

State of Wisconsin



2021 Assembly Bill 1

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to repeal* 153.23 (1); *to renumber and amend* 153.23 (2) and 450.11 (5) (br) 3.; *to amend* 13.101 (4d), 40.26 (5m), 40.26 (6) (intro.), 70.511 (2) (a), 74.35 (5) (c), 74.37 (4) (b), 108.04 (3) (b), 108.062 (20) (intro.), 108.07 (5) (bm) 1., 108.07 (5) (bm) 2. a., 118.133 (1) (a), 118.133 (1) (b), 118.133 (2), 118.38 (4) (a) (intro.), 118.38 (4) (a) 2. a., 118.38 (4) (a) 2. b., 118.38 (4) (c), 252.02 (3), 323.19 (3), 323.2912, 440.15, 450.01 (11m), 450.01 (21s), 450.02 (1), 450.035 (2g), 450.035 (2i) (a), 450.035 (2i) (b), 450.035 (3), 450.035 (4), 450.11 (5) (br) 2. d., 609.205 (2) (intro.) and (a), 609.205 (3) (intro.), 632.895 (14g) (b) and 632.895 (16v) (a) (intro.); and *to create* 36.11 (44), 38.04 (33), 49.45 (3) (e) 9m., 49.45 (4r), 49.45 (39n), 50.083, 50.33 (2d), 50.36 (5m), 50.49 (6m) (d), 101.643, 103.375, 108.07 (5) (bm) 1m., 108.141 (8), 118.38 (4) (am), 251.06 (5), 252.02 (5m), 252.03 (2m), 440.08 (2) (a) 69g., 440.094, 447.059, 450.01 (13w), 450.01 (23) (p), 450.03 (1) (fm), 450.075, 450.11 (5) (br) 3. b., 609.205 (3m), 609.205 (3r), 655.0025 and 895.476 of the statutes; **relating to:** state government response to COVID-19 pandemic, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

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

SECTION 1. 13.101 (4d) of the statutes is amended to read:

13.101 (4d) ~~During the public health emergency declared on March 12, 2020, by executive order 72, and for a period of 90 days after termination of the emergency~~ Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier, the committee may transfer under sub. (4) an amount not to exceed ~~\$75,000,000~~ \$100,000,000 from sum sufficient appropriations, as defined under s. 20.001 (3) (d), to be used for expenditures related to the emergency.

SECTION 2. 36.11 (44) of the statutes is created to read:

36.11 (44) SATISFACTION OF COURSE REQUIREMENTS THROUGH CERTAIN ACTIVITIES. (a) In this subsection, "eligible activity" of a student means volunteering or working, for at least one semester, to assist Wisconsin in responding to the COVID-19 pandemic.

(b) The board shall ensure that each institution offers students an opportunity to use hours engaged in an eligible activity to satisfy related course requirements to the extent appropriate, as determined by the institution.

SECTION 3. 38.04 (33) of the statutes is created to read:

38.04 (33) SATISFACTION OF COURSE REQUIREMENTS THROUGH CERTAIN ACTIVITIES. (a) In this subsection, "eligible activity" of a student means volunteering or working, for at least one semester, to assist Wisconsin in responding to the COVID-19 pandemic.

* 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."

(b) The board shall ensure that each district board offers students an opportunity to use hours engaged in an eligible activity to satisfy related course requirements to the extent appropriate, as determined by the district board.

SECTION 4. 40.26 (5m) of the statutes is amended to read:

40.26 (5m) ~~During the public health emergency declared on March 12, 2020, by executive order 72 the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier,~~ sub. (5) does not apply if at least 15 days have elapsed between the termination of employment with a participating employer and becoming a participating employee if the position for which the participant is hired is a critical position, as determined by the secretary of health services under s. 323.19 (3).

SECTION 5. 40.26 (6) (intro.) of the statutes is amended to read:

40.26 (6) (intro.) ~~-A~~ Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier, a participant who is hired ~~during the public health emergency declared on March 12, 2020, by executive order 72,~~ may elect to not suspend his or her retirement annuity or disability annuity under sub. (1m) for the duration of the state of emergency if all of the following conditions are met:

SECTION 5q. 49.45 (3) (e) 9m. of the statutes is created to read:

49.45 (3) (e) 9m. a. In this subdivision, “hospital-associated service” has the meaning given in s. 50.33 (2d).

b. Before January 1, 2022, any hospital-associated service that is provided by a hospital in accordance with s. 50.36 (5m) that is of the type for which payment could be claimed as an inpatient hospital service under the federal Medicare program, 42 USC 1395 et seq., shall be included as part of and reimbursed or paid as an inpatient service under this section.

SECTION 5r. 49.45 (4r) of the statutes is created to read:

49.45 (4r) UTILIZATION DATA. (a) In this subsection, “health care data aggregator” means a data organization or entity that collects, analyzes, and disseminates health care information under subch. I of ch. 153 and that requests the department to provide data under this subsection.

(b) Semiannually, the department shall provide to any health care data aggregator all Medical Assistance program fee-for-service and managed care encounter claims data and data specifications maintained by the department.

(c) Within 5 business days or a longer period specified by the department, of the receipt of data under par.

(b), a health care data aggregator shall create a data set from the data received that is de-identified health information, as described in 42 CFR 164.514 (a), and that meets the requirements for de-identification described in 42 CFR 164.514 (b) and then shall destroy the original data provided by the department under par. (b). The health care data aggregator shall make the de-identified data set available to the public and may disseminate custom data sets and reports if the data sets and reports contain only de-identified health information.

(d) Data provided by the department to a health care data aggregator under par. (b) are not subject to inspection or copying under s. 19.35. A health care data aggregator shall comply with the requirements under s. 153.50 (3) to ensure protection of patient identity with regard to data received and made available or disseminated under this subsection.

SECTION 6. 49.45 (39n) of the statutes is created to read:

49.45 (39n) PHARMACY REIMBURSEMENT FOR VACCINES AND COVID-19 TESTS. The department shall ensure that any vaccine against SARS-CoV-2 coronavirus and any test for COVID-19, which is the infection caused by the SARS-CoV-2 coronavirus, that are covered under this subchapter and for which reimbursement for administration is made to any provider, are covered and reimbursed when the vaccine or test is administered by a pharmacy. As necessary to comply with this subsection, the department shall certify pharmacies as providers of Medical Assistance services for the purposes of covering and reimbursing pharmacies for administering vaccines and tests described in this subsection.

SECTION 7. 50.083 of the statutes is created to read:

50.083 Visitation by essential visitor. (1) In this section, “essential visitor” means any of the following:

(a) An individual to visit and provide support to a resident in a nursing home or assisted living facility who is designated by the nursing home resident or assisted living facility resident or by the resident’s guardian or health care agent under a power of attorney.

(b) The guardian of a nursing home or assisted living facility resident or the health care agent under a power of attorney for health care for a nursing home or assisted living facility resident.

(2) Subject to sub. (2m), each nursing home and assisted living facility shall allow at least one essential visitor, who agrees to comply with any public health policies of the nursing home or assisted living facility, to enter the nursing home or assisted living facility to visit the resident in compassionate care situations, including any of the following:

(a) The resident has recently been admitted to the nursing home or assisted living facility and is experiencing difficulty in adjusting to the change in environment and lack of family presence.

(b) The resident is grieving the recent death of a friend or family member.

(c) The resident is experiencing weight loss or dehydration due to lack of support from family or caregivers when eating or drinking.

(d) The resident is experiencing emotional distress or a decline in ability or willingness to communicate.

(2m) A nursing home or assisted living facility may refuse to allow access for visitation to any essential visitor who refuses to comply with public health policies of the nursing home or assisted living facility.

