

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PHARMACY EXAMINING BOARD : CR 26-013**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of the proposed rule is to amend requirements in the Wisconsin Administrative Code to increase public safety by improving working conditions in pharmacies. The Board achieved this objective by amending Phar 10.03 (2), (13), and (17) to include that they now also apply as unprofessional conduct for the pharmacy license. These requirements include that it is unprofessional conduct for a pharmacy, pharmacist, or pharmacy technician to engage in pharmacy practice that constitutes a danger to the health, welfare or safety of a patient or the public. Additionally, it is considered unprofessional conduct for a pharmacy or pharmacist to exercise undue influence on or take advantage of a patient in the promotion of sales or services. Also, it is unprofessional conduct to have any credential granted by the board be suspended or revoked by another United States jurisdiction. Phar 10.03 (6), (7), and (8) were amended to utilize the existing definition of “Board” from Phar 1.02 (1). Phar 10.03 (18) was updated to apply to any order of the board, instead of just formal disciplinary orders. Phar 10.03 (22) to (25) were created to include that violating any federal, state, or municipal law; failing to provide adequate supervision; failing to cooperate with a board investigation; and engaging in the practice of pharmacy while impaired are considered unprofessional conduct.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Pharmacy Examining Board held a public hearing on February 26, 2026 on EmR 2601 and CR 26-013. The following people either testified at the hearing, or submitted written comments:

- Danielle Womack, Vice President of Public Policy and Advocacy for the Pharmacy Society of Wisconsin

The Pharmacy Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

- The Pharmacy Society of Wisconsin (PSW) submitted the following comments:
 - Section Phar 6.09 may be unnecessary and is problematic for several reasons. This section is not an all inclusive list of possible workplace conditions, it uses overly broad and ambiguous terminology, and could lead to legal and enforcement challenges for the Board.
 - The PSW supports the amendments to Phar 10.03 and believes these changes provide sufficient authority to the Board to address unsafe workplace conditions.
 - The PSW recommends removing section Phar 6.09.

The Pharmacy Examining Board made the following modifications to its rule-making proposal based on public comments:

- The Board removed section Phar 6.09 from the rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 26-013)

PROPOSED ORDER

An order of the Pharmacy Examining Board to amend Phar 10.03 (2), (6), (7), (8), (13), (17), and (18) and create Phar 10.03 (22) to (25), relating to Pharmacy Workplace Conditions.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 450.02 (2) and 450.02 (3) (b), (d) and (e), Stats.

Statutory authority: ss. 15.08 (5) (b); 450.02 (2); 450.02 (3) (b), (d), and (e); Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. states that the Board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 450.02 (2), Stats., states that “[t]he board shall promulgate rules that do all of the following:

- (a) Define the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05.
- (b) Define the activities that constitute the practice of a pharmacy technician for purposes if the registration requirement under s. 450.068.”

Section 450.02 (3) (b), Stats., states “[t]he board may promulgate rules... [e]stablishing security standards for pharmacies.”

Section 450.02 (3) (d), Stats., states “[t]he board may promulgate rules... [n]ecessary for the administration and enforcement of this chapter and ch. 961.”

Section 450.02 (3) (e), Stats., states “[t]he board may promulgate rules... [e]stablishing minimum standards for the practice of pharmacy.”

Section 450.02 (5), Stats., states “[t]he Board may promulgate rules governing pharmacies that are operated as remote dispensing sites.”

Related statute or rule: None.

Plain language analysis: The objective of the proposed rule is to amend requirements in the Wisconsin Administrative Code to increase public safety by improving working conditions in pharmacies. The Board achieved this objective by amending Phar 10.03 (2), (13), and (17) to include that they now also apply as unprofessional conduct for the pharmacy license. These requirements include that it is unprofessional conduct for a pharmacy, pharmacist, or pharmacy technician to engage in pharmacy practice that constitutes a danger to the health, welfare or safety of a patient or the public. Additionally, it is considered unprofessional conduct for a pharmacy or pharmacist to exercise undue influence on or take advantage of a patient in the promotion of sales or services. Also, it is unprofessional conduct to have any credential granted by the board be suspended or revoked by another United States jurisdiction. Phar 10.03 (6), (7), and (8) were amended to utilize the existing definition of “Board” from Phar 1.02 (1). Phar 10.03 (18) was updated to apply to any order of the board, instead of just formal disciplinary orders. Phar 10.03 (22) to (25) were created to include that violating any federal, state, or municipal law; failing to provide adequate supervision; failing to cooperate with a board investigation; and engaging in the practice of pharmacy while impaired are considered unprofessional conduct.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Pharmacy Examining Board held a public hearing on February 20, 2025, on Scope Statement 002-25. The following people either testified at the hearing, or submitted written comments:

- Rachel Ver Velde, Associate Vice President of Government Relations and Senior Political Advisor, Wisconsin Manufacturers & Commerce (WMC)

The Pharmacy Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

- WMC commented that there is a lack of information in the statement of scope regarding the description of existing policies relevant to the rule, new policies proposed, and analysis of policy alternatives. The WMC further commented that this lack of information meant that their members could not comment on the scope statement.

