

**2001 DRAFTING REQUEST**

**Bill**

Received: **05/09/2001**

Received By: **rkite**

Wanted: **Soon**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian**

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

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other  
Occupational Reg. - misc**

Extra Copies: **MGG, PK**

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Prohibiting overcharging for prescription drugs

**Instructions:**

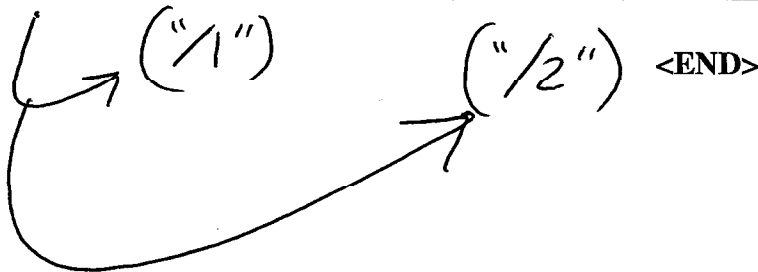
See Attached

**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>
/?	rkite 06/09/2001 gibsom 06/11/2001			_____			State
/P1	kunkemd 06/11/2001	jdyer 06/12/2001	pgreensl 06/12/2001	_____	lrb_docadmin 06/12/2001		S&L
/1	kunkemd	wjackson	kfollet	_____	lrb_docadmin		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/18/2001 kunkemd	09/18/2001 jdyer	09/20/2001	_____	09/20/2001		
	10/29/2001	09/19/2001 jdyer 10/29/2001		_____ _____ _____			
/2			pgreensl 10/29/2001	_____ _____	lrb_docadmin 10/29/2001	lrb_docadmin 02/06/2002	

FE Sent For: 10/04/2001, [REDACTED], 10/29/2001, [REDACTED]



**2001 DRAFTING REQUEST**

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For: **Peggy Krusick (608) 266-1733**

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	09/18/2001 kunkemd	09/18/2001 jdyer	09/20/2001	_____	09/20/2001		
	10/29/2001	09/19/2001 jdyer		_____			
		10/29/2001		_____			
/2			pgreensl	_____	lrb_docadmin		
			10/29/2001	_____	10/29/2001		

FE Sent For: 10/04/2001, 10/04/2001.

12" 10/29/01  
requested by  
Christian

<END>



<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/18/2001	09/18/2001 jdycr 09/19/2001	09/20/2001	_____ _____ _____	09/20/2001		

FE Sent For:

<END>

→ 10-04-2001  
(1/1")

2001 DRAFTING REQUEST

Bill

Received: 05/09/2001

Received By: rkite

Wanted: Soon

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Christian

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other  
Occupational Reg. - misc

Extra Copies: MGG, PK

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting overcharging for prescription drugs

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>
/?	rkite 06/09/2001 gibsom 06/11/2001						State
/P1	kunkemd	jdyer 1/9/19 JLD	pgreensl 9/19	18/9/20 rs	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>
	06/11/2001	06/12/2001	06/12/2001	_____	06/12/2001		

FE Sent For:

**<END>**





Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

**<END>**

5/4/01 From Christian (Krusick's office)

6-1733

Problem: Some pharmacists (pharmacies?) are charging persons who have medical insurance the full amount of the copayment for a drug that has a retail price that is less than the copayment amount

Solution:

Prohibit pharmacy/pharmacist from charging for a prescrip. drug, any amt. in excess of the retail price of a drug regardless if the retail price of the copay amt. under the purchaser's insurance policy is higher than that retail price.

or

Pharmacy must reveal retail price to purchaser, who then can decide what to pay??

See 100.31 Unfair discrim. in drug pricing

Potential problem: Patient Ks with HMO to pay copay - does he have to pay it regardless of the cost.



jld

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY, P.M.

transmission  
6/12 pm

This will likely  
be an SDC request.

gen

1 AN ACT ...; relating to: retail prices for prescription drugs that require  
2 copayments and providing a penalty.

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

This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the *state* fiscal estimate, which will be printed as  
an appendix to this bill.

