

# State of Wisconsin



2019 Assembly Bill 645

Date of enactment: **March 3, 2020**

Date of publication\*: **March 4, 2020**

## 2019 WISCONSIN ACT 119

AN ACT *to amend* 256.40 (3) (a) (intro.), 256.40 (3) (a) 2. and 256.40 (3) (b) of the statutes; **relating to:** opioid antagonist administration in jails and medication–assisted treatment availability in prisons and jails.

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

**SECTION 1.** 256.40 (3) (a) (intro.) of the statutes is amended to read:

256.40 (3) (a) (intro.) A law enforcement agency, county jail, or fire department may enter into a written agreement to affiliate with an ambulance service provider or a physician for all of the following purposes:

**SECTION 2.** 256.40 (3) (a) 2. of the statutes is amended to read:

256.40 (3) (a) 2. Allowing law enforcement officers, jailers or keepers of a jail or persons designated with custodial authority by the jailer or keeper, and fire fighters to obtain the training necessary to safely and properly administer naloxone or another opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid–related drug overdose.

**SECTION 3.** 256.40 (3) (b) of the statutes is amended to read:

256.40 (3) (b) A law enforcement officer, jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper, or fire fighter who, reasonably believing another person to be undergoing an opioid–related drug overdose, administers naloxone or another opioid antagonist to that person shall be immune from civil or criminal liability for any outcomes resulting from the administration of the opioid antagonist to that

person, if the law enforcement officer, jailer or keeper of a jail or person designated with custodial authority by the jailer or keeper, or fire fighter is acting pursuant to an agreement and any training obtained under par. (a).

### **SECTION 4. Nonstatutory provisions.**

(1) STUDY ON MEDICATION–ASSISTED TREATMENT IN PRISONS AND JAILS. The department of health services, after consulting with the department of corrections, shall study in each prison and county jail the availability of medication–assisted treatment for opioid use disorder, including identifying all of the following for each prison and county jail:

(a) The availability of behavioral health counseling on the premises as measured by the number of substance abuse counselors available for the number of persons in custody at the prison or county jail.

(b) The facilities available for inpatient detoxification, including the number of rooms available.

(c) Each medication and forms of each medication approved by the federal food and drug administration that are used for treating opioid use disorder, including treatments for withdrawal and detoxification, for persons in custody in the prison or county jail, the number of persons in each prison and county jail who receive each medication each month, and whether any of the persons in a prison or county jail who receive medication for treating

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

opioid use disorder have been confirmed by medical personnel to be pregnant or postpartum.

(d) All of the following related to the assessment and treatment of opioid use disorder in women who are in prison or county jail:

1. The availability of assessment for opioid use disorder for women upon entry into the prison or county jail.

2. The availability of treatment for opioid use disorder for women in the prison or county jail, especially women in the prison or county jail who have been confirmed by medical personnel to be pregnant or postpartum.

(2) PROPOSAL FOR AVAILABILITY OF MEDICATION-ASSISTED TREATMENT; REPORT. The department of health services shall, using the results of the study under sub. (1) and after consulting with the department of corrections, develop a proposal to implement, or identify county offi-

cial to implement, a pilot project to make available in at least one prison or county jail all medications for medication-assisted treatment for opioid use disorder that are approved by the federal food and drug administration. The department of health services shall include in the proposal any strategies for improving assessment and treatment for opioid use disorder of pregnant and postpartum women who are in any prison or county jail selected for the pilot project. By the first day of the 13th month beginning after the effective date of this subsection, the department of health services shall submit a report to the joint committee on finance that includes the findings of the study under sub. (1), the proposal under this subsection, and any requests for proposed statutory changes or funding necessary to implement the pilot project.