



April 1, 2020

Roxy Kozyckyj  
Director, State Government Affairs – Midwest, Eastern Region  
Healthcare Distribution Alliance  
901 North Glebe Road, Suite 1000  
Arlington, VA 22203

RE: Variance Request per Wis. Stats. § 450.02(3m)

Dear Ms. Kozyckyj,

On April 1, 2020, the Wisconsin Pharmacy Examining Board reviewed your variance request. You requested a variance of Wis. Stats. § 450.071 to **temporarily allow holders of wholesale distribution licenses to distribute prescription drugs from facilities that are not licensed in Wisconsin, but are licensed in other states, should the licensee's Wisconsin licensed facilities shut down.** The stated purpose of the request is to compensate for supply chain disruptions during the COVID-19 emergency.

The effect of the variance would modify Wis. Stats. § 450.071(1) to read as follows:

*(1) No person may engage in the wholesale distribution of a prescription drug in this state without obtaining a license from the board for each facility from which the person distributes prescription drugs, except that a person licensed to engage in the wholesale distribution of prescription drugs may distribute from facilities that are licensed in good standing in other states, United States territories, or the District of Columbia, in the event of closure of the person's facilities that are licensed in Wisconsin. A licensee shall provide the board with the information required under subs (2) and (3) within 5 days of beginning distribution from an unlicensed facility. The board shall exempt a manufacturer that distributes prescription drugs or devices manufactured by the manufacturer from licensing and other requirements under this section to the extent the license or requirement is not required under federal law or regulation, unless the board determines that it is necessary to apply a requirement to a manufacturer.*

The Board considered the evidence presented and determined that the requirements of Wis. Stats. § 450.02(3m)(a) have been met. **Your variance, as requested, has been granted.** This variance shall apply to all persons legally permitted to engage in the wholesale distribution of prescription drugs in the state of Wisconsin, and shall remain in effect for 90 days from today's date pursuant to Wis. Stats. § 450.02(3m)(b), unless modified or extended by further action of the Pharmacy Examining Board.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jameson R. Whitney', is written over a white background.

Jameson R. Whitney  
Legal Counsel, Wisconsin Pharmacy Examining Board  
608-266-8098 [jameson.whitney@wisconsin.gov](mailto:jameson.whitney@wisconsin.gov)