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

3 SECTION 1. 100.31 (title) of the statutes is amended to read:  
4 100.31 (title) ~~Unfair discrimination in~~ Prescription drug pricing.  
5 History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352.  
6 SECTION 2. 100.31 (1) (a) of the statutes is renumbered 100.31 (1) (ar) and  
7 amended to read:  
8 100.31 (1) (ar) "~~Drug~~" Prescription drug means any substance subject to 21  
USC 353 (b).

History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352.

1 SECTION 3. 100.31 (1) (ag) of the statutes is created to read:

2 100.31 (1) (ag) "Consumer" means a person for whom a prescription drug is  
3 prescribed.

4 SECTION 4. 100.31 (1) (b) of the statutes is amended to read:

5 100.31 (1) (b) "Purchaser" "Retailer" means any person who engages primarily  
6 in selling prescription drugs directly to consumers.

7 History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352.

8 SECTION 5. 100.31 (1) (c) of the statutes is amended to read:

9 100.31 (1) (c) "Seller" "Wholesale seller" means any person who trades in  
prescription drugs for resale to purchasers retailers in this state.

10 History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352.

11 SECTION 6. 100.31 (2) of the statutes is amended to read:

12 100.31 (2) ~~PRICE~~ WHOLESALE PRICE DISCRIMINATION PROHIBITED. Every wholesale  
13 seller shall offer prescription drugs from the list of therapeutically equivalent drugs  
14 published by the federal food and drug administration to every purchaser retailer in  
15 this state, with all rights and privileges offered or accorded by the wholesale seller  
16 to the most favored purchaser retailer, including purchase prices for similar volume  
17 purchases, rebates, free merchandise, samples, and similar trade concessions.  
Nothing in this subsection prohibits the giving of a discount for volume purchases.

18 History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352.

19 SECTION 7. 100.31 (2m) of the statutes is created to read:

20 100.31 (2m) RETAIL PRESCRIPTION DRUG PRICES. If a consumer has insurance  
21 coverage for prescription drugs and is required to pay a copayment for a prescription  
22 drug covered under the consumer's insurance policy, a retailer who sells the  
23 prescription drug to the consumer may not require the consumer to pay an amount  
24 for the prescription drug that is more than the amount of the copayment or the  
average price that the retailer charges for the prescription drug to consumers who

1 do not have insurance coverage of prescription drugs, whichever is less. This  
2 subsection<sup>✓</sup> does not apply to a retailer who sells prescription drugs exclusively to  
3 consumers who have insurance coverage of prescription drugs.

4 SECTION 8. 100.31 (3)<sup>✓</sup> of the statutes is amended to read:

5 100.31 (3) TREBLE DAMAGES FOR RETAILERS<sup>✓</sup>. Any purchaser<sup>✓</sup> retailer<sup>✓</sup> damaged by  
6 a violation of ~~this section~~ sub. (2)<sup>✓</sup> may bring an action against the wholesale<sup>✓</sup> seller  
7 to recover treble damages sustained by reason of such violation.

8 History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352<sup>✓</sup>.

SECTION 9. 100.31 (4)<sup>✓</sup> of the statutes is amended to read:

9 100.31 (4) PENALTIES. For any violation of this section, the department or a  
10 district attorney may commence an action on behalf of the state to recover a forfeiture  
11 of not less than \$100 nor more than \$10,000 for each offense. Each delivery of a  
12 prescription drug sold to a purchaser<sup>✓</sup> retailer or consumer<sup>✓</sup> at a price in violation of  
13 this section and each separate day in violation of an injunction issued under this  
14 section is a separate offense.

15 History: 1975 c. 168, 421, 422; 1983 a. 188, 189; 1993 a. 352<sup>✓</sup>.

SECTION 10. 450.10 (1) (a) 2.<sup>✓</sup> of the statutes is amended to read:

16 450.10 (1) (a) 2. Violating this chapter, s. 100.31 (2m)<sup>✓</sup>, or, subject to s. 961.38  
17 (4r), ch. 961 or any federal or state statute or rule which substantially relates to the  
18 practice of the licensee.

