



2025 ASSEMBLY BILL 43

February 17, 2025 - Introduced by Representatives KITCHENS, RODRIGUEZ, FRANKLIN, DUCHOW, NOVAK, SNYDER, ZIMMERMAN, AUGUST, BARE, DITTRICH, HONG, HYSELL, J. JACOBSON, KRUG, MIRESE, MURSAU, NEDWESKI, NEUBAUER, PHELPS, PIWOWARCZYK, SHEEHAN, SPIROS, STROUD, SUBECK, KIRSCH and SINICKI, cosponsored by Senators CABRAL-GUEVARA, JAMES and MARKLEIN. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT** *to amend* 450.095 (title) and 450.095 (3); *to create* 49.46 (2) (bg),
2 450.01 (16) (L), 450.095 (1) (ag) and (ar) and 450.095 (2m) of the statutes;
3 **relating to:** permitting pharmacists to prescribe certain contraceptives,
4 extending the time limit for emergency rule procedures, providing an
5 exemption from emergency rule procedures, granting rule-making authority,
6 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill permits a pharmacist to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives, subject to limitations described as follows.

The bill requires the Pharmacy Examining Board, after consultation with the Medical Examining Board, the Board of Nursing, and the Department of Health Services, to promulgate rules to establish standard procedures for the prescribing of contraceptives by pharmacists under the bill. The rules must require that pharmacists use a self-assessment questionnaire, developed in consideration of guidelines established by the American Congress of Obstetricians and Gynecologists, when prescribing a contraceptive. The self-assessment

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questionnaire must state and the patient must acknowledge on the self-assessment questionnaire that a hormonal contraceptive patch or a self-administered oral hormonal contraceptive is not protection against sexually transmitted diseases, and that it is strongly recommended that the patient annually meet with a physician or other medical professional to discuss the patient's prescribed hormonal contraceptive treatment and other routine preventive care.

Under the bill, the rules promulgated by the Pharmacy Examining Board establishing standard procedures for the prescribing of contraceptives by pharmacists must include certain requirements for pharmacists such as requiring that the pharmacist report to the patient's primary health care practitioner following a prescription and requiring that the contraceptive be dispensed as soon as practicable after the pharmacist issues the prescription order. Further, the rules must prohibit a pharmacist from prescribing or dispensing a contraceptive to a patient unless the patient has responded to the self-assessment questionnaire and undergone a blood pressure screening and unless the use of the contraceptive is not contraindicated based upon the results of the questionnaire and screening. A pharmacist who prescribes contraceptives as permitted under the bill must comply with those rules, as well as any other rules promulgated by the Pharmacy Examining Board. A pharmacist may only prescribe a contraceptive to a person who is at least 18 years of age.

The bill requires any pharmacist who prescribes hormonal contraceptives as provided in the bill to have in effect malpractice liability insurance coverage in the amounts specified for other health care providers under current law.

Finally, the bill requires that DHS ensure any contraceptives or contraceptive services that are covered under the Medical Assistance program are covered and reimbursed when prescribed, if a prescription is required under federal law, or provided by a pharmacist acting within the scope of his or her practice. The Medical Assistance program is a joint federal and state program that provides health services to individuals who have limited financial resources. The bill also requires DHS to certify pharmacists as providers of Medical Assistance services for the purposes of covering and reimbursing prescribed hormonal contraceptive patches and self-administered oral hormonal contraceptives.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 49.46 (2) (bg) of the statutes is created to read:
- 2 49.46 (2) (bg) The department shall ensure that any contraceptives, including
- 3 contraceptive drugs or drug products, or contraceptive services that are covered

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1 under this subsection and for which reimbursement is made to any provider are
2 covered and reimbursed when prescribed, if a prescription is required under federal
3 law, or provided by a pharmacist acting within his or her scope of practice, including
4 under s. 450.095 (2m). The department shall certify pharmacists as providers of
5 Medical Assistance services for the purposes of covering and reimbursing under
6 this paragraph services that are provided under s. 450.095 (2m).

7 **SECTION 2.** 450.01 (16) (L) of the statutes is created to read:

8 450.01 (16) (L) Prescribing and dispensing hormonal contraceptive patches
9 and self-administered oral hormonal contraceptives pursuant to s. 450.095 (2m).

10 **SECTION 3.** 450.095 (title) of the statutes is amended to read:

11 **450.095** (title) ~~**Duty to dispense**~~ **Prescribing and dispensing of**
12 **contraceptives.**

13 **SECTION 4.** 450.095 (1) (ag) and (ar) of the statutes are created to read:

14 450.095 (1) (ag) “Hormonal contraceptive patch” means a transdermal patch
15 applied to the skin of a patient, by the patient or by a practitioner, that releases a
16 drug composed of a combination of hormones that is approved by the federal food
17 and drug administration to prevent pregnancy.

