



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0153/1  
MED:kjf&wlj

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 427**

November 3, 2015 - Offered by Representative NYGREN.

1 **AN ACT to renumber and amend** 441.18 (2) (a) and 448.037 (2) (a); **to amend**  
2 441.18 (2) (b), 448.037 (2) (b), 450.01 (21), 450.11 (1), 450.11 (1i) (a) 1. and 450.11  
3 (4) (a) 5. c.; and **to create** 441.18 (1) (f), 441.18 (2) (a) 2., 448.037 (1) (f), 448.037  
4 (2) (a) 2. and 450.01 (21p) of the statutes; **relating to:** prescription, dispensing,  
5 and delivery of opioid antagonists.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment makes changes and clarifications to the laws governing the prescribing, dispensing, and delivery of opioid antagonists.

Current law provides that a licensed physician, a licensed physician assistant, or an advanced practice nurse certified to issue prescription orders (practitioner) may, directly or by the use of a standing order, prescribe an opioid antagonist to a person in a position to assist an individual at risk of undergoing an opioid-related drug overdose (third party). Opioid antagonists are prescription drugs, such as the drug naloxone, some of which can, when administered to a person undergoing an overdose on drugs such as heroin or prescription narcotics, have the effect of countering the effects of the overdose. A practitioner who prescribes an opioid antagonist in this manner must ensure that the person to whom the opioid antagonist will be delivered (i.e., the person to whom it is prescribed) has the

knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers or dispenses the opioid antagonist has or receives that knowledge and training. A licensed pharmacist may, upon the prescription order of a practitioner issued in accordance with the provisions described above, deliver (provide) the opioid antagonist to the person specified in the prescription order and may only deliver an opioid antagonist in accordance with those provisions or in accordance with his or her other legal authority to dispense prescription drugs.

This substitute amendment makes a number of changes and clarifications to the provisions in current law regarding opioid antagonists, including the following:

1. Further distinguishing between prescriptions for opioid antagonists written to third parties and standing orders issued for opioid antagonists. The substitute amendment creates separate provisions allowing for a standing order, as defined in the substitute amendment, to be issued by a practitioner to one or more persons authorizing the dispensing of opioid antagonists and allows a pharmacist to deliver an opioid antagonist to a person in accordance with such a standing order. The substitute amendment also expressly provides that a standing order for an opioid antagonist is considered a prescription order where applicable, for purposes of various requirements and prohibitions contained in the pharmacy law.

2. Clarifying current law to provide that a practitioner who prescribes an opioid antagonist to a third party must ensure that the person to whom the opioid antagonist *is prescribed* has *or has the capacity to provide* the knowledge and training described under current law.

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

1           **SECTION 1.** 441.18 (1) (f) of the statutes is created to read:

2           441.18 (1) (f) “Standing order” has the meaning given in s. 450.01 (21p).

3           **SECTION 2.** 441.18 (2) (a) of the statutes is renumbered 441.18 (2) (a) (intro.)  
4 and amended to read:

5           441.18 (2) (a) (intro.) An advanced practice nurse certified to issue prescription  
6 orders under s. 441.16 may, ~~directly or by the use of a standing order,~~ prescribe do  
7 any of the following:

8           1. Prescribe an opioid antagonist to a person in a position to assist an individual  
9 at risk of undergoing an opioid-related drug overdose and may deliver the opioid

1 antagonist to that person. A prescription order under this ~~paragraph~~ subdivision  
2 need not specify the name and address of the individual to whom the opioid  
3 antagonist will be administered, but shall instead specify the name of the person to  
4 whom the opioid antagonist ~~will be delivered~~ is prescribed.

5 **SECTION 3.** 441.18 (2) (a) 2. of the statutes is created to read:

6 441.18 (2) (a) 2. Issue a standing order to one or more persons authorizing the  
7 dispensing of an opioid antagonist.

8 **SECTION 4.** 441.18 (2) (b) of the statutes is amended to read:

9 441.18 (2) (b) An advanced practice nurse who prescribes or delivers an opioid  
10 antagonist under par. (a) 1. shall ensure that the person to whom the opioid  
11 antagonist ~~will be delivered~~ is prescribed has or has the capacity to provide the  
12 knowledge and training necessary to safely administer the opioid antagonist to an  
13 individual undergoing an opioid-related overdose and that the person demonstrates  
14 the capacity to ensure that any individual to whom the person further delivers the  
15 opioid antagonist has or receives that knowledge and training.

16 **SECTION 5.** 448.037 (1) (f) of the statutes is created to read:

17 448.037 (1) (f) “Standing order” has the meaning given in s. 450.01 (21p).