The Pharmacy Examining Board did not make any modifications to Scope Statement 002-25 based on public comment.

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Pharmacy in Illinois, with input from the Illinois Board of Pharmacy. The Illinois Pharmacy Practice Act contains various requirements on licensure, dispensing, and practice. Some of those requirements include pharmacy working conditions. In Illinois, a pharmacy cannot require any pharmacy staff to work more than 12 continuous hours per day. A pharmacy shall also allow pharmacists who work 6 continuous hours or longer to take at least one 30-minute break and one 15-minute break during that 6-hour period. If the pharmacy has a private break room, a pharmacist who qualifies for breaks shall have access to this room. The pharmacy may choose to close when the pharmacist is on break. If the pharmacy does not close, the pharmacist on break must remain within the pharmacy or the building where the pharmacy is located. Only prescriptions that have received final verification by a pharmacist may be dispensed while a pharmacist is on break. Additionally, a license may be revoked or have disciplinary action taken against it for failing to provide a working environment that protects the health and safety of a patient. This includes failure to employ sufficient pharmacy staff, provide breaks, and enough time for pharmacists to complete their professional duties [225 Illinois Compiled Statutes ch. 85 ss. 15.1 and 30].

Iowa: The Iowa Board of Pharmacy is responsible for the licensure and regulation of Pharmacy practice in Iowa. The Iowa Administrative Code includes various pharmacy practice rules. Some of those requirements include standards for pharmacies such as adequate drug storage under sanitary conditions, policies and procedures for pharmacy operation, equipment as needed to serve patient needs maintained pursuant to manufacturer recommendations, and the current pharmacist's license displayed within view of the public. Additionally, in Iowa unprofessional conduct includes negating a patient's freedom of choice in pharmacy services and breaching the public trust in terms of the practice of pharmacy [481 Iowa Administrative Code ch. 552 ss. 552.2 and 552.11].

Michigan: The Michigan Board of Pharmacy is responsible for the licensure and regulation of pharmacy practice in Michigan. Many pharmacy practice regulations are located in the Michigan Administrative Rules and include requirements for pharmacies. In Michigan, pharmacies are required to be equipped with the necessary facilities to provide efficient services [Michigan Administrative Rules R 338.537].

Minnesota: The Minnesota Board of Pharmacy is responsible for the licensure and regulation of pharmacy practice in Minnesota. Part 6800 of the Minnesota Administrative Code includes regulations for pharmacy in Minnesota. Some of those regulations include requirements for pharmacy work conditions. In Minnesota, a pharmacy cannot require pharmacists or pharmacy technicians to work more than 12 hours per day including breaks. Those working more than 6 hours per day are allowed a 30-minute uninterrupted break. If a pharmacy chooses to stay open while the pharmacist is on break, the pharmacist needs to stay within the pharmacy or within the establishment for emergencies. Only prescriptions that have been approved by the

pharmacist to be dispensed without counseling may be sold while the pharmacist is on break. These work conditions do not apply to an emergency situation that necessitates longer working hours or no breaks to minimize immediate patient health risks. Additionally, it is unprofessional conduct for a pharmacist or pharmacy to engage in practice that causes a danger to the patient or public [Minnesota Administrative Rules part 6800, sections 6800.2160 and 6800.2250].

Summary of factual data and analytical methodologies: The Pharmacy Examining Board completed a comprehensive review of Wisconsin Administrative Code Chapters Phar 1, 6, 7 and 10 and made changes as needed. The Board utilized references from Virginia's pharmacy rules and regulations, National Association of Boards of Pharmacy, and other sources.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for 14 days on the Department of Safety and Professional Services' website to solicit economic impact comments, including how the proposed rules may affect businesses, local municipalities, and private citizens. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Office of Chief Legal Counsel, P.O. Box 14497, Madison, Wisconsin 53708-0497; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Phar 10.03 (2), (6), (7), (8), (13), (17), and (18) are amended to read:

Phar 10.03 (2) Engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacy, pharmacist or pharmacy technician which harmed or could have harmed a patient.