(3) If the federal centers for medicare and medicaid services issues guidance that is more restrictive in allowing visitation than sub. (2), a nursing home or assisted living facility may comply with that guidance instead of complying with sub. (2).

(4) This section applies at any time a nursing home or assisted living facility limits visitors to the nursing home or assisted living facility due to an outbreak or epidemic of communicable disease in the community in which the nursing home or assisted living facility is located.

SECTION 7d. 50.33 (2d) of the statutes is created to read:

50.33 **(2d)** “Hospital–associated service” means a health care service that meets all of the following conditions:

(a) The service is of the same type as those furnished by a hospital in an inpatient or outpatient facility.

(b) The service is of a type for which a payment could be claimed as a hospital service under the federal Medicare program, 42 USC 1395 et seq.

(c) The service is provided at a location other than in a facility approved by the department under s. 50.35.

(d) The service is provided in a home setting before January 1, 2022.

SECTION 7g. 50.36 (5m) of the statutes is created to read:

50.36 **(5m)** If the federal centers for medicare and medicaid services has approved a hospital to provide any hospital–associated service, the department may apply to and enforce upon the hospital as the state standard for the hospital–associated service any rule or standard that is required by the centers for medicare and medicaid services for the service. This subsection does not apply on or after January 1, 2022.

SECTION 7j. 50.49 (6m) (d) of the statutes is created to read:

50.49 **(6m)** (d) A hospital that is providing hospital–associated services in accordance with s. 50.36 (5m).

SECTION 7m. 70.511 (2) (a) of the statutes is amended to read:

70.511 **(2)** (a) If the reviewing authority has not made a determination prior to the time of the tax levy with respect to a particular objection to the amount, valuation or taxability of property, the tax levy on the property or

person shall be based on the contested assessed value of the property. A tax bill shall be sent to, and paid by, the person subject to the tax levy as though there had been no objection filed, except that the payment shall be considered to be made under protest. The entire tax bill shall be paid when due under s. 74.11, 74.12 or 74.87 even though the reviewing authority has reduced the assessment prior to the time for full payment of the tax billed. The requirement to pay a tax timely under this paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020, nor to taxes due and payable in 2021 if paid by October 1, 2021, or by any installment date for which taxes are due after October 1, 2021.

SECTION 7p. 74.35 (5) (c) of the statutes is amended to read:

74.35 **(5)** (c) No claim may be filed or maintained under this section unless the tax for which the claim is filed, or any authorized installment payment of the tax, is timely paid under s. 74.11, 74.12 or 74.87. This paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020, nor to taxes due and payable in 2021 if paid by October 1, 2021, or by any installment date for which taxes are due after October 1, 2021.

SECTION 7r. 74.37 (4) (b) of the statutes is amended to read:

74.37 **(4)** (b) No claim or action for an excessive assessment may be brought or maintained under this section unless the tax for which the claim is filed, or any authorized installment of the tax, is timely paid under s. 74.11 or 74.12. This paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020, nor to taxes due and payable in 2021 if paid by October 1, 2021, or by any installment date for which taxes are due after October 1, 2021.

SECTION 7t. 101.643 of the statutes is created to read:

101.643 Occupancy before inspection; permit. (1)

A dwelling unit that is occupied in accordance with local ordinances before undergoing all inspections for compliance with the one– and 2–family dwelling code may be granted an occupancy permit if the dwelling unit later passes a final inspection for compliance with the one– and 2–family dwelling code.

(2) If an occupancy permit for a dwelling unit is granted after the dwelling unit is occupied as described in sub. (1), any missed inspection of the dwelling unit may not be listed as a finding on the occupancy permit.

SECTION 7u. 103.375 of the statutes is created to read:

103.375 Mandatory vaccination for employment prohibited. No employer may require an employee or prospective employee to receive a vaccine against the SARS–CoV–2 coronavirus, which causes COVID–19,

or show proof of having received such a vaccine, as a condition of an offer of employment or continued employment with the employer.

SECTION 8. 108.04 (3) (b) of the statutes is amended to read:

108.04 (3) (b) Paragraph (a) does not apply with respect to benefit years that begin after March 12, 2020, and before ~~February 7~~ March 14, 2021. The department shall seek the maximum amount of federal reimbursement for benefits that are, during the time period specified in this paragraph, payable for the first week of a claimant's benefit year as a result of the application of this paragraph.

SECTION 9. 108.062 (20) (intro.) of the statutes is amended to read:

108.062 (20) SUSPENSIONS OF CERTAIN PROVISIONS. (intro.) Notwithstanding sub. (2), this subsection, and not sub. (2), applies to work-share plans submitted on or after April 17, 2020, and before ~~December 31, 2020~~ the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or July 4, 2021, whichever is earlier, subject to sub. (19). During that period, prior to implementing a work-share program, an employer shall submit a work-share plan for the approval of the department. In its submittal, the employer shall certify that its plan is in compliance with all requirements under this section. Each plan shall:

SECTION 10. 108.07 (5) (bm) 1. of the statutes is amended to read:

108.07 (5) (bm) 1. ~~The~~ Subject to subd. 1m., the department shall, when processing initial claims for regular benefits, determine whether a claim or plan is related to the public health emergency declared on March 12, 2020, by executive order 72. If a claim is so related, the regular benefits for that claim shall, except as provided in subd. 2., be paid as provided in subd. 3.

SECTION 11. 108.07 (5) (bm) 1m. of the statutes is created to read:

108.07 (5) (bm) 1m. For purposes of this paragraph, the department shall presume that an initial claim for benefit years beginning on or after March 15, 2020, through March 13, 2021, relates to the public health emergency declared on March 12, 2020, by Executive Order 72 unless the claimant's most recent separation from employment is due to a labor dispute, voluntary termination of work, discharge for misconduct, or discharge for substantial fault. An employer is not required to submit a request for charging relief under this paragraph for initial claims described in this subdivision.

SECTION 12. 108.07 (5) (bm) 2. a. of the statutes is amended to read:

108.07 (5) (bm) 2. a. Subdivision 1. applies only with respect to benefits payable for weeks beginning after March 12, 2020, and beginning before ~~December 31, 2020~~ March 14, 2021.

SECTION 12m. 108.141 (8) of the statutes is created to read:

108.141 (8) SECRETARY MAY WAIVE COMPLIANCE. Notwithstanding sub. (1) (c) 1. b., the secretary may, if permitted by federal law, waive the prohibition under sub. (1) (c) 1. b. that no extended benefit period may begin by reason of a Wisconsin "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to Wisconsin.

SECTION 12p. 118.133 (1) (a) of the statutes is amended to read:

118.133 (1) (a) A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program or a virtual charter school to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

SECTION 12q. 118.133 (1) (b) of the statutes is amended to read:

118.133 (1) (b) Upon request, the home-based educational program or virtual charter school in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.

SECTION 12r. 118.133 (2) of the statutes is amended to read:

118.133 (2) EXTRACURRICULAR ACTIVITIES. A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program or a virtual charter school to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

SECTION 13. 118.38 (4) (a) (intro.) of the statutes is amended to read:

118.38 (4) (a) (intro.) Beginning on the first day of the public health emergency declared on March 12, 2020, by executive order 72, and ending on October 31, ~~2020~~ 2021, the department may do all of the following:

SECTION 14. 118.38 (4) (a) 2. a. of the statutes is amended to read:

118.38 (4) (a) 2. a. A deadline that occurs during the period beginning on the first day of the public health emergency declared on March 12, 2020, by executive order 72, and ending on October 31, ~~2020~~ 2021.

SECTION 15. 118.38 (4) (a) 2. b. of the statutes is amended to read:

118.38 (4) (a) 2. b. A deadline for a requirement that affects a date during the period beginning on the first day of the public health emergency declared on March 12,

2020, by executive order 72, and ending on October 31, 2020 2021.

