



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0895/1
KP:ahe

2019 ASSEMBLY BILL 42

February 28, 2019 - Introduced by Representatives ROHRKASTE, KOLSTE, BROOKS, CONSIDINE, FELZKOWSKI, KUGLITSCH, KULP, MEYERS, MILROY, MURPHY, MYERS, RAMTHUN, SINICKI, SKOWRONSKI, SPIROS, TUSLER and ZIMMERMAN, cosponsored by Senators DARLING, L. TAYLOR, MARKLEIN and NASS. Referred to Committee on Health.

1 **AN ACT** *to create* 450.03 (1) (j) of the statutes; **relating to:** dispensing,
2 distributing, or selling dialysate, drugs, or devices necessary for providing
3 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:

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

ASSEMBLY BILL 42**SECTION 1**

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

4 1. The person is licensed under s. 450.07 or 450.071, or is an agent of a person
5 licensed under s. 450.07 or 450.071.

6 2. The person lawfully holds the dialysate, drugs, or devices.

7 3. The dialysate, drugs, or devices are held and delivered in their original,
8 sealed packaging from the manufacturing facility.

9 4. The dialysate, drugs, or devices are delivered only pursuant to a prescription
10 order issued by a licensed physician and only if an order from a licensed pharmacy
11 is transmitted to the person.

12 5. The dialysate, drugs, or devices are delivered to one of the following:

13 a. A patient with end-stage renal disease or the patient's designee, for the
14 patient to self-administer the dialysis therapy.

15 b. A health care provider or institution, for administration or delivery of the
16 dialysis therapy to a patient with end-stage renal disease.

17 6. If required by federal law, the dialysate, drugs, or devices are approved or
18 cleared by the federal food and drug administration.

19 (END)