
Wisconsin Legislative Council

ACT MEMO



Prepared by: Steve McCarthy, Senior Staff Attorney

April 20, 2021

2021 Wisconsin Act 25
[2021 Assembly Bill 120]

**Optional License for Third-Party
Logistics Providers**

2021 WISCONSIN ACT 25

Act 25 relates to third-party logistics providers, which are defined under current law as a person that contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of the manufacturer but that does not take title to the manufacturer's prescription drug or have general responsibility to direct the prescription drug's sale or disposition. [s. 450.01 (21s), Stats.] Act 25 does all of the following:

- Creates an optional license for third-party logistics providers that are located in Wisconsin or are located outside Wisconsin but provide third-party logistics provider services in Wisconsin.
- Requires an applicant for a third-party logistics provider license to submit certain information prior to licensure, including proof of a recent facility inspection, and information about the designated representative of the facility.
- Requires that the Pharmacy Examining Board (Board) must evaluate any licensing program established by the federal Food and Drug Administration to determine whether Wisconsin licensing of resident third-party logistics providers is required for a resident third-party logistics provider to provide third-party logistics provider services in another state. If the Board determines that third-party logistics provider licensing is not required to provide such services in another state, the license created by the act will no longer apply.
- Provides that within two years of April 17, 2021, and biennially thereafter, the Board must evaluate whether continued licensing of resident third-party logistics providers is required for a resident third-party logistics provider to provide third-party logistics provider services in another state and, if the Board determines licensing in Wisconsin is required, submit a notice to the Legislative Reference Bureau for publication in the Wisconsin Administrative Register to continue the licensing created by the act.
- Directs the Board to promulgate rules that regulate third-party logistics providers and out-of-state third-party logistics providers consistent with federal law and that do not mandate licensing under state law.
- Requires the Board to issue interim licenses, without a fee, for third-party logistics providers and out-of-state third-party logistics providers. An interim license expires 90 days after the date that permanent or emergency rules take effect, whichever is sooner.
- Requires third-party logistics providers, whether or not they are licensed under the act, to cooperate with inspections of their facilities and delivery vehicles.

Effective date: April 17, 2021

SM:mca;jal