19 History: 1985 a. 146; 1987 a. 264, 399; 1989 a. 31, 316; 1991 a. 39, 160; 1993 a. 222, 443; 1995 a. 27 s. 9145 (1); 1995 a. 448; 1997 a. 27, 67, 75, 175; 1999 a. 9, 32, 180.

SECTION 11. **Nonstatutory provisions.**

20 (1) If a retailer, as defined in section 100.31 (1) (b)<sup>✓</sup> of the statutes, as affected  
21 by this act, is subject to a contract that is in effect on the effective date of this  
22 subsection<sup>✓</sup> and that contains provisions regarding retail prices of prescription drugs,  
23 as defined in section 100.31 (1) (ar)<sup>✓</sup> of the statutes, as affected by this act, that are  
24 inconsistent with section 100.31 (2m)<sup>✓</sup> of the statutes, as created by this act, then,

1 notwithstanding section 100.31 (2m) <sup>✓</sup> of the statutes, as created by this act, the  
2 retailer may perform its obligations, and exercise its rights, under that contract until  
3 the contract expires, <sup>or</sup> is extended, modified, or renewed, whichever occurs first. <sup>✓</sup>

4 **SECTION 12. Effective date.**

5 (1) This act takes effect on the first day of the <sup>✓</sup> 3rd month beginning after  
6 publication.

7 (END)

D-note  
↓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3275/P1dn

MDK:.....

*date*

*Jld*

Representative Krusick:

Please review this draft very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Under current law, DATCP and local district attorneys enforce a prohibition on wholesale price discrimination for prescription drugs. Therefore, I thought it was appropriate to require DATCP and local district attorneys to enforce the draft's prohibition on retail prescription drug prices. Is that okay, or do you want some other state agency to have enforcement authority?

2. The draft prohibits charging a retail price that is more than the copayment amount or the *average* price charged to uninsured consumers, whichever is less. Is that okay? I referred to average price because I understand that the same retailer may charge different prices for a prescription drug to different groups of consumers. For example, according to the federal Department of Health and Human Services in its Report to the President on Prescription Drug Coverage, Spending, Utilization, and Prices (April 2000), pharmacies may offer across-the-board discounts on drugs to certain groups of cash customers, such as senior citizens. See chapter 3 of the report, which deals with prices, at <http://aspe.hhs.gov/health/reports/drugstudy/chap03.htm>.

3. The prohibition regarding retail prices does not apply to a retailer who sells prescription drugs exclusively to insured consumers. The reason is that such a retailer doesn't provide prescription drugs to uninsured consumers, and, as a result, the prohibition cannot logically apply to such a retailer. Is that okay, or do you want to impose some other requirements on such retailers?

4. Under current law, a retailer may obtain treble damages from a wholesale seller who violates the price discrimination prohibition. Do you want to allow consumers to obtain treble damages from retailers who violate the retail price prohibition?

\* 5. The draft has a delayed effective date (~~3~~<sup>three</sup> months after publication) to give retailers some time to comply with the draft's requirements.

6. The nonstatutory provision is intended to avoid any impairment of contracts issues that might otherwise arise. Is it okay?

Please contact me if you have any questions or redraft instructions.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3275/P1dn  
MDK:jld:pg

June 12, 2001

Representative Krusick:

Please review this draft very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Under current law, DATCP and local district attorneys enforce a prohibition on wholesale price discrimination for prescription drugs. Therefore, I thought it was appropriate to require DATCP and local district attorneys to enforce the draft's prohibition on retail prescription drug prices. Is that okay, or do you want some other state agency to have enforcement authority?
2. The draft prohibits charging a retail price that is more than the copayment amount or the *average* price charged to uninsured consumers, whichever is less. Is that okay? I referred to average price because I understand that the same retailer may charge different prices for a prescription drug to different groups of consumers. For example, according to the federal Department of Health and Human Services in its Report to the President on Prescription Drug Coverage, Spending, Utilization, and Prices (April 2000), pharmacies may offer across-the-board discounts on drugs to certain groups of cash customers, such as senior citizens. See chapter 3 of the report, which deals with prices, at <http://aspe.hhs.gov/health/reports/drugstudy/chap03.htm>.
3. The prohibition regarding retail prices does not apply to a retailer who sells prescription drugs exclusively to insured consumers. The reason is that such a retailer doesn't provide prescription drugs to uninsured consumers, and, as a result, the prohibition cannot logically apply to such a retailer. Is that okay, or do you want to impose some other requirements on such retailers?
4. Under current law, a retailer may obtain treble damages from a wholesale seller who violates the price discrimination prohibition. Do you want to allow consumers to obtain treble damages from retailers who violate the retail price prohibition?
5. The draft has a delayed effective date (three months after publication) to give retailers some time to comply with the draft's requirements.
6. The nonstatutory provision is intended to avoid any impairment of contracts issues that might otherwise arise. Is it okay?

Please contact me if you have any questions or redraft instructions.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

## Kunkel, Mark

---

**From:** Moran, Christian  
**Sent:** Tuesday, July 03, 2001 4:10 PM  
**To:** Kunkel, Mark  
**Subject:** RE: LRB-3275/P1 question

Sounds good. You will find the language Peggy wants added to the bill attached. Please call me at your convenience to talk about it.

Thanks. Christian, 6-1733



Purchaser language (s.  
100.31)...

-----Original Message-----

**From:** Kunkel, Mark  
**Sent:** Tuesday, July 03, 2001 3:35 PM  
**To:** Moran, Christian  
**Subject:** LRB-3275/P1 question

Christian:

A co-worker belongs to Group Health and goes to a pharmacy in Capitol Center that only sells prescription drugs to Group Health members, and not to anyone else. (They also only sell prescription drugs, and no nonprescription drugs.)

Therefore, it probably makes sense to keep the exception in the bill.

---

Mark Kunkel  
Legislative Attorney  
Legislative Reference Bureau  
(608) 266-0131 mark.kunkel@legis.state.wi.us

**SECTION 1.** 100.31 (1)(a) of the statutes is renumbered 100.31(1)(ar).

**SECTION 2.** 100.31(1)(ag) of the statutes is created to read:

100.31(1)(ag) "Dispense means dispense as defined in s. 450.01(7), Stats.

**SECTION 3.** 100.31(1)(b) of the statutes is amended to read:

100.31(1)(b) "Purchaser" means any person who engages primarily in selling dispensing drugs directly to consumers for outpatient use. "Purchaser" includes a managed care plan, as defined in s. 609.01(3c), that provides drugs or drug coverage to its enrollees and a hospital that directly or indirectly bills patients for drugs.

*operator ?*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3275/P1  
MDK:jld:pg

big Friday  
9/21

1

RM has  
been  
run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

INSERT A ✓

Regen

prices ✓

1 AN ACT to renumber and amend 100.31 (1) (a); to amend 100.31 (title), 100.31  
2 (1) (b), 100.31 (1) (c), 100.31 (2), 100.31 (3), 100.31 (4) and 450.10 (1) (a) 2.; and  
3 to create 100.31 (1) (ag) and 100.31 (2m) of the statutes; relating to: ~~mail~~  
4 ~~prices for prescription drugs that require copayments~~ and providing a penalty.

**Analysis by the Legislative Reference Bureau**

~~This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the state fiscal estimate, which will be printed as  
an appendix to this bill.~~

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

5 SECTION 1. 100.31 (title) of the statutes is amended to read:

6 100.31 (title) **Unfair discrimination in Prescription drug pricing.**

7 SECTION 2. 100.31 (1) (a) of the statutes is renumbered 100.31 (1) (ag) and  
8 amended to read: <sup>letter</sup> b m b m

9 100.31 (1) (ag) "Drug" "Prescription drug" means any substance subject to 21  
10 USC 353 (b).

as defined in s.  
450.01 (7)

renumbered 100.31(1) (ar) and

1 SECTION 3. 100.31 (1) (ag) of the statutes is created to read:

2 100.31 (1) (ag) "Consumer" means a person for whom a prescription drug is  
3 prescribed.