SECTION 16. 118.38 (4) (am) of the statutes is created to read:

118.38 (4) (am) Notwithstanding par. (a) 1., the department may not waive any of the following under this subsection:

1. The pupil assessment program under s. 118.30.
2. A requirement to administer the standardized reading test required under s. 121.02 (1) (r) or to administer a standardized reading test developed by the department to 3rd grade pupils.

SECTION 17. 118.38 (4) (c) of the statutes is amended to read:

118.38 (4) (c) A waiver under par. (a) 1. applies may apply only to the 2019–20 school year, the 2020–21 school year, or both the 2019–20 and 2020–21 school years. In each waiver under par. (a) 1., the department shall specify the school year or school years to which the waiver applies.

SECTION 17j. 153.23 (1) of the statutes is repealed.

SECTION 17k. 153.23 (2) of the statutes is renumbered 153.23 and amended to read:

153.23 Public health emergency dashboard. During ~~the a~~ public health emergency ~~related to the 2019 novel coronavirus declared under 42 USC 247d by the secretary of the federal department of health and human services that is related to an outbreak or epidemic of communicable disease and that applies to any portion of this state,~~ the entity under contract under s. 153.05 (2m) (a) shall prepare and publish a public health emergency dashboard using health care emergency preparedness program information collected by the state from acute care hospitals. A dashboard published under this section shall include information to assist emergency response planning activities. For purposes of this section, the entity and the department shall enter into a data use agreement and mutually agree to the health care emergency preparedness program information the department will provide to the entity, the information the entity will include in the dashboard, any publication schedule, and any other terms considered necessary by the entity or the department.

SECTION 17p. 251.06 (5) of the statutes is created to read:

251.06 (5) (a) A local health officer may not take any action to close or forbid gatherings in places of worship to control outbreaks and epidemics of COVID–19.

(b) Nothing in this subsection shall be construed to confer any authority on a local health officer to close or restrict capacity in places of worship or businesses.

SECTION 17r. 252.02 (3) of the statutes is amended to read:

252.02 (3) The department may close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics. The depart-

ment may not order the closure of or forbid gatherings in places of worship to control outbreaks and epidemics of the 2019 novel coronavirus.

SECTION 17s. 252.02 (5m) of the statutes is created to read:

252.02 (5m) Notwithstanding sub. (6) and s. 252.041, the department may not require individuals to receive a vaccine against the SARS–CoV–2 coronavirus, which causes COVID–19.

SECTION 17u. 252.03 (2m) of the statutes is created to read:

252.03 (2m) Notwithstanding sub. (2), a local health officer may not require individuals to receive a vaccine against the SARS–CoV–2 coronavirus, which causes COVID–19.

SECTION 18. 323.19 (3) of the statutes is amended to read:

323.19 (3) Based Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier, based on guidance provided by the secretary of health services, the head of each state agency and each local health department shall determine which public employee positions within the respective state agency or local government are critical ~~during the public health emergency declared on March 12, 2020, by executive order 72,~~ for the purposes of s. 40.26 (5m) and (6) (b).

SECTION 19. 323.2912 of the statutes is amended to read:

323.2912 Suspension of limited term appointment hours. Notwithstanding s. 230.26 (1), the director of the bureau of merit recruitment and selection in the division of personnel management in the department of administration may increase or suspend the number of hours for a limited term appointment for the ~~duration of the public health emergency declared~~ period beginning on March 12, 2020, ~~by executive order 72 and ending on June 30, 2021.~~

SECTION 20. 440.08 (2) (a) 69g. of the statutes is created to read:

440.08 (2) (a) 69g. Third–party logistics provider: July 1 of each even–numbered year.

SECTION 21. 440.094 of the statutes is created to read:

440.094 Practice by health care providers from other states. (1) DEFINITIONS. In this section:

(a) “Credential” means a license, permit, certificate, or registration.

(b) “Health care employer” means a system, care clinic, care provider, long–term care facility, or any entity whose employed, contracted, or affiliated staff provide health care service to individuals in this state.

(c) “Health care provider” means an individual who holds a valid, unexpired credential granted by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts

that any of the following are licensed or certified to perform:

1. A registered nurse, licensed practical nurse, or nurse midwife licensed under ch. 441, or advanced practice nurse prescriber certified under ch. 441.
2. A chiropractor licensed under ch. 446.
3. A dentist licensed under ch. 447.
4. A physician, physician assistant, perfusionist, or respiratory care practitioner licensed or certified under subch. II of ch. 448.
5. A physical therapist or physical therapist assistant licensed under subch. III of ch. 448 or who holds a compact privilege under subch. IX of ch. 448.
6. A podiatrist licensed under subch. IV of ch. 448.
7. A dietitian certified under subch. V of ch. 448.
8. An athletic trainer licensed under subch. VI of ch. 448.
9. An occupational therapist or occupational therapy assistant licensed under subch. VII of ch. 448.
10. An optometrist licensed under ch. 449.
11. A pharmacist licensed under ch. 450.
12. An acupuncturist certified under ch. 451.
13. A psychologist licensed under ch. 455.
14. A social worker, marriage and family therapist, or professional counselor certified or licensed under ch. 457 or a clinical substance abuse counselor certified under s. 440.88.
15. A speech–language pathologist or audiologist licensed under subch. II of ch. 459.
16. A massage therapist or bodywork therapist licensed under ch. 460.

(2) PRACTICE BY HEALTH CARE PROVIDERS FROM OTHER STATES. (a) Notwithstanding ss. 441.06 (4), 441.15 (2), 441.16, 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61, 448.76, 448.961 (1) and (2), 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4), (5), (6), and (7), 459.02 (1), 459.24 (1), and 460.02, a health care provider may provide services within the scope of the credential that the health care provider holds and the department shall grant the health care provider a temporary credential to practice under this section if all of the following apply:

1. The health care provider applies to the department for a temporary credential under this section within 30 days of beginning to provide health care services for a health care employer. The health care provider shall include in the application an attestation of all of the following:

- a. The date on which the health care provider first provided health care services in this state under this section.
- b. That the health care provider holds a valid, unexpired, credential granted in another state.
- c. The health care provider is not currently under investigation and no restrictions or limitations are cur-

rently placed on the health care provider's credential by the credentialing state or any other jurisdiction.

- d. The health care provider has applied for a permanent credential granted by the department or an examining board, as applicable, under chs. 440 to 480. This subd. 1. d. does not apply to a health care provider who provides health care services only during the period covered by a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or during the 30 days immediately after the national emergency ends.

2. If the health care provider provides services other than services provided through telehealth as described in sub. (3), the health care employer of the health care provider attests all of the following to the department within 10 days of the date on which the health care provider begins providing health care services in this state under this section:

- a. The health care employer has confirmed that the health care provider holds a valid, unexpired credential granted by another state.

- b. To the best of the health care employer's knowledge and with a reasonable degree of certainty, the health care provider is not currently under investigation and no restrictions or limitations are currently placed on the health care provider's credential by the credentialing state or any other jurisdiction.

- (b) A health care provider who practices within the scope of a temporary credential granted under this section has all rights and is subject to all responsibilities, malpractice insurance requirements, limitations on scope of practice, and other provisions that apply under chs. 440 to 480 to the practice of the health care provider.

- (c) 1. A temporary credential granted under this section becomes effective on the date identified in the attestation under par. (a) 1. a. that the health care provider first provided health care services in this state under this section.

2. a. Except as provided in subd. 2. b., a temporary credential granted under this section expires on the date that the department, or an examining board in the department, as applicable, grants or denies the application under par. (a) 1. d. for a permanent credential submitted by the health care provider.

- b. If a health care provider provides health care services only during the period covered by a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or during the 30 days immediately after the national emergency ends, a temporary credential granted under this section to the health care provider expires 30 days after the national emergency ends.

