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LRB-1211/1 KP:ahe

2019 SENATE BILL 38

February 15, 2019 - Introduced by Senators Darling, L. Taylor, Nass and Marklein, cosponsored by Representatives Rohrkaste, Kolste, Considine, Felzkowski, Brooks, Kuglitsch, Kulp, Milroy, Myers, Ramthun, Sinicki, Skowronski, Spiros, Tusler, Zimmerman, Meyers and Murphy. Referred to Committee on Health and Human Services.

AN ACT to create 450.03 (1) (j) of the statutes; relating to: dispensing, distributing, or selling dialysate, drugs, or devices necessary for providing home peritoneal kidney dialysis.

Analysis by the Legislative Reference Bureau

This bill exempts persons dispensing, distributing, or selling dialysate, drugs, or devices necessary for providing home peritoneal kidney dialysis to a patient with end-stage renal disease from being required to obtain a pharmacist license. The exemption granted under the bill is subject to certain requirements, as detailed in the bill, including the following: 1) the dialysate, drugs, or devices are delivered in their original, sealed packaging from the manufacturing facility; 2) dispensing occurs only pursuant to a prescription order issued by a licensed physician; and 3) delivery is made only to a patient with end-stage renal disease, the patient's designee, or a health care provider for administration or delivery to a patient.

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

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

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450.03 (1) (j) A person who dispenses, distributes, or sells dialysate, drugs, or
devices necessary for providing home peritoneal kidney dialysis to a patient with
end-stage renal disease if all of the following apply:

- 1. The person is licensed under s. 450.07 or 450.071, or is an agent of a person licensed under s. 450.07 or 450.071.
 - 2. The person lawfully holds the dialysate, drugs, or devices.
- 3. The dialysate, drugs, or devices are held and delivered in their original,
 sealed packaging from the manufacturing facility.
 - 4. The dialysate, drugs, or devices are delivered only pursuant to a prescription order issued by a licensed physician and only if an order from a licensed pharmacy is transmitted to the person.
 - 5. The dialysate, drugs, or devices are delivered to one of the following:
 - a. A patient with end-stage renal disease or the patient's designee, for the patient to self-administer the dialysis therapy.
 - b. A health care provider or institution, for administration or delivery of the dialysis therapy to a patient with end-stage renal disease.
 - 6. If required by federal law, the dialysate, drugs, or devices are approved or cleared by the federal food and drug administration.

19 (END)