

---

# Wisconsin Legislative Council

## ACT MEMO

---



**Prepared by:** Steve McCarthy, Senior Staff Attorney

December 9, 2021

**2021 Wisconsin Act 101**  
[2021 Senate Bill 308]

**Remote Pharmacy Dispensing**

### PRIOR LAW

In general, a pharmacist may dispense only at locations licensed as a pharmacy by the Pharmacy Examining Board. However, prior law provided that a pharmacist may dispense at certain types of remote dispensing locations that were not required to be licensed as a pharmacy. These locations included health care facilities, the office or clinic of a health care practitioner, and jails, prisons, and other adult and juvenile correctional or residential facilities.

### 2021 WISCONSIN ACT 101

The act provides that the remote dispensing locations allowed to operate without a license under prior law must be licensed by the board as a pharmacy. These types of pharmacies are required to comply with various requirements that apply to other pharmacies, including the requirement for a managing pharmacist to be designated for the pharmacy. However, the act provides that a pharmacist is not required to be present at these types of pharmacies, but if the pharmacist is not present, then the pharmacist must supervise it remotely. The act also allows the board to promulgate emergency and permanent rules governing pharmacies operated as remote dispensing sites, which may exempt pharmacies operated as remote dispensing sites from rules that apply to other pharmacies.

Lastly, the act exempts a person who is providing services as directed, supervised, and inspected by certain medical professionals from the requirement to be licensed as a pharmacist by the board while the person is providing the services at a narcotic treatment service for opiate addiction or a free and charitable clinic, as defined in the bill.

**Effective date:** July 1, 2022, except that the provision allowing the board to promulgate emergency rules necessary to implement the act takes effect on December 5, 2021.

SM:jal