

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

# A Bill

SENATE BILL 361

5 By: Senator Flippo  
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## 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 or devices are:

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

35 (B) Lawfully held by a manufacturer or a third-party  
36 logistics provider of the manufacturer that is properly registered with the



1 Arkansas State Board of Pharmacy as a wholesale distributor or medical device  
2 provider;

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

5 (D) Delivered only by the manufacturer or a third-party  
6 logistics provider of the manufacturer and only upon receipt of a physician's  
7 order; and

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

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

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

15 (b)(1) The board shall retain oversight of all other drugs for home  
16 peritoneal kidney dialysis with the exception of dialysate.

17 (2) The board may exempt additional drugs for home peritoneal  
18 kidney dialysis by rule.

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