(3) TELEHEALTH. A health care provider who practices within the scope of a temporary credential granted

under this section may provide services through telehealth to a patient located in this state.

SECTION 22. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 448.980 (5) (b) 3., and 448.985 (3) (a) 4., 450.071 (3) (c) 9., and 450.075 (3) (c) 9., the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 22m. 447.059 of the statutes is created to read:

447.059 Administering certain vaccines. (1) A dentist may administer without a prescription order a vaccine against SARS-CoV-2 coronavirus or influenza only if he or she satisfies all of the following:

(a) The dentist successfully completes 12 hours in a course of study and training approved by the examining board in vaccination storage, protocols, administration technique, emergency procedures, and record keeping.

(b) The dentist has in effect liability insurance that covers the dentist against loss, expense, and liability resulting from errors, omissions, or neglect in the administration of vaccines against SARS-CoV-2 coronavirus and influenza 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.

(c) The dentist maintains proof of completing a course of study and training specified in par. (a) and satisfying the requirement specified in par. (b).

(2) A dentist may not administer a vaccine under sub. (1) to a child who is under the age of 6 unless all of the following apply:

(a) The vaccine is administered pursuant to a prescription order issued within the 29 days immediately preceding the day on which the vaccine is administered.

(b) The dentist successfully completes a course of instruction approved by the examining board that includes the administration of vaccines against SARS-CoV-2 coronavirus and influenza to children under the age of 6.

(c) The dentist maintains proof of completing a course of instruction specified in par. (b).

(3) Upon request, a dentist shall provide copies of proof required under subs. (1) (c) and (2) (c) to the department or the examining board.

(4) A dentist who administers a vaccine under sub. (1) shall update the Wisconsin Immunization Registry established by the department of health services within 7 days of administering the vaccine.

SECTION 23. 450.01 (11m) of the statutes is amended to read:

450.01 (11m) "Facility" means a location where a wholesale distributor or 3rd-party logistics provider

stores, distributes, handles, repackages, or offers for sale other services related to prescription drugs.

SECTION 24. 450.01 (13w) of the statutes is created to read:

450.01 (13w) "Out-of-state 3rd-party logistics provider" means a person located outside this state that contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services within this state on behalf of the manufacturer but that does not take title to the manufacturer's prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

SECTION 25. 450.01 (21s) of the statutes is amended to read:

450.01 (21s) "~~Third-party~~ Third-party logistics provider" means a person that contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of the manufacturer but that does not take title to the manufacturer's prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

SECTION 26. 450.01 (23) (p) of the statutes is created to read:

450.01 (23) (p) The services of a 3rd-party logistics provider or out-of-state 3rd-party logistics provider.

SECTION 27. 450.02 (1) of the statutes is amended to read:

450.02 (1) The department shall keep a record of the proceedings and a register of the names and places of practice or business of pharmacies, manufacturers, wholesale distributors, 3rd-party logistics providers, out-of-state 3rd-party logistics providers, and other persons licensed under this chapter, and the books, registers and records of the department shall be prima facie evidence of the matters recorded.

SECTION 28. 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 under the direct supervision of a person licensed as a pharmacist by the board.

SECTION 29. 450.035 (2g) of the statutes is amended to read:

450.035 (2g) 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 and he or she and the supervising pharmacist have 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 the supervising pharmacist has satisfied the requirements specified in sub. (2t). 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 30g. 450.035 (2i) (a) of the statutes is amended to read:

450.035 (2i) (a) Subject to subs. (2) and (2g), a pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) 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 30r. 450.035 (2i) (b) of the statutes is amended to read:

450.035 (2i) (b) Subject to subs. (2) and (2g), a pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) may initiate and administer any vaccine not 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 if the vaccine is administered pursuant to a prescription order, vaccination protocol, or standing order.

SECTION 31. 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), (fm), or (g) who successfully completes a course of study and training specified in sub. (1r), (1t), (2), or (2g) shall maintain proof of completion and, upon request, provide copies of such proof to the department or the board.

SECTION 32. 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), (fm), or (g) 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.

SECTION 33. 450.075 of the statutes is created to read:

450.075 Third-party logistics providers; licensure. (1) LICENSE ALLOWED. A person acting as a 3rd-party logistics provider or an out-of-state 3rd-party logistics provider of any drug or device may apply to obtain a license from the board under this section. Where operations are conducted at more than one facility, a person acting as a 3rd-party logistics provider or out-of-state 3rd-party logistics provider may apply to obtain a license from the board for each such facility.

(2) APPLICATION. An applicant for a license under this section shall submit a form provided by the board showing all of the following and swear or affirm the truthfulness of each item in the application:

(a) The name, business address, and telephone number of the applicant.

(b) All trade or business names used by the applicant.

(c) Names, addresses, and telephone numbers of contact persons for all facilities used by the applicant for the warehousing, distribution, or other services on behalf of the manufacturer of prescription drugs.

(d) The type of ownership or operation for the applicant's business.

(e) If the applicant's 3rd-party logistics provider business is a partnership, the name of each partner and the name of the partnership.

(f) If the applicant's 3rd-party logistics provider business is a corporation, the name of each corporate officer and director, the name of the corporation, and the state of incorporation.

(g) If the applicant's 3rd-party logistics provider business is a sole proprietorship, the name of the sole proprietor and the name of the business entity.

(h) A list of all licenses and permits issued to the applicant by any other state that authorizes the applicant to warehouse or distribute prescription drugs.

(i) The name, address, and telephone number of a designated representative.

(j) For the person identified as the designated representative in par. (i), a personal information statement that contains all of the following:

1. The person's date and place of birth.
2. The person's place of residence for the 7-year period immediately preceding the date of the application.
3. The person's occupations, positions of employment, and offices held during the 7-year period immediately preceding the date of the application.
4. The name and addresses for each business, corporation, or other entity listed in subd. 3.
5. A statement indicating whether the person has been, during the 7-year period immediately preceding the date of the application, the subject of any proceeding for the revocation of any business or professional license and the disposition of the proceeding.
6. A statement indicating whether the person has been, during the 7-year period immediately preceding the date of the application, enjoined by a court, either temporarily or permanently, from possessing, controlling, or distributing any prescription drug, and a description of the circumstances surrounding the injunction.
7. A description of any involvement by the person during the past 7 years with any business, including investments other than the ownership of stock in a publicly traded company or mutual fund, that manufactured, administered, prescribed, distributed, or stored pharmaceutical products or drugs, and a list of any lawsuits in which such a business was named as a party.
8. A description of any misdemeanor or felony criminal offense of which the person was, as an adult, found guilty, whether adjudication of guilt was withheld or the person pleaded guilty or no contest. If the person is appealing a criminal conviction, the application shall

include a copy of the notice of appeal, and the person shall submit a copy of the final disposition of the appeal not more than 15 days after a final disposition is reached.

9. A photograph of the person taken within the 12-month period immediately preceding the date of the application.

(k) A statement that each facility used by the applicant for 3rd-party logistics provider services has been inspected in the 3-year period immediately preceding the date of the application by the board, a pharmacy examining board of another state, the National Association of Boards of Pharmacy, or another accrediting body recognized by the board, with the date of each such inspection.

(3) LICENSURE. The board shall grant a license to an applicant to act as a 3rd-party logistics provider or an out-of-state 3rd-party logistics provider if all of the following apply:

(a) The applicant pays the fee specified in s. 440.05 (1).

(b) The inspections conducted pursuant to sub. (2) (k) satisfy requirements adopted by the board for 3rd-party logistics providers or out-of-state 3rd-party logistics providers.

(c) All of the following apply to each person identified by the applicant as a designated representative:

1. The person is at least 21 years old.

2. The person has been employed full time for at least 3 years in a pharmacy or with a wholesale prescription drug distributor in a capacity related to the dispensing of and distribution of, and record keeping related to, prescription drugs.