18 **SECTION 6.** 448.037 (2) (a) of the statutes is renumbered 448.037 (2) (a) (intro.)

19 and amended to read:

20 448.037 (2) (a) (intro.) A physician or physician assistant may, ~~directly or by~~  
21 ~~the use of a standing order,~~ prescribe do any of the following:

22 1. Prescribe an opioid antagonist to a person in a position to assist an individual  
23 at risk of undergoing an opioid-related drug overdose and may deliver the opioid  
24 antagonist to that person. A prescription order under this ~~paragraph~~ subdivision  
25 need not specify the name and address of the individual to whom the opioid

1 antagonist will be administered, but shall instead specify the name of the person to  
2 whom the opioid antagonist ~~will be delivered~~ is prescribed.

3 **SECTION 7.** 448.037 (2) (a) 2. of the statutes is created to read:

4 448.037 (2) (a) 2. Issue a standing order to one or more persons authorizing the  
5 dispensing of an opioid antagonist.

6 **SECTION 8.** 448.037 (2) (b) of the statutes is amended to read:

7 448.037 (2) (b) A physician or physician assistant who prescribes or delivers  
8 an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid  
9 antagonist ~~will be delivered~~ is prescribed has or has the capacity to provide the  
10 knowledge and training necessary to safely administer the opioid antagonist to an  
11 individual undergoing an opioid-related overdose and that the person demonstrates  
12 the capacity to ensure that any individual to whom the person further delivers the  
13 opioid antagonist has or receives that knowledge and training.

14 **SECTION 9.** 450.01 (21) of the statutes is amended to read:

15 450.01 (21) "Prescription order" means an order transmitted orally,  
16 electronically or in writing by a practitioner for a drug or device for a particular  
17 patient and also includes a standing order issued under s. 441.18 (2) (a) 2. or 448.037  
18 (2) (a) 2.

19 **SECTION 10.** 450.01 (21p) of the statutes is created to read:

20 450.01 (21p) "Standing order" means an order transmitted electronically or in  
21 writing by a practitioner for a drug or device for multiple patients or for one or more  
22 groups of patients.

23 **SECTION 11.** 450.11 (1) of the statutes, as affected by 2015 Wisconsin Act 35,  
24 is amended to read:

1           450.11 (1) DISPENSING. Except as provided in sub. (1i) (b) 2., no person may  
2 dispense any prescribed drug or device except upon the prescription order of a  
3 practitioner. All prescription orders shall specify the date of issue, the name and  
4 address of the practitioner, the name and quantity of the drug product or device  
5 prescribed, directions for the use of the drug product or device, the symptom or  
6 purpose for which the drug is being prescribed if required under sub. (4) (a) 8., and,  
7 if the order is written by the practitioner, the signature of the practitioner. Except  
8 as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1., 448.035 (2), and 448.037  
9 (2) (a) 1. and except for standing orders issued under s. 441.18 (2) (a) 2. or 448.037  
10 (2) (a) 2., all prescription orders shall also specify the name and address of the  
11 patient. A prescription order issued under s. 118.2925 (3) shall specify the name and  
12 address of the school. A prescription order issued under s. 255.07 (2) shall specify  
13 the name and address of the authorized entity. Any oral prescription order shall be  
14 immediately reduced to writing by the pharmacist and filed according to sub. (2).

15           **SECTION 12.** 450.11 (1i) (a) 1. of the statutes is amended to read:

16           450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the  
17 prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 1.,  
18 or of a physician or physician assistant under s. 448.037 (2) (a) 1., that complies with  
19 the requirements of sub. (1), deliver an opioid antagonist to ~~the~~ a person specified in  
20 the prescription order and may, upon and in accordance with the standing order of  
21 an advanced practice nurse prescriber under s. 441.18 (2) (a) 2., or of a physician or  
22 physician assistant under s. 448.037 (2) (a) 2., that complies with the requirements  
23 of sub. (1), deliver an opioid antagonist to an individual in accordance with the order.  
24 The pharmacist shall provide a consultation in accordance with rules promulgated

1 by the board for the delivery of a prescription to the person to whom the opioid  
2 antagonist is delivered.

3 **SECTION 13.** 450.11 (4) (a) 5. c. of the statutes is amended to read:

4 450.11 **(4)** (a) 5. c. For an opioid antagonist when delivered under sub. (1i) (a),  
5 the name of the person to whom the opioid antagonist ~~will be~~ is delivered as specified  
6 in ~~s. 441.18 (2) (a) or 448.037 (2) (a).~~

7 **(END)**