



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4073/1
KMS:emw

2023 SENATE BILL 418

September 8, 2023 - Introduced by Senators CARPENTER, LARSON, ROYS, SPREITZER and TAYLOR, cosponsored by Representatives SUBECK, JOERS, C. ANDERSON, J. ANDERSON, BARE, CABRERA, CONLEY, CONSIDINE, DRAKE, EMERSON, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, SHELTON and STUBBS. Referred to Committee on Health.

1 **AN ACT to create** 20.435 (1) (s), 25.17 (1) (xmm), 25.778 and 252.045 of the
2 statutes; **relating to:** purchasing and distributing vaccines, granting
3 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under this bill, the Department of Health Services must establish a program that provides vaccines to individuals who are not eligible to receive the vaccines at no cost from a federal program. Vaccines to which the bill applies are those recommended by the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention and included in the program by the secretary of health services. The bill requires DHS to estimate the costs associated with providing vaccines and, in consultation with the commissioner of insurance, assess each payer that covers vaccines an amount to pay for this program in accordance with the estimate plus any reserves that DHS determines are prudent. Employee benefit plan administrators, insurers, certain health coverage plans, and self-insured governmental health plans are considered payers in the bill. The amount the payer is assessed must be proportional to the number of individuals whose health benefits are administered by or on behalf of that payer in the state. The bill allows DHS to impose an additional assessment if a new vaccine is developed. DHS must then purchase vaccines and distribute them to health care providers to be administered to individuals who are not eligible to receive the vaccines at no cost from a federal program.

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

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

1 **SECTION 1.** 20.435 (1) (s) of the statutes is created to read:

2 20.435 (1) (s) *Vaccine purchasing.* From the vaccine purchase fund, all moneys
3 received from assessments for the purpose of purchasing vaccines under s. 252.045.

4 **SECTION 2.** 25.17 (1) (xmm) of the statutes is created to read:

5 25.17 (1) (xmm) Vaccine purchase fund (s. 25.778);

6 **SECTION 3.** 25.778 of the statutes is created to read:

7 **25.778 Vaccine purchase fund.** There is created a separate nonlapsible trust
8 fund designated as the vaccine purchase fund. The vaccine purchase fund shall
9 consist of all moneys that are received from assessments on payers under s. 252.045
10 (3).

11 **SECTION 4.** 252.045 of the statutes is created to read:

12 **252.045 Purchase of vaccines.** (1) In this section:

13 (a) “Health care provider” means a health care provider, as defined in s. 146.81
14 (1), who is authorized under chs. 440 to 480 to administer a vaccine.

15 (b) “Payer” means any of the following:

16 1. An administrator, as defined in s. 633.01 (1).

17 2. An insurer, as defined in s. 632.745 (15).

18 3. A health coverage plan described in s. 632.745 (11) (b) 1. to 12. or self-insured
19 health plan, as defined in s. 632.745 (24), that is not administered by an insurer or
20 administrator.

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1 (c) "Vaccine" means any vaccine that is recommended by the advisory
2 committee on immunization practices of the federal centers for disease control and
3 prevention, or its successor, and that is included in the program under sub. (2) by the
4 secretary.

5 (2) The department shall establish a program to provide a vaccine to any
6 individual in this state who is not eligible to receive the vaccine at no cost from a
7 federal program. The department shall purchase vaccines and distribute the
8 vaccines to health care providers who participate in the program under this
9 subsection. The health care providers shall administer the vaccines to individuals
10 described under this subsection.

11 (3) The department shall estimate the costs associated with the program under
12 sub. (2). The department, in consultation with the commissioner of insurance, shall
13 assess no less frequently than annually each payer that covers vaccines an amount
14 that is proportional to the number of individuals whose health benefits are
15 administered by or on behalf of that payer in this state to pay for the program under
16 sub. (2) in accordance with the estimate plus any reserves that the department
17 determines are prudent for the program, including costs in the event of increased
18 need for vaccines. The department may impose an additional assessment under this
19 subsection if a new vaccine is developed.

20 (4) The department may promulgate any rules necessary to implement this
21 section.

22 (END)