3. The person is employed by the applicant full time in a managerial position.

4. The person is physically present at the 3rd-party logistics provider's or out-of-state 3rd-party logistics provider's facility during regular business hours and is involved in and aware of the daily operation of the 3rd-party logistics provider or the out-of-state 3rd-party logistics provider. This subdivision does not preclude the person from taking authorized sick leave and vacation time or from being absent from the facility for other authorized business or personal purposes.

5. The person is actively involved in and aware of the daily operation of the 3rd-party logistics provider or the out-of-state 3rd-party logistics provider.

6. The person is a designated representative for only one applicant at any given time. This subdivision does not apply if more than one 3rd-party logistics provider or out-of-state 3rd-party logistics provider is located at the facility and the 3rd-party logistics providers or out-of-state 3rd-party logistics providers located at the facility are members of an affiliated group.

7. The person has not been convicted of violating any federal, state, or local law relating to distribution of a controlled substance.

8. The person has not been convicted of a felony.

9. The person submits to the department 2 fingerprint cards, each bearing a complete set of the applicant's fingerprints. The department of justice shall provide for the submission of the fingerprint cards to the federal bureau of investigation for purposes of verifying the identity of the person and obtaining the person's criminal arrest and conviction record.

(d) The applicant satisfies any other requirements established by the board by rule.

(4) RULES. The board shall promulgate rules implementing this section. The rules shall ensure compliance with the federal drug supply chain security act, 21 USC 360eee, et seq. The board may not promulgate rules that impose requirements more strict than the federal drug supply chain security act, or any regulations passed under the federal drug supply chain security act. The board may not promulgate rules that require a license under this section.

(5) ACCESS TO RECORDS. Applications for licensure under this section are not subject to inspection or copying under s. 19.35, and may not be disclosed to any person except as necessary for compliance with and enforcement of the provisions of this chapter.

(6) INSPECTIONS. A 3rd-party logistics provider or an out-of-state 3rd-party logistics provider shall allow the board and authorized federal, state, and local law enforcement officials to enter and inspect its facilities and delivery vehicles, to audit its records and written operating procedures, and to confiscate prescription drugs and records to the extent authorized by law, rule, or regulation.

(7) APPLICABILITY. This section does not apply if the board determines that the federal food and drug administration has established a licensing program for 3rd-party logistics providers under 21 USC 360eee-3 and that licensing by this state of resident 3rd-party logistics providers is not required for a resident 3rd-party logistics provider to provide 3rd-party logistics provider services in another state.

SECTION 34. 450.11 (5) (br) 2. d. of the statutes is amended to read:

450.11 (5) (br) 2. d. A pharmacist may not extend a prescription order under subd. 1. for a particular patient if a prescription order was previously extended under subd. 1. for that patient during the applicable period described in subd. 3.

SECTION 35. 450.11 (5) (br) 3. of the statutes is renumbered 450.11 (5) (br) 3. (intro.) and amended to read:

450.11 (5) (br) 3. (intro.) This paragraph applies only during as follows:

a. During the public health emergency declared on March 12, 2020, by executive order 72, and for 30 days after the conclusion of that public health emergency. During that time,

4. While this paragraph applies as specified in subd. 3., it supersedes par. (bm) to the extent of any conflict.

SECTION 36. 450.11 (5) (br) 3. b. of the statutes is created to read:

450.11 (5) (br) 3. b. During the period beginning on the effective date of this subd. 3. b. [LRB inserts date], and ending on June 30, 2021.

SECTION 37. 609.205 (2) (intro.) and (a) of the statutes are amended to read:

609.205 (2) (intro.) All of the following apply to a defined network plan or preferred provider plan during the state of emergency related to public health declared under s. 323.10 on March 12, 2020, by executive order 72, and for the 60 days following the date that the state of emergency terminates until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier:

(a) The plan may not require an enrollee to pay, including cost sharing, for a service, treatment, or supply provided by a provider that is not a participating provider in the plan's network of providers more than the enrollee would pay if the service, treatment, or supply is provided by a provider that is a participating provider. This subsection applies to any service, treatment, or supply that is related to diagnosis or treatment for COVID-19 and to any service, treatment, or supply that is provided by a provider that is not a participating provider because a participating provider is unavailable due to the public health emergency.

SECTION 38. 609.205 (3) (intro.) of the statutes is amended to read:

609.205 (3) (intro.) ~~During the state of emergency related to public health declared under s. 323.10 on March 12, 2020, by executive order 72, and for the 60 days following the date that the state of emergency terminates~~ Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier, all of the following apply to any health care provider or health care facility that provides a service, treatment, or supply to an enrollee of a defined network plan or preferred provider plan but is not a participating provider of that plan:

SECTION 38g. 609.205 (3m) of the statutes is created to read:

609.205 (3m) This section does not apply to the reimbursement for administration of the vaccine against the SARS-CoV-2 coronavirus, which results in COVID-19. The reimbursement administration of the SARS-CoV-2 vaccine shall be consistent with Section 3203 of the federal Coronavirus Aid, Relief, and Economic Security Act and 45 CFR 147.130 (a).

SECTION 38h. 609.205 (3r) of the statutes is created to read:

609.205 (3r) This section does not apply to a service, treatment, or supply that is a dental service, treatment, or supply.

SECTION 39. 632.895 (14g) (b) of the statutes is amended to read:

632.895 (14g) (b) ~~Before March 13, 2021~~ Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier, every disability insurance policy, and every self-insured health plan of the state or of a county, city, town, village, or school district, that generally covers vaccination and testing for infectious diseases shall provide coverage of testing for COVID-19 and vaccination against the SARS-CoV-2 coronavirus without imposing any copayment or coinsurance on the individual covered under the policy or plan.

SECTION 40. 632.895 (16v) (a) (intro.) of the statutes is amended to read:

632.895 (16v) (a) (intro.) ~~During the period covered by the state of emergency related to public health declared by the governor on March 12, 2020, by executive order 72~~ Until June 30, 2021, an insurer offering a disability insurance policy that covers prescription drugs, a self-insured health plan of the state or of a county, city, town, village, or school district that covers prescription drugs, or a pharmacy benefit manager acting on behalf of a policy or plan may not do any of the following in order to maintain coverage of a prescription drug:

SECTION 41. 655.0025 of the statutes is created to read:

655.0025 Participation during COVID-19 national emergency. Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier, all of the following apply to a physician or nurse anesthetist for whom this state is not a principal place of practice but who is authorized to practice in this state on a temporary basis:

(1) The physician or nurse anesthetist may fulfill the requirements of s. 655.23 (3) (a) by filing with the commissioner a certificate of insurance for a policy of health care liability insurance issued by an insurer that is authorized in a jurisdiction accredited by the National Association of Insurance Commissioners.

(2) The physician or nurse anesthetist may elect, in the manner designated by the commissioner by rule under s. 655.004, to be subject to this chapter.

SECTION 42. 895.476 of the statutes is created to read:
895.476 Civil liability exemption; exposure to the novel coronavirus SARS-CoV-2 or COVID-19. (1) In this section:

(a) "COVID-19" means the infection caused by the novel coronavirus SARS-CoV-2 or by any viral strain

originating from SARS–CoV–2, and conditions associated with the infection.

(b) “Entity” means a partnership, corporation, association, governmental entity, tribal government, tribal entity, or other legal entity, including a school, institution of higher education, or nonprofit organization. “Entity” includes an employer or business owner, employee, agent, or independent contractor of the entity, regardless of whether the person is paid or an unpaid volunteer.

