



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 353

Senate Substitute Amendment 1

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2013 SENATE BILL 353

Senate Bill 353 specifies that a Schedule II or III controlled substance may not be dispensed or delivered without an identification card belonging to the person to whom the controlled substance is dispensed or delivered. An identification card is not required when a health care practitioner administers or dispenses a drug directly to a patient. Under the bill, the name on the identification card must be reported to the Pharmacy Examining Board (Board) through the Prescription Drug Monitoring Program (PDMP).

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 (SSA 1) makes the changes to the bill described below.

Requirement to Record Name on Identification Card

SSA 1 requires the pharmacist or other person dispensing or delivering a Schedule II or III controlled substance to record the name on the identification card and maintain the record of that name for as long as is required by administrative rules promulgated by the Board, or until it is submitted to the Board through the PDMP, whichever is sooner.

Acceptable Types of Identification Cards

Under the bill, the types of identification card that are acceptable are the following:

- A Wisconsin motor vehicle operator's license.
- A Wisconsin state identification card issued by the Department of Transportation.
- An identification card issued by a U.S. uniformed service.
- A U.S. passport.

Under SSA 1, the following types of identification cards are also acceptable:

- A motor vehicle operator's license or a state identification card issued by another state.
- A foreign passport.

Exemption for Drugs Delivered to Health Care and Residential Facilities

Under SSA 1, the provisions of the bill do not apply when a drug is delivered to a health care facility if the drug is to be administered in the health care facility. The types of facilities included in this exemption are the following:

- Hospital.
- Nursing home.
- Community-based residential facility.
- Continuing care facility.
- Mental health institution.
- County home.
- County infirmary.
- County hospital.
- County mental health complex.
- Veterans home.
- Center for the developmentally disabled.
- Local health department dispensary.
- Adult family homes.
- Residential care apartment complexes.

Under SSA 1, the Board may, by administrative rule, exempt additional health care facilities from the requirements of the bill.

Exemption for Drugs Delivered by Mail

Under SSA 1, the Board may, by administrative rule, exempt drugs delivered by mail from the bill's requirements, if the Board determines the exemption is necessary.

Exemption When Pharmacist Has Personal Knowledge of a Person

Under SSA 1, an identification card is *not* required if the pharmacist or other person dispensing or delivering a Schedule II or III controlled substance has personal knowledge of the person to whom the drug is dispensed or delivered and that the person is the ultimate user or the ultimate user's authorized representative. The pharmacist or other person must record the name of the person and report it to the Board and the PDMP to the same extent that the name on an identification card must be reported.

Method of Payment Must be Reported

Under SSA 1, a PDMP report regarding a Schedule II or III controlled substance must include the method of payment used to purchase the drug.

Delay of PDMP Reporting Requirement

SSA 1 provides that the requirement to include, in a PDMP report, the name on the identification card of a person to whom a Schedule II or III controlled substance is dispensed or delivered, does not go into effect until two years after the bill is enacted. SSA 1 also authorizes the Board to further delay that requirement after consultation with representatives of licensed pharmacists and pharmacies, subject to the approval of the Secretary of the Department of Safety and Professional Services.

BILL HISTORY

Senate Bill 353 was introduced on October 22, 2013 by Senator Harsdorf; cosponsored by Representative Nygren. On January 14, 2014, SSA 1 was offered by Senator Harsdorf. On February 4, 2014, the Senate Committee on Health and Human Services recommended adoption of SSA 1, and passage of the bill, as amended, on successive votes of Ayes, 5; Noes, 0.

LR:ksm