

1993 Assembly Bill 612

Date of enactment: **April 18, 1994**

Date of publication\*: **May 2, 1994**

## 1993 WISCONSIN ACT 352

AN ACT *to amend* 100.31 (1) (a) and 100.31 (2); and *to create* 100.31 (4) and 100.31 (5) of the statutes, **relating to: unfair discrimination in drug pricing and providing a penalty.**

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

**SECTION 1.** 100.31 (1) (a) of the statutes is amended to read:

100.31 (1) (a) "Drug" means any substance subject to ~~section 503 (b) of the federal food, drug and cosmetic act~~ 21 USC 353 (b).

**SECTION 3.** 100.31 (4) of the statutes is created to read:

100.31 (4) PENALTIES. For any violation of this section, the department or a district attorney may commence an action on behalf of the state to recover a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each delivery of a drug sold to a purchaser at a price in violation of this section and each separate day in violation of an injunction issued under this section is a separate offense.

**SECTION 4.** 100.31 (5) of the statutes is created to read:

100.31 (5) SPECIAL REMEDIES. The department or a district attorney may bring an action to enjoin a violation of this section without being compelled to allege or prove that an adequate remedy at law does not exist. An action under this subsection may be commenced and prosecuted by the department or a district attorney, in the name of the state, in a circuit court in the county where the offense occurred or in Dane county, notwithstanding s. 801.50.

**SECTION 5. Nonstatutory provisions.** (1) STUDY OF UNFAIR DISCRIMINATION IN DRUG PRICING AND PREDATORY PRICING. The department of agriculture, trade and consumer protection shall submit a report to the legislature by July 1, 1995, in the manner provided under section 13.172 (2) of the statutes, documenting the extent of predatory pricing and its enforcement activities regarding violations of section 100.31 of the statutes since January 1, 1994.