(2) Beginning March 1, 2020, an entity is immune from civil liability for the death of or injury to any individual or damages caused by an act or omission resulting in or relating to exposure, directly or indirectly, to the novel coronavirus identified as SARS–CoV–2 or COVID–19 in the course of or through the performance or provision of the entity’s functions or services.

(3) Subsection (2) does not apply if the act or omission involves reckless or wanton conduct or intentional misconduct.

(4) Immunity under this section is in addition to, not in lieu of, other immunity granted by law, and nothing in this section limits immunity granted under any other provision of law, including immunity granted under s. 893.80 (4).

SECTION 9101. Nonstatutory provisions; Administration.

(1) POSITION TRANSFERS.

(a) In this subsection, “state agency” means any office, commission, board, department, or independent agency in the executive branch of state government.

(b) The secretary of administration may transfer any employee from one state agency to another state agency to provide services for the receiving state agency. The receiving state agency shall pay all salary and fringe benefit costs of the employee during the time he or she is providing services for the receiving state agency. Any transfer by the secretary under this paragraph shall remain in effect until rescinded by the secretary or June 30, 2021, whichever occurs first.

(c) If an employee is transferred under par. (b), the receiving agency may not increase the employee’s salary at the time of transfer or during the time he or she is providing services for the receiving agency and the transferring agency may not increase the employee’s salary at the time the employee returns to the transferring agency.

(d) The secretary of administration shall submit a report to the joint committee on finance no later than June 1, 2021, that provides information on all employee transfers, both permanent and temporary, under par. (b). The report shall specify the number of employees transferred, the title of each employee transferred, the title the employee assumed at the receiving agency, and the reasons for each employee transfer.

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT FUNDS. The federal Child Care and Development Fund block grant funds received under the federal Consolidated Appropriations Act, 2021, title III of division M of P.L. 116–260, shall be credited to the appropriations under s. 20.437 (1) (mc) and (md). No moneys credited under this subsection may be encumbered or expended except as provided under s. 16.54 (2) (a) 2.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) PAYMENT FOR HOSPITALS FOR NURSING FACILITY CARE.

(a) In this subsection, “public health emergency period” means the period ending on June 30, 2021, or the termination of any public health emergency declared under 42 USC 247d by the secretary of the federal department of health and human services in response to the 2019 novel coronavirus, whichever is earlier.

(b) During the public health emergency period, subject to par. (c), the department of health services shall provide, under the Medical Assistance program, reimbursement at the statewide average per–diem rate paid to nursing facilities or a supplemental payment to hospitals for providing nursing–facility–level care when all of the following criteria apply:

1. The individual for whom the hospital provided nursing–facility–level care is enrolled in the Medical Assistance program, has been admitted on an inpatient basis to the hospital, is eligible for discharge after receiving care in the hospital, requires nursing–facility–level care upon discharge, and due to the hospital being unable to locate a nursing facility that accepts the individual for admission, is unable to be transferred to a nursing facility.

2. The services provided to the individual described under subd. 1. are custodial care for which federal financial participation is approved.

3. The hospital notifies the department of health services that it is participating as a swing bed hospital under the Medical Assistance program.

(c) The department of health services shall use the same standards and criteria for determining whether a hospital is eligible for reimbursement or a supplemental payment under par. (b) as are used by the federal Medicare program under 42 USC 1395 et seq. for the payment for use of swing beds or, for any hospital that is not a critical access hospital, under the terms of a federal waiver approved under section 1135 of the federal social security act. The department shall seek any approval from the federal government necessary to implement the reimbursement under this subsection.

(2) PAYMENT FOR OUTPATIENT SERVICES PROVIDED BY HOSPITALS.

(a) Until the conclusion of a public health emergency declared under 42 USC 247d by the secretary of the federal department of health and human services in response

to the 2019 novel coronavirus or until June 30, 2021, whichever is earlier, the department of health services shall provide reimbursement or a supplemental payment under the Medical Assistance program to a hospital for providing any outpatient service when all of the following criteria are satisfied:

1. The facility at which the outpatient service is performed is operated by the hospital and certified under the Medicare program under 42 USC 1395 et seq., including under the terms of a federal waiver approved under section 1135 of the federal social security act, for outpatient services.

2. The outpatient service is reimbursable when provided in the hospital's inpatient facility but is not provided at the inpatient facility due to reasons associated with the 2019 novel coronavirus pandemic.

3. The outpatient service is one for which federal financial participation is approved.

(b) The department of health services may not include in a reimbursement under par. (a) payments under s. 49.45 (3) (e) 11. or 12. or (59).

(c) The department of health services shall seek any approval from the federal department of health and human services that is necessary to provide the reimbursement or a supplemental payment in accordance with this subsection.

(3) COVERAGE OF VACCINATIONS UNDER SENIORCARE. By January 15, 2021, the department of health services shall cover and provide reimbursement for vaccinations under the program under s. 49.688 in accordance with 2019 Wisconsin Act 185, sections 15 to 17, regardless of whether a waiver related to coverage or reimbursement of vaccinations is granted by the federal department of health and human services.

(4) AUTOPSIES AND CREMATION OF BODIES OF PERSONS WHO DIED OF COVID-19.

(a) *Definition.* In this subsection, "COVID-19" means an infection caused by the SARS-CoV-2 coronavirus.

(b) *Viewing of a corpse to be cremated following death from COVID-19.* Notwithstanding s. 979.10 (1) (b), until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if any physician, coroner, or medical examiner has signed the death certificate of a deceased person and listed COVID-19 as the underlying cause of death, a coroner or medical examiner shall issue a cremation permit to cremate the corpse of that deceased person without viewing the corpse.

(c) *Time for cremation of a person who has died of COVID-19.* Notwithstanding s. 979.10 (1) (a) (intro.), until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, a coroner or medical examiner shall issue, within 48 hours after the time of death, a cre-

mation permit for the cremation of a corpse of a deceased person.

(d) *Examination of the body of an inmate who has died of COVID-19.* Notwithstanding s. 979.025, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if an individual who has been diagnosed with COVID-19 dies while he or she is in the legal custody of the department of corrections and confined to a correctional facility located in this state, the coroner or medical examiner may perform a limited examination of the deceased individual instead of a full autopsy, which may include an external examination of the body of the deceased individual, a review of the deceased individual's medical records, or a review of the deceased individual's radiographs.

(e) *Requiring electronic signature on death certificates with 48 hours if death is caused by COVID-19.* Notwithstanding s. 69.18 or any other requirements to the contrary, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate shall provide an electronic signature on the death certificate within 48 hours after the death occurs.

(5m) PRACTICE OF EMERGENCY MEDICAL SERVICES PERSONNEL AND PROVIDERS WITH CREDENTIALS FROM OUTSIDE THIS STATE.

(a) *Definitions.* In this subsection:

1. "Ambulance service provider" has the meaning given in s. 256.01 (3).

2. "Credential" means a license, permit, certification, or registration that authorizes or qualifies any of the following:

a. An individual to perform acts that are substantially the same as those acts that an individual who holds a certification as an emergency medical responder or license as an emergency medical services practitioner in this state is authorized to perform.

b. A provider to perform acts that are substantially the same as those acts that an ambulance service provider that is licensed in this state is authorized to perform.

3. "Emergency medical responder" has the meaning given in s. 256.01 (4p).

4. "Emergency medical services practitioner" has the meaning given in s. 256.01 (5).

(b) *Practice authorized.* Unless the person qualifies for an exemption under s. 256.15 (2) (b) or (c) or is acting under s. 257.03, any individual with a current, valid credential issued by another state may practice under that credential and within the scope of that credential in this state without first obtaining a temporary or permanent license as an emergency medical services practitioner or certification as an emergency medical responder from the

department of health services if all of the following are satisfied:

1. The practice is necessary to ensure the continued and safe delivery of emergency medical or health care services.

2. The individual is not currently under investigation and does not currently have any restrictions or limitations placed on the credential by the state that issued the credential or any other jurisdiction.

