



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0381/1
MED:amn/kjf/wlj

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 866**

February 16, 2016 - Offered by Representative THIESFELDT.

1 **AN ACT** *to renumber and amend* 450.11 (5); *to repeal and recreate* 450.11 (5)
2 (title); and *to create* 450.11 (5) (b) of the statutes; **relating to:** prescription fills
3 and refills.

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

4 **SECTION 1.** 450.11 (5) (title) of the statutes is repealed and recreated to read:
5 450.11 (5) (title) INITIAL FILLS AND REFILLS.

6 **SECTION 2.** 450.11 (5) of the statutes is renumbered 450.11 (5) (c) and amended
7 to read:

8 450.11 (5) (c) ~~No prescription may be renewed except as designated on the~~
9 ~~prescription order.~~ An accurate record of renewal refill dispensing shall be
10 maintained showing the date and amount.

11 (a) No prescription may be renewed refilled unless the requirements of sub. (1)
12 and, if applicable, sub. (1m) have been met and written, oral, or electronic

1 authorization has been given by the prescribing practitioner. Unless the prescribing
2 practitioner has specified in the prescription order that dispensing a prescribed drug
3 in an initial amount followed by periodic refills as specified in the prescription order
4 is medically necessary, a pharmacist may exercise his or her professional judgment
5 to dispense varying quantities of the prescribed drug per fill up to the total number
6 of dosage units authorized by the prescribing practitioner in the prescription order
7 including any refills, subject to par. (b).

8 **SECTION 3.** 450.11 (5) (b) of the statutes is created to read:

9 450.11 (5) (b) 1. The authority of a pharmacist under par. (a) to dispense
10 varying quantities of a drug applies only with respect to the refills, if any, specified
11 in the prescription order and does not apply with respect to the initial quantity
12 specified in the prescription order, except that a pharmacist may dispense a varying
13 initial quantity of a drug using that authority if such quantity of that drug was
14 previously dispensed to the patient in the previous 2-year period under an earlier
15 prescription.

16 2. The authority of a pharmacist under par. (a) to dispense varying quantities
17 of a drug does not apply with respect to controlled substances.

18 3. A pharmacist may not use the authority under par. (a) to dispense varying
19 quantities of a drug to dispense more than a 90-day supply of a drug in a single fill
20 or refill.

21 (END)