

2009 DRAFTING REQUEST

Bill

Received: **11/18/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Sheridan (608) 266-7503**

By/Representing: **Lisa Lundquist**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sheridan@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Exempt donated prescription samples from wholesale distribution

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 11/18/2009	jdye 12/02/2009		_____			
/1			jfrantze 12/02/2009	_____	sbasford 12/02/2009	mbarman 12/11/2009	

FE Sent For: **NONE**

<END>

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1?	csundber	1/12/09 jkd	Jb 12/2	Jb 12/2			

FE Sent For:

<END>

Ryan, Robin

From: Lundquist, Lisa
Sent: Tuesday, November 17, 2009 3:37 PM
To: Ryan, Robin
Subject: donation of prescription drugs for free clinics and FQHCs

Attachments: 20091117153526483.pdf



2009111715352648
3.pdf (75 KB)

Hi Robin,

This is the information I have. From what I understand there is a Dispensary of Hope that operates in the state but they're worried they can't continue under current law and are hoping for some sort of a fix/ exemption from the wholesale licensure and pedigree requirements.

Let me know if you have questions.

Thanks!

Lisa

-----Original Message-----

From: Network Scanning
Sent: Tuesday, November 17, 2009 2:35 PM
To: Lundquist, Lisa
Subject:

This E-mail was sent from "RNPB7E5CD" (MP 5500/LD255).

Scan Date: 11.17.2009 15:35:26 (-0500)
Queries to: networkscanning@legis.wisconsin.gov

**DONATED PRESCRIPTION DRUG SAMPLES TO COMMUNITY CLINICS:
REMOVE BARRIERS RESTRICTING ACCESS IN WISCONSIN**

Issue

Current law requires practitioners to become a licensed wholesale distributor, as well as follow pedigree requirements, in order to donate prescription samples to community clinics. The current process is a disincentive for practitioners to donate drugs to community clinics and low-income patients in need.

Goal

offer Amendment or Sep bill

Amend Senate Bill 198 (Assembly Bill 272) to exempt practitioners from becoming a licensed wholesale distributor or following the pedigree law in order to donate sample drugs to community clinics. SB 198 seeks to expand the state drug donation program to allow any drug to be donated to that repository, not only cancer or chronic disease. However, community clinics are still locked out from the ability to receive donations from practitioners and other charitable institutions as permitted under Federal law. An amendment to SB 198, consistent with the bill's original intent that exempts for donations to the state drug repository, will allow for community clinics to directly receive prescription drug donations from practitioners and other charitable institutions.

See proposed amendment language below:

SECTION 21 450.01 (23)(k) of the statutes is amended to read:

**(k) The donation or distribution of a prescription drug under s. 255.056, or
21 CFR 203.39.**

P. Moran is this language

SB 198 has passed the Senate and currently awaits Assembly approval. Its companion, AB 272, has passed the Assembly Public Health committee unanimously and is also available for a floor vote in the Assembly.

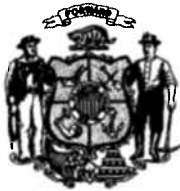
Safeguards In Place

Federal Safeguards: Any community clinic organized as a 501(c)(3) corporation qualifies federally to receive donated drug samples from practitioners or other charitable organizations.

The current donation process is safe and secure:

- 1) No controlled substances can be donated;
- 2) Stringent recordkeeping requirements are in place,
- 3) Requires donations in their unopened, original containers, which are examined by a pharmacist or practitioner, to assure they are not expired or adulterated.

The state has currently sanctioned the donation of unused prescription drugs to benefit state sponsored programs. With this principle in mind, removing the wholesale distributor barrier for private sector donations to community clinics will further advance the state's intent of expanding health care access for Wisconsin's neediest individuals.



JK

2009 BILL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

X

gen cat

1 AN ACT ...; relating to: the wholesale distribution of prescription drugs. ✓

Analysis by the Legislative Reference Bureau

Current law regulates the wholesale distribution of prescription drugs, which is defined as the distribution of a prescription drug to a person other than a consumer or patient. The definition is subject to a number of exceptions, including an exception for the donation or distribution of a prescription drug under current provisions creating a cancer and chronic diseases drug repository.

This bill adds an exception to the definition of wholesale distribution for donations of drug samples to charitable institutions, if the donations comply with federal regulations governing such donations.

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

2 SECTION 1. 450.01 (23) (k) of the statutes is amended to read:

3 450.01 (23) (k) The donation or distribution of a prescription drug under s.
4 255.056 or under 21 CFR 203.39.

Barman, Mike

From: Lundquist, Lisa
Sent: Thursday, December 10, 2009 6:07 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3878/1 Topic: Exempt donated prescription samples from wholesale distribution

Please Jacket LRB 09-3878/1 for the ASSEMBLY.