

State of Wisconsin



2023 Senate Bill 263

Date of enactment: **December 6, 2023**

Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 71

AN ACT *to create* 49.688 (3m) of the statutes; **relating to:** 100–day prescription drug supplies under SeniorCare and amending an administrative rule related to 100–day prescription drug supplies permitted under SeniorCare.

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

SECTION 1. 49.688 (3m) of the statutes is created to read:

49.688 (3m) Per a prescription order by the prescribing health care provider, a person eligible under sub. (2) may purchase, and a pharmacist, pharmacy, or dispensing physician may dispense, a prescription drug authorized under administrative rules promulgated by the department and otherwise covered under this section at the rates provided in this section in amounts up to a 100–day supply.

SECTION 2. DHS 109.31 (3) (e) of the administrative code is amended to read:

DHS 109.31 (3) (e) SeniorCare providers may dispense certain maintenance drugs specified under s. DHS 107.10 (3) (e) or any other drug, as determined by the department on the basis of clinical considerations, safety, costs, and other factors, in amounts up to but not to exceed a 100–day supply, as prescribed by a physician.

SECTION 3. Nonstatutory provisions.

(1) SENIORCARE 100–DAY PRESCRIPTION DRUG SUPPLIES. The department of health services shall request

from the federal secretary of health and human services any waiver of federal medicaid laws or amendment to a waiver of federal medicaid laws necessary to permit the department of health services to implement s. 49.688 (3m). The department shall implement any waiver or amendment to a waiver received under this subsection. The department shall notify the legislative reference bureau of the approval or denial of any waiver or amendment to a waiver received under this subsection. If a waiver or amendment to a waiver under this subsection is approved, the legislative reference bureau shall publish the notice in the Wisconsin Administrative Register with a statement of the date on which the treatment of the administrative rules takes effect, as determined under SECTION 4 of this act.

SECTION 4. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of administrative rules takes effect upon approval by the federal secretary of health and human services of a waiver or amendment to a waiver requested under SECTION 3 (1) of this act. If a waiver or amendment to a waiver requested under SECTION 3 (1) of this act is denied, the treatment of administrative rules is void.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."