4 <sup>Fix component</sup> SECTION 4. 100.31 (1) (b) of the statutes is amended to read:

5 100.31 (1) (b) <sup>or plain</sup> "Purchaser" ~~retailer~~ means any person who engages primarily  
6 in selling <sup>dispensing</sup> prescription drugs directly to consumers. <sup>INSERT 2-6</sup>

7 SECTION 5. 100.31 (1) (c) of the statutes is amended to read:

8 100.31 (1) (c) <sup>plain</sup> "Seller" ~~Wholesale seller~~ means any person who trades in  
9 prescription drugs for resale to purchasers ~~retailer~~ in this state. <sup>dispensers</sup>

10 SECTION 6. 100.31 (2) of the statutes is amended to read:

11 100.31 (2) <sup>plain</sup> ~~PRICE WHOLESALER PRICE DISCRIMINATION PROHIBITED.~~ Every ~~wholesale~~  
12 seller shall offer prescription drugs from the list of therapeutically equivalent drugs  
13 published by the federal food and drug administration to every purchaser ~~retailer~~ <sup>dispenser</sup> in  
14 this state, with all rights and privileges offered or accorded by the ~~wholesale~~ seller  
15 to the most favored purchaser ~~retailer~~ <sup>dispenser</sup>, including purchase prices for similar volume  
16 purchases, rebates, free merchandise, samples, and similar trade concessions.  
17 Nothing in this subsection prohibits the giving of a discount for volume purchases.

18 SECTION 7. 100.31 (2m) of the statutes is created to read:

19 100.31 (2m) ~~RETAIL PRESCRIPTION DRUG PRICES.~~ If a consumer has insurance  
20 coverage for prescription drugs and is required to pay a copayment for a prescription  
21 drug covered under the consumer's insurance policy, a ~~retailer~~ <sup>dispenser</sup> who sells the  
22 prescription drug to the consumer may not require the consumer to pay an amount  
23 for the prescription drug that is more than the amount of the copayment or the  
24 average price that the ~~retailer~~ <sup>dispenser</sup> charges for the prescription drug to consumers who  
25 do not have insurance coverage of prescription drugs, whichever is less. This

COPAYMENT PRICE LIMITATIONS (CS)

1 subsection does not apply to a ~~retailer~~<sup>dispenser</sup> who ~~sells~~<sup>dispenses</sup> prescription drugs exclusively to  
2 consumers who have insurance coverage of prescription drugs.

3 **SECTION 8.** 100.31 (3) of the statutes is amended to read: <sup>dispenser</sup>

4 100.31 (3) TREBLE DAMAGES ~~FOR RETAILERS~~<sup>?</sup>. Any purchaser ~~retailer~~<sup>dispenser</sup> damaged by  
5 a violation of ~~this section sub. (2)~~ may bring an action against the ~~wholesale~~<sup>wholesale</sup> seller  
6 to recover treble damages sustained by reason of such violation.

7 **SECTION 9.** 100.31 (4) of the statutes is amended to read:

8 100.31 (4) PENALTIES. For any violation of this section, the department or a  
9 district attorney may commence an action on behalf of the state to recover a forfeiture  
10 of not less than \$100 nor more than \$10,000 for each offense. Each delivery of a  
11 prescription drug sold to a purchaser ~~retailer~~<sup>dispenser</sup> or consumer at a price in violation of  
12 this section and each separate day in violation of an injunction issued under this  
13 section is a separate offense.

14 **SECTION 10.** 450.10 (1) (a) 2.<sup>✓</sup> of the statutes is amended to read:

15 450.10 (1) (a) 2. Violating this chapter, s. 100.31 (2m), or, subject to s. 961.38  
16 (4r), ch. 961 or any federal or state statute or rule which substantially relates to the  
17 practice of the licensee.

