

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/17/17

A Bill

SENATE BILL 361

5 By: Senator Flippo
6

For An Act To Be Entitled

8 AN ACT TO CREATE AN EXEMPTION FROM THE LAWS REGARDING
9 THE PRACTICE OF PHARMACY FOR DIALYSATE OR DEVICES
10 NECESSARY FOR HOME PERITONEAL KIDNEY DIALYSIS IN
11 CERTAIN SITUATIONS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO CREATE AN EXEMPTION FROM THE LAWS
15 REGARDING THE PRACTICE OF PHARMACY FOR
16 DIALYSATE OR DEVICES NECESSARY FOR HOME
17 PERITONEAL KIDNEY DIALYSIS IN CERTAIN
18 SITUATIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
25 amended to add an additional section to read as follows:

26 17-92-115. Exemption for home peritoneal kidney dialysis.

27 (a) The provisions of §§ 17-92-101, 17-92-103, 17-92-105, 17-92-205,
28 17-92-206, 17-92-303, 17-92-401, 17-92-402, 17-92-404, 17-92-405, 17-92-409,
29 17-92-410, 17-92-411, and 17-92-902 do not apply to the sale or distribution
30 of dialysate or devices necessary to perform home peritoneal kidney dialysis
31 to patients with end stage renal disease if:

32 (1) The dialysate composed of dextrose or icodextrin or devices
33 are:

34 (A) Approved or cleared by the United States Food and Drug
35 Administration as required by federal law;

36 (B) Lawfully held by a manufacturer or a third-party



1 logistics provider of the manufacturer that is properly registered with the
2 Arkansas State Board of Pharmacy as a wholesale distributor or medical device
3 provider;

4 (C) Held and delivered in original, sealed packaging from
5 the manufacturing facility; and

6 (D) Delivered only by the manufacturer or a third-party
7 logistics provider of the manufacturer and only upon receipt of a physician's
8 order by a licensed pharmacy and the transmittal of an order from a licensed
9 pharmacy to the manufacturer or a third party logistics provider of the
10 manufacturer; and

11 (2) The manufacturer or a third-party logistics provider of the
12 manufacturer delivers the dialysate or devices directly to:

13 (A) A patient with end stage renal disease or a designee
14 for the self-administration of the dialysis therapy; or

15 (B) A healthcare provider or institution for
16 administration or delivery of the dialysis therapy to a patient with end
17 stage renal disease.

18 (b)(1) The board shall retain oversight of all other drugs for home
19 peritoneal kidney dialysis with the exception of dialysate as described in
20 subdivision (a)(1) of this section.

21 (2) All records of sales and distribution of dialysate to
22 patients under this section shall be retained according to state law and rule
23 of the board.

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25 /s/Flippo
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