

State of Wisconsin



2021 Assembly Bill 4

Date of enactment: **February 19, 2021**
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2021 WISCONSIN ACT 3

AN ACT *to renumber and amend* 450.035 (2g); *to amend* 450.03 (1) (f), 450.03 (1) (g), 450.03 (1) (i), 450.035 (2i) (a), 450.035 (2i) (b), 450.035 (2m), 450.035 (2t) (intro.), 450.035 (2t) (a), 450.035 (3) and 450.035 (4); and *to create* 450.03 (1) (fm), 450.035 (2h) and 450.035 (2k) of the statutes; **relating to:** pharmacy technicians and pharmacy students administering vaccines.

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

SECTION 1. 450.03 (1) (f) of the statutes is amended to read:

450.03 (1) (f) A person who has successfully completed his or her second year in, and is enrolled at, an accredited school of pharmacy and whose practice of pharmacy is limited to performing duties under the direct supervision of a person licensed as a pharmacist by the board and administering vaccines or drugs as authorized under s. 450.035.

SECTION 1m. 450.03 (1) (fm) of the statutes is created to read:

450.03 (1) (fm) A person who is enrolled at an accredited school of pharmacy and whose practice of pharmacy is limited to administering vaccines or drugs as authorized under s. 450.035.

SECTION 2. 450.03 (1) (g) of the statutes is amended to read:

450.03 (1) (g) A person who has applied for a license under s. 450.05 whose practice of pharmacy is limited to performing duties under the direct supervision of a person licensed as a pharmacist by the board and administering vaccines or drugs as authorized under s. 450.035 dur-

ing the period before which the board takes final action on the person's application.

SECTION 3. 450.03 (1) (i) of the statutes is amended to read:

450.03 (1) (i) Any person who is providing services, including administering vaccines or drugs as authorized under s. 450.035, as directed, supervised, and inspected by a pharmacist who has the power to direct, decide, and oversee the implementation of the services rendered, subject to any rules promulgated by the board and subject to s. 450.035 (2m).

SECTION 4. 450.035 (2g) of the statutes is renumbered 450.035 (2g) (a) and amended to read:

450.035 (2g) (a) A person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) may not administer a vaccine unless he or she acts under the direct supervision of a pharmacist health care provider authorized to administer vaccines and he or she ~~and the supervising pharmacist have~~ has successfully completed 12 hours in a course of study and training, approved by the Accreditation Council for Pharmacy Education or the board, in vaccination storage, protocols, administration technique, emergency procedures, and record keeping and. If the supervising health care provider under this

* 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."

paragraph is a pharmacist, a person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) may not administer a vaccine unless the supervising pharmacist has successfully completed a course of study and training specified in sub. (2) and has satisfied the requirements specified in sub. (2t).

(b) A person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) may not administer a vaccine under this subsection to a person who is under the age of 6.

SECTION 5. 450.035 (2h) of the statutes is created to read:

450.035 (2h) (a) A person engaged in the practice of pharmacy under s. 450.03 (1) (i) may not administer a vaccine unless all of the following are satisfied:

1. The person has successfully completed at least 2 hours in a course of study and training, approved by the Accreditation Council for Pharmacy Education or the board, in hands-on injection technique and the recognition and treatment of emergency reactions to vaccines.

2. The person acts under the direct supervision of a pharmacist and the supervising pharmacist has successfully completed a course of study and training specified in sub. (2) and has satisfied the requirements specified in sub. (2t).

3. The person holds a current certification in basic life support or cardiopulmonary resuscitation.

4. The person holds a certified pharmacy technician certification from either the Pharmacy Technician Certification Board, or its successor organization, or the National Healthcareer Association, or its successor organization.

(b) A person engaged in the practice of pharmacy under s. 450.03 (1) (i) may not administer a vaccine under this subsection to a person who is under the age of 6.

SECTION 6. 450.035 (2i) (a) of the statutes is amended to read:

450.035 (2i) (a) Subject to subs. (2) and (2g), and (2h), a pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f) ~~or (fm)~~, (g), or (i) may administer without a prescription order any vaccine listed in the current immunization schedules recommended by the federal advisory committee on immunization practices and published by the federal centers for disease control and prevention.

SECTION 7. 450.035 (2i) (b) of the statutes is amended to read:

450.035 (2i) (b) Subject to subs. (2) and (2g), and (2h), a pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f) ~~or (fm)~~, (g), or (i) may initiate and administer any vaccine not listed in the current immunization schedules recommended by the fed-

eral advisory committee on immunization practices and published by the federal centers for disease control and prevention if the vaccine is administered pursuant to a prescription order, vaccination protocol, or standing order.

SECTION 7m. 450.035 (2k) of the statutes is created to read:

450.035 (2k) A person authorized to administer a vaccine under this section may administer by injection epinephrine and diphenhydramine to a person experiencing an adverse reaction to a vaccine.

SECTION 8. 450.035 (2m) of the statutes is amended to read:

450.035 (2m) Except as provided in sub. (1t) ~~or (2g)~~, (2h), or (2k), a pharmacist may not delegate to any person any administration of a prescribed drug product or device or vaccine under sub. (1r) or (2).

SECTION 9. 450.035 (2t) (intro.) of the statutes is amended to read:

450.035 (2t) (intro.) A pharmacist may not administer a vaccine under sub. (2) or supervise a person administering a vaccine under sub. (2g) or (2h) unless the pharmacist satisfies each of the following:

SECTION 10. 450.035 (2t) (a) of the statutes is amended to read:

450.035 (2t) (a) The pharmacist has in effect liability insurance that covers the pharmacist and a person who administers a vaccine under sub. (2g) or (2h) against loss, expense and liability resulting from errors, omissions or neglect in the administration of vaccines in an amount that is not less than \$1,000,000 for each occurrence and \$2,000,000 for all occurrences in any one policy year.

SECTION 11. 450.035 (3) of the statutes is amended to read:

450.035 (3) A pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f) ~~or (fm)~~, (g), or (i) who successfully completes a course of study and training specified in sub. (1r), (1t), (2), ~~or (2g)~~, or (2h), or holds a certification under sub. (2h), shall maintain proof of completion or holding the certification and, upon request, provide copies of such proof to the department or the board.

SECTION 12. 450.035 (4) of the statutes is amended to read:

450.035 (4) A pharmacist or person engaged in the practice of pharmacy under s. 450.03 (1) (f) ~~or (fm)~~, (g), or (i) who administers a vaccine to a person under this section shall update, or cause a pharmacy to update, the Wisconsin Immunization Registry established by the department of health services within 7 days of administering the vaccine.