3. The need for emergency medical services reasonably prevented obtaining a license or certification in this state in advance of practice.

4. The individual practicing under this subsection applies for a license, including under s. 256.15 (7), as an emergency medical services practitioner or certification, including under s. 256.15 (8) (f), as an emergency medical responder within 10 days of first practicing in this state.

5. A provider of ambulance services or a health care facility for which the individual is providing services in this state notifies the department of health services within 5 days of the individual first practicing in this state.

(c) *Practice authorized.* Unless the provider qualifies for an exemption under s. 256.15 (2) (b) or (c) or is acting under s. 257.03, any provider of ambulance services with a current, valid credential issued by another state may practice under that credential and within the scope of that credential in this state without first obtaining a temporary or permanent license as an ambulance service provider from the department of health services if all of the following are satisfied:

1. The provision of services is necessary to ensure the continued and safe delivery of emergency medical or health care services.

2. The provider is not currently under investigation and does not currently have any restrictions or limitations placed on the credential by the state that issued the credential or any other jurisdiction.

3. The need for emergency medical services reasonably prevented obtaining a license in this state in advance of providing services.

4. The provider practicing under this subsection applies for a license as an ambulance service provider within 10 days of first providing services in this state.

5. An ambulance service provider or a health care facility for which the provider is providing services in this state notifies the department of health services within 5 days of the provider first providing services in this state.

(d) *Withdrawal of authority.* The department of health services may withdraw the ability for an individual to practice under par. (b) or for a provider to provide services under par. (c) for good cause.

(e) *Authority termination date.* The authorization to practice under par. (b) or provide services under par. (c) does not apply after June 30, 2021.

(6t) *AT-HOME TESTING.* The department of health services may operate a COVID-19, at-home testing program but shall terminate the at-home testing program on September 30, 2021.

SECTION 9128. Nonstatutory provisions; Legislature.

(1) **LEGISLATIVE OVERSIGHT OF FEDERAL FUNDS RELATED TO COVID-19.**

(a) *Definitions.* In this section:

1. “COVID-19” means an infection caused by the SARS-CoV-2 coronavirus.

2. “Federal funds related to COVID-19” means federal moneys received by the state beginning on the effective date of this subdivision and ending on June 30, 2021, pursuant to federal legislation enacted during the 116th or 117th Congress for the purpose of COVID-19 related activities.

(b) *Expenditure of federal funds related to COVID-19.* Notwithstanding s. 16.54, as soon as practical after the receipt of any federal funds related to COVID-19, the governor shall submit to the joint committee on finance a plan for the expenditure of the federal funds related to COVID-19. If the cochairpersons of the committee do not notify the governor that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date the governor submits the plan, the governor may implement the plan. If, within 14 working days after the date the governor submits the plan, the cochairpersons of the committee notify the governor that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the governor may implement the plan only as approved by the committee.

SECTION 9134. Nonstatutory provisions; Public Instruction.

(1) **SCHOOL DISTRICT SEMESTER REPORTS RELATED TO PROVIDING VIRTUAL INSTRUCTION.**

(a) *Definitions.* In this subsection:

1. “Department” means the department of public instruction.

2. “End of semester” means the last day on which instruction is provided to pupils in a semester, as indicated on a school district’s calendar. If a school district provides instruction to pupils on a basis other than semesters, the “end of the semester” means the last day of the first half of the school term, as defined in s. 115.001 (12), and the last day of the school term.

3. “Virtual instruction” means instruction provided through means of the Internet if the pupils participating in and instructional staff providing the instruction are geographically remote from each other.

(b) *School board reports.* By no later than 30 days after the end of each semester in the 2020–21 and 2021–22 school years, each school board shall report to the department all of the following:

1. Whether or not virtual instruction was implemented in the school district during the semester and, if implemented, in which grades it was implemented. If virtual instruction was implemented in the school district during the semester, the process for implementing the virtual instruction.

2. Whether or not in-person instruction was provided in the school district during the semester and, if provided, in which grades was it provided. If in-person instruction was provided during the semester, for each grade in which in-person instruction was provided, the number of school days in-person instruction was provided to pupils during the semester.

3. Any challenges or barriers the school board faced related to implementing virtual instruction during the semester.

4. The total amount by which the school board reduced or increased expenditures in each of the following categories because the school board provided virtual instruction during the semester:

- a. Utilities.
- b. Transportation.
- c. Food service.
- d. Salary and fringe benefits for personnel, including teachers, support staff, and administrators. This category includes expenditure reductions that result from layoffs.
- e. Contract terminations.

(c) *Exceptions.*

1. In the 2021–22 school year, a school board is not required to submit a report under par. (b) for a semester in which the school board does not provide virtual instruction to pupils in lieu of in-person instruction.

2. A school board is not required to include information related to virtual instruction provided by a virtual charter school, as defined in s. 115.001 (16), in a report required under par. (b).

(d) *Reports to the legislature.*

1. By April 1, 2021, the department shall compile and submit the information it received under par. (b) for the first semester of the 2020–21 school year to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3). By September 1, 2021, the department shall compile and submit the information it received under par. (b) for the 2nd semester of the 2020–21 school year to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3).

2. By April 1, 2022, the department shall compile and submit the information it received under par. (b) for the first semester of the 2021–22 school year to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3). By September 1, 2022, the department shall compile and submit the information it received under par. (b) for the 2nd semester of the 2021–22 school year to the appropriate standing commit-

tees of the legislature in the manner provided under s. 13.172 (3).

(2m) FULL-TIME OPEN ENROLLMENT APPLICATIONS; UNLIMITED APPLICATIONS IN THE 2020–21 AND 2021–22 SCHOOL YEARS.

(a) In this subsection:

1. “Nonresident school board” has the meaning given in s. 118.51 (1) (b).

2. “Nonresident school district” has the meaning given in s. 118.51 (1) (c).

3. “Parent” has the meaning given in s. 118.51 (1) (d).

(b) 1. Notwithstanding s. 118.51 (3) (a) 1., there is no limitation on the number of nonresident school boards to which the parent of a pupil may submit an application under s. 118.51 (3) (a) during the 2020–21 school year for the pupil to attend a public school in a nonresident school district under s. 118.51 in the 2021–22 school year.

2. Notwithstanding s. 118.51 (3m) (a), there is no limitation on the number of nonresident school boards to which the parent of a pupil may submit an application under s. 118.51 (3m) (a) during the 2020–21 or 2021–22 school year for the pupil to attend a public school in a nonresident school district under s. 118.51 in the 2020–21 or 2021–22 school year.

(c) During the 2020–21 and 2021–22 school years, if a pupil submits an application to a nonresident school board under s. 118.51 (3m) (a) on the basis of the criteria under s. 118.51 (3m) (b) 8., the pupil’s resident school board, as defined in s. 118.51 (1) (e), may not reject the application for any reason, including under s. 118.51 (3m) (d).

(4m) SHORT-TERM SUBSTITUTE TEACHER; EXCEPTION TO LICENSE REQUIREMENT.

(a) In this subsection:

1. “Department” means the department of public instruction.

2. “Short-term substitute teacher” means a substitute teacher who teaches for no more than 45 consecutive days in the same teaching assignment.

(b) Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or until June 30, 2022, whichever is earlier, notwithstanding ss. 118.19 (1) and 121.02 (1) (a) 1., and except as provided in par. (d), an individual may teach in a public school as a short-term substitute teacher without a license or permit issued by the department if the individual satisfies all of the following:

1. The individual has submitted to the department a complete application for a license under PI 34.032, Wis. Adm. Code, and the department has not made a decision on the application.

2. The department conducts a background investigation of the individual, and the results of the background

investigation would not make the individual ineligible for a teaching license under s. 118.19 (4) or (10).

