prescribing and dispensing a self-administered hormonal contraceptive to a patient  
13 who does not have evidence of a clinical visit for women's health within the 3 years  
14 immediately following the initial prescription and administration of an injectable  
15 hormonal contraceptive or the initial prescription and dispensing of a  
16 self-administered hormonal contraceptive by a pharmacist to the patient.

17 **SECTION 5.** 450.095 (3) of the statutes is amended to read:

18 450.095 (3) Any person who violates this section or any rules promulgated  
19 under this section may be required to forfeit not less than \$250 nor more than \$2,500  
20 for each violation.

21

(END)