

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB12)

Received: 03/20/2007

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Mike Schoenfeld**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Add exemptions for medical devices and literature

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 03/20/2007	kfollett 03/20/2007		_____			
/1			nmatzke 03/20/2007	_____	lparisi 03/20/2007	lparisi 03/20/2007	

FE Sent For:

<END>

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/?	csundber	1/1/gf 3/20	nwn 3/20	nwn/sh 3/20			

FE Sent For:

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Mikse

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

3/20/07 Schoenfeld/Schneider

Sub. to AB 12: add exemptions for medical devices for patient use, literature/research about product.



lu: 3/20/07

* LPS: note from a bill to a sub

50047/1

LRB 106514

CTS:kjf:tw

ASSEMBLY SUBSTITUTE AMENDMENT, TO 2007 ASSEMBLY BILL 12

January 12, 2007 - Introduced by Representative SCHNEIDER. Referred to Committee on Health and Healthcare Reform.

Regen

1 AN ACT to create 450.087 of the statutes; relating to: gifts given or offered by
2 prescription drug manufacturers and distributors to encourage practitioners to
3 prescribe certain drugs and providing a penalty.

substitute amendment

Analysis by the Legislative Reference Bureau

X
X
X

This bill prohibits any person who manufactures or distributes prescription drugs (manufacturer) in this state from giving, or offering to give, anything of monetary value to any practitioner to encourage the practitioner to issue prescriptions for that manufacturer's drugs. Current law defines a practitioner to mean any person who is licensed in this state to prescribe and administer drugs or who is licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs. The prohibition created under the bill does not apply to gifts given or offers made by a manufacturer to a practitioner who is a relative of that manufacturer, or to product samples given by a manufacturer to a practitioner for delivery to a patient.

or devices

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

or to scientific literature for use by a practitioner

ASSEMBLY BILL 12

1 SECTION 1. 450.087 of the statutes is created to read:

2 450.087 Prohibited practices. (1) In this section, "relative" has the meaning
3 given under s. 13.62 (12g).

4 (2) (a) Except as provided in par. (b), no manufacturer or distributor may give,
5 or offer to give, anything of monetary value to any practitioner to encourage that
6 practitioner to issue prescription orders for a drug manufactured or distributed by
7 that manufacturer or distributor.

8 (b) Paragraph (a) does not apply to any of the following:

9 1. Gifts given or offers made by a manufacturer or distributor to a practitioner
10 who is a relative of the manufacturer or distributor.

11 2. Product samples given by a manufacturer or distributor to a practitioner for
12 delivery to a patient. *or devices*

13 (3) Any person who violates sub. (2) shall be fined not more than \$10,000 for
14 each violation. Each act of giving or offering to give something of monetary value to
15 a practitioner in violation of sub. (2) constitutes a separate offense.

16 (END)

3. Scientific literature for use by a practitioner.