

**Clearinghouse Rule 18-034**

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  
-----

The Pharmacy Examining Board is petitioning the Joint Committee for Review of Administrative Rules to partially repeal a rule the Pharmacy Examining Board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the Pharmacy Examining Board to amend Phar 13.02 (12) relating to 3<sup>rd</sup> party logistics providers.

Analysis prepared by the Department of Safety and Professional Services.

-----  
ANALYSIS

**Statutes interpreted:** s. 450.01 (24), Stats.

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

**Explanation of agency authority:**

The Board shall 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. [15.08 (5) (b), Stats.]

The Board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961. [450.02 (3) (d), Stats.]

**Related statute or rule:** n/a

**Plain language analysis:**

Section Phar 13.02 (12) includes 3<sup>rd</sup> party logistics providers in the definition of “wholesale distributors”.

2017 Act 328 amended s. 450.01 (24), Stats., to remove 3<sup>rd</sup> party logistics providers from the definition of “wholesale distributors”.

Therefore, the board has determined that the inclusion of 3<sup>rd</sup> party logistics providers in s. Phar 13.02 (12) is unauthorized and seeks to amend the rule to remove these entities from the definition under s. 227.26 (4), Stats.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

---

TEXT OF RULE

SECTION 1. Phar 13.02 (12) is amended to read:

Phar 13.02 (12) “Wholesale distributor” means a person engaged in the wholesale distribution of prescription drugs, including manufacturers; repackagers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers’ and distributors’ warehouses; manufacturers’ exclusive distributors; manufacturers’ authorized distributors of record; prescription drug wholesalers and distributors; independent wholesale prescription drug traders; ~~3<sup>rd</sup> party logistics providers~~; retail pharmacies that conduct wholesale distribution; and chain pharmacy warehouses that conduct wholesale distribution.

SECTION 2. 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)

---