



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3186/1  
JAM&JPC:skw

## 2021 ASSEMBLY BILL 358

May 27, 2021 - Introduced by Representatives NEYLON, KNODL, ALLEN, ARMSTRONG, BRANDTJEN, BROOKS, CABRAL-GUEVARA, DALLMAN, DITTRICH, DUCHOW, HORLACHER, JAMES, KRUG, KUGLITSCH, MAGNAFICI, MURPHY, MOSES, OLDENBURG, RAMTHUN, ROZAR, SANFELIPPO, SKOWRONSKI, SNYDER, THIESFELDT, TITTL, TUSLER, WITTKER, WICHGERS and SCHRAA, cosponsored by Senators STROEBEL, CARPENTER, JACQUE and NASS. Referred to Committee on Health.

1     **AN ACT** *to amend* 100.30 (6) (title); and *to create* 100.30 (6) (a) 10. and 100.30  
2           (6) (e) of the statutes; **relating to:** regulating the sale of items that are qualified  
3           medical expenses below cost.

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***Analysis by the Legislative Reference Bureau***

This bill exempts from the Unfair Sales Act items that are qualified medical expenses. Under current law, the Unfair Sales Act, also known as the “minimum markup law,” prohibits retailers and wholesalers from selling merchandise for less than the cost of the merchandise to the seller. Under the bill, the prohibition on below-cost sales does not apply to vaccines, prescription drugs, or physical items whose costs are qualified medical expenses under federal law.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

4           **SECTION 1.** 100.30 (6) (title) of the statutes is amended to read:  
5           100.30 (6) (title) EXCEPTIONS; CONSTRUCTION.  
6           **SECTION 2.** 100.30 (6) (a) 10. of the statutes is created to read:

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**SECTION 2**

1           100.30 **(6)** (a) 10. The merchandise sold is a vaccine, a prescription drug, or a  
2      physical item, the cost of which is a qualified medical expense under 26 USC 223 (d)  
3      (2).

4                                       **(END)**