18 (ar) “Self-administered oral hormonal contraceptive” means a drug composed
19 of a combination of hormones that is approved by the federal food and drug
20 administration to prevent pregnancy and that the patient to whom the drug is
21 prescribed may take orally.

22 **SECTION 5.** 450.095 (2m) of the statutes is created to read:

23 450.095 (2m) (a) In accordance with rules promulgated by the board, a

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1 pharmacist may prescribe and dispense hormonal contraceptive patches and self-
2 administered oral hormonal contraceptives to a person who is at least 18 years of
3 age.

4 (b) 1. The board shall, after consultation with the medical examining board,
5 the board of nursing, and the department of health services, promulgate rules to
6 establish standard procedures for the prescribing of hormonal contraceptive
7 patches and self-administered oral hormonal contraceptives by pharmacists under
8 this subsection.

9 2. a. The rules promulgated under subd. 1. shall include a self-assessment
10 questionnaire, developed in consideration of guidelines established by the American
11 Congress of Obstetricians and Gynecologists, that must be used by a pharmacist as
12 described in subd. 3. a.

13 b. The self-assessment questionnaire shall state and the patient shall
14 acknowledge on the self-assessment questionnaire that a hormonal contraceptive
15 patch or a self-administered oral hormonal contraceptive is not protection against
16 sexually transmitted diseases, which may have a significant negative impact on
17 reproductive and general health.

18 c. The patient shall acknowledge on the self-assessment questionnaire that it
19 is strongly recommended that the patient annually meet with a physician or other
20 medical professional to discuss the patient's prescribed hormonal contraceptive
21 treatment and other routine preventive care.

22 3. The rules promulgated under subd. 1. shall require a pharmacist to do all of
23 the following:

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1 a. Provide the self-assessment questionnaire described in subd. 2. to a patient
2 prior to the pharmacist's prescribing the hormonal contraceptive patch or self-
3 administered oral hormonal contraceptive to the patient.

4 b. Report to the patient's primary care practitioner upon prescribing and
5 dispensing the hormonal contraceptive patch or self-administered oral hormonal
6 contraceptive.

7 c. Provide the patient with a written record of the hormonal contraceptive
8 patch or self-administered oral hormonal contraceptive prescribed and dispensed.

9 d. Dispense the hormonal contraceptive patch or self-administered oral
10 hormonal contraceptive to the patient as soon as practicable after the pharmacist
11 issues the prescription order.

12 4. The rules promulgated under subd. 1. shall prohibit a pharmacist from
13 prescribing and dispensing a hormonal contraceptive patch or self-administered
14 oral hormonal contraceptive to a patient unless all of the following apply:

15 a. The patient has responded to the self-assessment questionnaire provided
16 under subd. 3. a. and undergone a blood pressure screening.

17 b. The use of the hormonal contraceptive patch or self-administered oral
18 hormonal contraceptive by the patient is not contraindicated based upon the results
19 of the questionnaire and screening.

20 5. The rules promulgated under subd. 1. shall permit any qualified pharmacy
21 employee to provide a self-assessment questionnaire required under subd. 3. a. and
22 administer a blood pressure screening required under subd. 4. a. if a pharmacist
23 reviews the results of the self-assessment questionnaire and the blood pressure

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1 screening before prescribing and dispensing any hormonal contraceptive path or
2 self-administered oral hormonal contraceptive to a patient.

3 (c) Any pharmacist who prescribes hormonal contraceptives under this
4 subsection shall have in effect malpractice liability insurance coverage evidenced by
5 one of the following:

6 1. Personal liability coverage in the amounts specified for health care
7 providers under s. 655.23 (4).

8 2. Coverage under a group liability policy providing individual coverage for
9 the pharmacist under s. 655.23 (4).

10 **SECTION 6.** 450.095 (3) of the statutes is amended to read:

11 450.095 (3) Any person who violates this section or any rules promulgated
12 under this section may be required to forfeit not less than \$250 nor more than
13 \$2,500 for each violation.

14 **SECTION 7. Nonstatutory provisions.**

15 (1) The pharmacy examining board may promulgate emergency rules under s.
16 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2),
17 emergency rules promulgated under this subsection remain in effect until May 1,
18 2027, or the date on which permanent rules take effect, whichever is sooner.
19 Notwithstanding s. 227.24 (1) (a) and (3), the examining board is not required to
20 provide evidence that promulgating a rule under this subsection as an emergency
21 rule is necessary for the preservation of the public peace, health, safety, or welfare
22 and is not required to provide a finding of emergency for a rule promulgated under
23 this subsection.

