

2001 DRAFTING REQUEST

Bill

Received: 03/30/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies: DAK, MDK

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Prohibit pharmacies, pharmaceutical manufacturers, and their agents from providing gifts in promotion of their products

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>
/?	kenneda 03/30/2001			_____			
/1	rkite 12/05/2001	chanaman 12/17/2001 rschluet 12/19/2001	pgreensl 12/19/2001	_____	lrb_docadmin 12/19/2001	lrb_docadmin 12/28/2001 lrb_docadmin 12/28/2001	
/2	rkite	rschluet	kfollet	_____	lrb_docadmin	lrb_docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/04/2002	01/09/2002	01/09/2002	_____	01/09/2002	01/09/2002	

FE Sent For:

None needed

<END>

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Handwritten signatures and initials:
 1-7-2
 12/18 jld
 kjl
 1/19
 kjl/jf
 1/19

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

By/Representing: **Himself**

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May Contact:

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1?	kenneda 03/30/2001 rkite		12/19 PS	12/19 			

FE Sent For:

<END>

3/29 From Rep. Schneider

Wants to prohibit (pharmacies, pharmaceutical manufacturers, or their agents from providing gifts to others in promotion of their products)

1. \$10,000 fine/occurrence/individual

2. Exception for relatives

3. Fashion after restrictions on provision by lobbyists of "anything of value" (13.625(1)(b)3.)

Q:

Limit to health care professionals and their employees?



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
/1
LRB-2989/17
RNK:.....
03
&
cmh

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

and providing a penalty

1 AN ACT ~~...~~ relating to: gifts given or offered by prescription drug manufacturers
2 and distributors to encourage practitioners to prescribe certain drugs.

Analysis by the Legislative Reference Bureau ^{Current law}

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. ~~The bill~~ 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 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.

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

3 SECTION 1. 450.087 of the statutes is created to read:
4 **450.087. Prohibited practices.** (1) In this section "relative" has the meaning
5 given under s. 13.62 (12g).
6 (2) (a) Except as provided in par. (b), no manufacturer or distributor may give,
7 or offer to give, anything of monetary value to any practitioner to encourage that

1 practitioner to issue prescription orders for a drug manufactured or distributed by
2 that manufacturer or distributor.

3 (b) Paragraph (a) does not apply to gifts given or offers made by a manufacturer
4 or distributor to a practitioner who is a relative of the manufacturer or distributor.

5 (3) Any person who violates sub. (2) shall be fined not more than \$10,000 for
6 each violation. Each act of providing something of monetary value to a practitioner
7 in violation of sub. (2) constitutes a separate offense.

8 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 19, 2001

MEMORANDUM

To: Representative Schneider

From: Robin N. Kite, Legislative Attorney

Re: LRB-2989/1 Prohibit pharmacies, pharmaceutical manufacturers, and their agents from providing gifts in promotion of their products

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7291 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

State Rep 1-2-02
Marlin Schneider
needs this amended
to say "this does
not apply to samples"
Cynthia 266-6215



State of Wisconsin
2001 - 2002 LEGISLATURE

WED AM
~~THURS~~ ~~AM~~

RMR 12

LRB-2989

RNK:rs&cmh:pg

T
rep
+ JLD

2001 BILL

or to product samples given by
a manufacturer to a practitioner
for delivery to a patient ✓

Gen

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.

Analysis by the Legislative Reference Bureau

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 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.

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

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6 given under s. 13.62 (12g).

BILL

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

5 (b) Paragraph (a) does not apply to *any of the following: #1.* gifts given or offers made by a manufacturer
6 or distributor to a practitioner who is a relative of the manufacturer or distributor.

7 (3) Any person who violates sub. (2) shall be fined not more than \$10,000 for
8 each violation. Each act of providing something of monetary value to a practitioner
9 in violation of sub. (2) constitutes a separate offense.

10 (END)

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