



2021 ASSEMBLY BILL 5

January 19, 2021 - Introduced by Representatives SANFELIPPO, DITTRICH, DUCHOW, MOSES, MURPHY and ROZAR. Referred to Committee on Health.

1 **AN ACT relating to:** facilitating and prioritizing COVID-19 vaccine distribution.

Analysis by the Legislative Reference Bureau

The Advisory Committee on Immunization Practices (ACIP) is a committee of medical and public health professionals that are selected by the federal Department of Health and Human Services for the purpose of making recommendations on vaccines. If those ACIP recommendations are approved by the federal Centers for Disease Control and Prevention, they become the CDC recommendations for vaccination. ACIP has made recommendations on the vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19, including recommendations on vaccine allocation among prioritized groups. Each state creates its own vaccine allocation plan.

This bill requires the Department of Health Services to include in the highest level of priority for SARS-CoV-2 vaccine individuals aged 60 or older. DHS is also required to allow a vaccinator to administer the vaccine to the next level of prioritization based on either the ACIP recommendations or recommendations issued by DHS if the demand on the vaccinator for vaccine has been met at the current prioritization level. For purposes of prioritization, the bill defines who DHS and vaccinators must consider frontline essential workers.

Certain pharmacies are part of the federal Pharmacy Partnership for Long-Term Care Program. Pharmacies in this program administer the SARS-CoV-2 vaccine to residents and staff of nursing homes and assisted living facilities. The bill requires DHS to allow a pharmacy in the program to administer the vaccine to residents and staff of assisted living facilities and other eligible long-term care facilities before completing administration to all nursing home

ASSEMBLY BILL 5

facility staff and residents if the pharmacy determines that this administration scheme is more efficient in vaccinating more individuals in less time.

The bill requires DHS to develop a plan for vaccinating the general public against SARS-CoV-2 beginning when the supply of vaccine in the state satisfies the demand of the populations recommended for priority in the ACIP recommendations but no later than March 15, 2021. DHS must develop and submit the plan to the standing committees of each house of the legislature with jurisdiction over health issues by February 28, 2021. DHS must implement a single, efficient, statewide, centralized, and publicly available platform for identifying populations eligible to receive the vaccine, disseminating information about receiving the vaccine, and allowing those in eligible populations to make appointments to receive the vaccine through means that meet privacy requirements. The bill also requires DHS to take action on any vaccinator application within 10 days of receipt.

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) PRIORITIZATION OF VACCINE DISTRIBUTION. The department of health services
3 shall include any individual who is 60 years of age or older in the highest level of
4 prioritization of the SARS-CoV-2 coronavirus vaccine administration.

5 (2) ALLOWING ADMINISTRATION TO NEXT PRIORITIZATION LEVEL. The department of
6 health services shall immediately allow any pharmacy or other vaccinator to
7 administer vaccines against SARS-CoV-2 coronavirus to individuals in the next
8 level of prioritization under either the federal advisory committee on immunization
9 practices's recommendations on allocation of the COVID-19 vaccine or
10 recommendations on vaccine allocation priority issued by the department of health
11 services if the demand on the vaccinator for vaccines from individuals in the level of
12 prioritization being administered is satisfied. For purposes of prioritizing frontline
13 essential workers, the department of health services and vaccinators shall consider
14 a frontline essential worker to be any frontline essential worker who is not a health
15 care worker and who works as an emergency first responder, corrections officer, food

ASSEMBLY BILL 5

1 or agricultural worker, postal service worker, manufacturing worker, grocery store
2 worker, public transit worker, child care worker, or worker in the education sector.

3 (3) ALLOWING PHARMACIES TO SIMULTANEOUSLY ADMINISTER TO FACILITIES OTHER
4 THAN NURSING HOMES. The department of health services shall allow any pharmacy
5 that is part of the federal pharmacy partnership for long-term care program to
6 administer SARS-CoV-2 coronavirus vaccines to assisted living facility residents
7 and staff and any other long-term care facility residents or staff included in the
8 program before completing the administration of vaccines to all nursing home
9 residents and staff if the pharmacy determines that such administration is more
10 efficient in vaccinating more individuals in less time.

11 (4) CENTRALIZED VACCINE ADMINISTRATION PROCESS. The department of health
12 services shall implement a single, efficient, statewide, centralized, and publicly
13 available platform for identifying populations eligible to receive the SARS-CoV-2
14 coronavirus vaccine, for disseminating information about receiving the vaccine, and
15 for allowing eligible populations to make appointments to receive the vaccine
16 through a means that meets applicable privacy requirements.

17 (5) VACCINE ADMINISTRATION PLAN. By February 28, 2021, the department of
18 health services shall develop and submit under s. 13.172 (3) to the standing
19 committees of each house of the legislature with jurisdiction over health issues a plan
20 for vaccinating the general public against SARS-CoV-2 coronavirus that begins
21 vaccination of the general public whenever the supply of vaccine against
22 SARS-CoV-2 in the state satisfies the demand of the populations that are prioritized
23 for vaccination in the federal advisory committee on immunization practices's
24 recommendations on allocation of the COVID-19 vaccine but no later than March 15,
25 2021.