(6) Disclosing to the public information concerning a patient without the consent of the patient unless the information is requested by the ~~pharmacy-examining~~ board or the

department of safety and professional services or unless release is otherwise authorized by law.

(7) Failing to report to the ~~pharmacy examining~~ board any pharmacy practice which constitutes a danger to the health, safety or welfare of patient or public.

(8) Providing false information to the ~~pharmacy examining~~ board or its agent.

(13) Exercising undue influence on or taking unfair advantage of a patient in the promotion or sale of services, drugs or other products for the financial gain of the pharmacy, pharmacist or a third party.

(17) Having a ~~pharmacist license or pharmacy technician registration~~ credential granted by the board revoked or suspended in another state or United States jurisdiction or having been subject to other disciplinary action by the licensing authority thereof.

(18) Violating or attempting to violate any ~~formal disciplinary~~ order of the board.

SECTION 2. Phar 10.03 (22) to (25) are created to read:

Phar 10.03 (22) Violating any federal, state, or municipal law which substantially relates to the practice of the credential holder, or having a civil judgment entered against the credential holder which civil judgment substantially relates to the practice of the credential holder.

(23) Failure to provide competent supervision to a subordinate who is credentialed by the board.

(24) After a request by the board, failing to cooperate in a timely manner with the board's investigation of a complaint filed against a credential holder. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has not acted in a timely manner.

(25) Engaging or attempting to engage in the practice of pharmacy or practice of a pharmacy technician while the person's ability to practice is impaired by alcohol or other drugs, or as a result of an illness which impairs the credential holder's ability to appropriately carry out the functions delineated under the credential in a manner consistent with the safety of a client, patient, or the public.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Pharmacy Examining Board is approved for submission to the Governor and Legislature.

Dated 3/4/2026

Agency *John Witkamp*
Member
Pharmacy Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 1/20/26
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Phar 1, 6, 7, 10 (Permanent Rule)	
4. Subject Pharmacy Workplace Conditions	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The objective of the proposed rule is to amend requirements in the Wisconsin Administrative Code to increase public safety by improving working conditions in pharmacies. The Board achieved this objective by creating Phar 6.09, which consists of requirements related to working conditions in pharmacies. The Board also amended Phar 10.03 (2), (13), and (17) to include that they now also apply to as unprofessional conduct for the pharmacy license. Phar 10.03 (6), (7), and (8) were amended to utilize the existing definition of "Board" from Phar 1.02 (1). Phar 10.03 (18) was updated to apply to any order of the board, instead of just formal disciplinary orders. Phar 10.03 (22) to (25) were created to include that violating any federal, state, or municipal law; failing to provide adequate supervision; failing to cooperate with a board investigation; and engaging in the practice of pharmacy while impaired are considered unprofessional conduct.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The rule will not have an economic and fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the State's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are enforceable requirements for workplace conditions outlined in the pharmacy administrative code. The alternative to implementing the rule is that there will be no changes and the administrative code will continue to be silent on the issue of pharmacy workplace conditions.	
16. Long Range Implications of Implementing the Rule	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The long range implications of implementing this rule are increased patient safety and better pharmacy practice.

17. Compare With Approaches Being Used by Federal Government
None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Pharmacy in Illinois, with input from the Illinois Board of Pharmacy. The Illinois Pharmacy Practice Act contains various requirements on licensure, dispensing, and practice. Some of those requirements include pharmacy working conditions. In Illinois, a pharmacy cannot require any pharmacy staff to work more than 12 continuous hours per day. A pharmacy shall also allow pharmacists who work 6 continuous hours or longer to take at least one 30 minute break and one 15 minute break during that 6 hour period. If the pharmacy has a private break room, a pharmacist who qualifies for breaks shall have access to this room. The pharmacy may choose to close when the pharmacist is on break. If the pharmacy does not close, the pharmacist on break must remain within the pharmacy or the building where the pharmacy is located. Only prescriptions that have received final verification by a pharmacist may be dispensed while a pharmacist is on break. Additionally, a license may be revoked or have disciplinary action taken against it for failing to provide a working environment that protects the health and safety of a patient. This includes failure to employ sufficient pharmacy staff, provide breaks, and enough time for pharmacists to complete their professional duties [225 Illinois Compiled Statutes ch. 85 ss. 15.1 and 30].

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19. Contact Name
Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number
(608) 267-7139

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-