



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2003 Senate Bill 452**

**Senate Amendment 1**

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Senate Bill 452 requires the Department of Health and Family Services (DHFS) to establish and maintain a cancer drug repository program. The program would become effective July 1, 2005. Under the program, any person may donate a cancer drug that may be prescribed for use by an individual who meets eligibility criteria specified by administrative rule by DHFS. Under the program, cancer drugs may be donated to a medical facility or pharmacy that elects to participate in the program and meets requirements specified by DHFS by rule. The medical facility or pharmacy may distribute the cancer drug to another participating medical facility or pharmacy, or may dispense the cancer drug. If the medical facility or pharmacy dispenses the cancer drug, it must follow standards and procedures specified by rule by DHFS for inspecting the drug to determine that the packaging is unopened and that the drug is not adulterated or misbranded. The donated drug must be prescribed by a practitioner for the eligible individual and dispensed by a pharmacist.

The bill requires DHFS to promulgate numerous rules, including requirements of participation by medical facilities and pharmacies, eligibility criteria for individuals to receive donated cancer drugs that require dispensation be prioritized for persons who are indigent or uninsured, and a maximum handling fee that a medical facility or pharmacy may charge for accepting, distributing, or dispensing donated cancer drugs.

The bill provides immunity from civil liability for injury to or death of the individual to whom the drug is dispensed, and prohibits a finding of unprofessional conduct, for acts or omissions related to donating, accepting, distributing, or dispensing a cancer drug that do not involve reckless, wanton, or intentional misconduct.

### **SENATE AMENDMENT 1**

Senate Amendment 1 expands the coverage of the cancer drug repository program created under the bill to include supplies needed to administer a cancer drug. Therefore, under the amendment,

supplies needed to administer a cancer drug could be donated to and, accepted by the program, and prescribed for participants.

**LEGISLATIVE HISTORY**

The Senate Committee on Health, Children, Families, Aging and Long-Term care introduced Senate Amendment 1 on February 17, 2004. The committee recommended adoption of the amendment by a vote of Ayes, 9; Noes, 0; and recommended passage of the bill, as amended, by a vote of Ayes, 9; Noes, 0; on that same date.

LR:ksm