(c) Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or until June 30, 2022, whichever is earlier, upon receiving a complete application for a license under PI 34.032, Wis. Adm. Code, the department shall conduct a background investigation on the applicant for the license, as soon as practicable, and notify the applicant in writing of whether or not the results of the background investigation make the individual ineligible for a teaching license under s. 118.19 (4) or (10).

(d) An individual may not continue to teach as a short-term substitute teacher without a license issued by the department if, after reviewing the individual's complete application for a license under PI 34.032, Wis. Adm. Code, the department decides to not issue the license to the individual.

(5m) INTERSCHOLASTIC ATHLETIC ASSOCIATION MEMBERSHIP; 2021–22 SCHOOL YEAR. In the 2021–22 school year, no school district may be a member of an interscholastic athletic association unless, for purposes of determining pupil eligibility during the 2020–21 and 2021–22 school years, the interscholastic athletic association does all of the following:

(a) If a request to waive the association's transfer rules is submitted on behalf of a pupil, considers the method by which educational programming was delivered during the 2020–21 and 2021–22 school years to be an extenuating circumstance that justifies the pupil transferring schools. For purposes of this paragraph, the method by which educational programming was delivered includes virtual instruction, in-person instruction, or a combination of virtual and in-person instruction.

(b) If a waiver is granted on the basis of the extenuating circumstance described in par. (a), allows the pupil to participate in all levels of competition, including varsity competition, during the 2020–21 and 2021–22 school years.

SECTION 9135. Nonstatutory provisions; Public Lands, Board of Commissioners of.

(1) LOANS TO MUNICIPAL UTILITIES.

(a) *Definitions.* In this subsection:

1. "Board" means the board of commissioners of public lands.

2. "Municipal utility" has the meaning given in s. 196.377 (2) (a) 3.

(b) *Loans.*

1. The board may loan moneys under its control or belonging to the trust funds to a city, village, or town to ensure that a municipal utility under the control of the city, village, or town is able to maintain liquidity. The loan shall be for the sum of money, for the time, and upon the conditions as may be agreed upon between the board and the borrower.

2. Each loan under this subsection shall be considered a state trust fund loan for purposes of s. 24.70.

3. The board may not award a loan under this subsection after April 15, 2021.

4. The legislature finds and determines that the loans authorized under this subsection serve a public purpose.

SECTION 9137. Nonstatutory provisions; Revenue.

(1m) INTEREST AND PENALTIES ON LATE PROPERTY TAX PAYMENTS. Notwithstanding ss. 74.11, 74.12, and 74.87, for property taxes payable in 2021, after making a general or case-by-case finding of hardship, a taxation district may provide that an installment payment that is due and payable after April 1, 2021, and is received after its due date shall not accrue interest or penalties if the total amount due and payable in 2021 is paid on or before October 1, 2021. Interest and penalties shall accrue from October 1, 2021, for any property taxes payable in 2021 that are delinquent after October 1, 2021. A taxation district may not waive interest and penalties as provided in this subsection unless the county board of the county where the taxation district is located first adopts a resolution authorizing such waiver and establishing criteria for determining hardship, and the taxation district subsequently adopts a similar resolution. A county that has adopted a resolution authorizing the waiver of interest and penalties under this subsection shall settle any taxes, interest, and penalties collected on or before July 31, 2021, on August 20, 2021, as provided under s. 74.29 (1), and settle the remaining unpaid taxes, interest, and penalties on September 20, 2021. The August 20, 2021, settlement shall be distributed proportionally to the underlying taxing jurisdictions.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) EMERGENCY RULES RELATED TO 3RD-PARTY LOGISTICS PROVIDERS. The pharmacy examining board may promulgate emergency rules under s. 227.24 implementing s. 450.075. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until June 30, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) INTERIM LICENSURE OF 3RD-PARTY LOGISTICS PROVIDERS.

(a) In this subsection, the definitions under s. 450.01 apply.

(b) The board shall grant an interim license to an applicant to act as a 3rd-party logistics provider or an out-of-state 3rd-party logistics provider if, in the opinion of the board, the applicant is currently in compliance with federal law relating to 3rd-party logistics providers.

The holder of an interim license under this subsection shall apply for a license under s. 450.075 on or after the date that emergency rules take effect under sub. (1), or the date on which permanent rules take effect, whichever is sooner. An interim license granted under this subsection expires 90 days after the date that emergency rules take effect under sub. (1), or 90 days after the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 440.05, no fee is required for an interim license issued under this subsection.

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; BACKLOG AND CALL CENTER.

(a) *Definitions.* In this subsection, the definitions in s. 108.02 apply.

(b) *Plan to address backlog of unemployment insurance claims.* Not later than 30 days after the effective date of this paragraph, the department shall develop a plan for the department to reduce the number of weekly claims for benefits in process, adjudication, and appeals to levels comparable to those in January and February 2020. The plan shall include measures to ensure maintenance of program integrity and fraud detection. The department shall submit the plan to the appropriate standing committees of the legislature under s. 13.172 (3) and shall publish the plan on its Internet site.

(c) *Call center.* The department shall maintain a call center to provide services and support to claimants for benefits under ch. 108 or federal pandemic unemployment assistance benefits via telephone. The department shall operate the call center for 12 hours per day, 7 days per week, until the number of weekly claims in process, adjudication, and appeals is comparable to those in January and February 2020, as determined by the department.

SECTION 9151. Nonstatutory provisions; Other.

(1g) PUBLIC HEALTH EMERGENCY DECLARATION. Notwithstanding the expiration or termination of a public health emergency by the legislature by joint resolution or by the governor, the governor may issue a subsequent executive order under s. 323.10 declaring a public health emergency related to the COVID–19 pandemic solely for the purpose of receiving emergency or other allotments under the federal Coronavirus Preparedness and

Response Act of 2020; the Families First Coronavirus Response Act of 2020; the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020; the Paycheck Protection Program and Health Care Enhancement Act of 2020; the Consolidated Appropriations Act, 2021; or any subsequent federal law related to the COVID–19 pandemic enacted before July 1, 2022. The governor may issue this executive order only if the receipt of the allotments requires an active state–declared emergency or disaster. The governor may not exercise any other emergency powers during a public health emergency declared under this subsection, including powers specified under s. 323.12 (4), except that the governor may order into state active duty members of the national guard under s. 321.39 and may approve plans developed by the adjutant general under s. 323.13.

(1m) CIVIL LIABILITY EXEMPTION FOR CERTAIN ENTITIES. The immunity and limitation on recovery of damages under s. 895.476 applies retroactively to all claims, except that it does not apply to actions filed before the effective date of this subsection.

SECTION 9334. Initial applicability; Public Instruction.

(1) FULL–TIME OPEN ENROLLMENT APPLICATIONS. SECTION 9134 (2m) (b) 2. and (c) of this act first applies to an application submitted under s. 118.51 (3m) on the effective date of this subsection.

SECTION 9342. Initial applicability; Technical College System.

(1) HOURS SATISFYING COURSE REQUIREMENTS. The treatment of s. 38.04 (33) first applies to the first semester beginning after the effective date of this subsection.

SECTION 9347. Initial applicability; University of Wisconsin System.

(1) HOURS SATISFYING COURSE REQUIREMENTS. The treatment of s. 36.11 (44) first applies to the first semester beginning after the effective date of this subsection.

SECTION 9400. Effective dates. This act takes effect on the day after publication, except as follows:

(1m) PUBLIC INSTRUCTION; INTERSCHOLASTIC ATHLETICS AND EXTRACURRICULARS; VIRTUAL CHARTER SCHOOL PUPILS. The treatment of s. 118.133 (1) (a) and (b) and (2) takes effect on the July 1 after publication.