18 **SECTION 11. Nonstatutory provisions.**

19 (1) If a ~~retailer~~<sup>dispenser</sup>, as defined in section 100.31 (1) ~~(b)~~<sup>car</sup> of the statutes, as affected  
20 by this act, is subject to a contract that is in effect on the effective date of this  
21 subsection and that contains provisions regarding ~~retailer~~<sup>car</sup> prices of prescription drugs,  
22 as defined in section 100.31 (1) ~~(a)~~<sup>bm</sup> of the statutes, as affected by this act, that are  
23 inconsistent with section 100.31 (2m)<sup>✓</sup> of the statutes, as created by this act, then,  
24 notwithstanding section 100.31 (2m) of the statutes, as created by this act, the

*dispenser ✓*  
1 ~~holder~~ may perform its obligations, and exercise its rights, under that contract until  
2 the contract expires, or is extended, modified, or renewed, whichever occurs first.

3 **SECTION 12. Effective date.**

4 (1) This act takes effect on the first day of the 3rd month beginning after  
5 publication.

6 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3275/lins  
MDK:.....

1

INSERT A:

This bill imposes a limit on the price of certain prescription drugs. Under the bill, if a person is required to make an insurance copayment for a prescription drug, the dispenser of the drug may not require the person to pay an amount for the drug that exceeds the amount of the copayment or the average price that the dispenser charges to consumers who do not have insurance coverage of prescription drugs, whichever is less. The bill defines a "dispenser" as a person who delivers a prescription drug to the ultimate user for outpatient use, including an insurer that issues certain types of managed health care plans or a hospital. The bill's prohibition does not apply to a dispenser who delivers prescription drugs exclusively to persons who have insurance coverage of prescription drugs. A dispenser who violates the bill's prohibition may be subject to a forfeiture of between \$100 and \$10,000 per violation. The department of agriculture, trade and consumer protection ~~(BACCP)~~ and district attorneys are authorized to bring actions for forfeitures.

The bill also changes a prohibition under current law against price discrimination that applies to persons who trade in prescription drugs for resale. Under current law, the prohibition applies to trades with persons who engage primarily in selling prescription drugs directly to consumers. Under the bill, the prohibition applies to trades with dispensers, as defined above.

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

2

INSERT 2-6:

3 ~~4~~ for outpatient use. "Dispenser" includes a hospital that directly or indirectly bills  
4 patients for prescription drugs, or an insurer that issues a defined network plan, as  
5 defined in s. 609.01 (1b), and that provides prescription drugs or prescription drug  
6 coverage to the enrollees of the plan





**PEGGY KRUSICK**  
STATE REPRESENTATIVE

---

TO: Mark Kunkel  
FROM: Peggy Krusick  
DATE: October 10, 2001  
SUBJECT: Revisions to LRB-3275/1 (Prescription drug pricing bill)

---

Please revise LRB-3275/1 to include the recommended provisions highlighted on the attached letter from the Department of Agriculture Trade and Consumer Protection.

In addition, I recently received a question on whether this bill addresses cases in which an insured customer pays a percentage of their prescription drug costs rather than a co-payment. For example, some insurers pay 80% of the cost of a prescription, with the insured person paying the rest. Does the bill address this issue as drafted? If not, can it be revised to do so?

I am hoping to circulate this bill for co-sponsorship soon, so I would appreciate receiving a revised draft as soon as possible. Thanks for your help. Please feel free to contact me if you have any questions.



State of Wisconsin  
Scott McCallum, Governor

**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

March 19, 2001

The Honorable Peggy Krusick  
State Representative  
PO Box 8952  
Madison, WI 53708

Dear Representative Krusick:

Thank you for allowing us to comment on your proposed bill draft LRB-1977, relating to wholesale price discrimination in prescription drugs. We make the following recommendations and comments on this bill.

After reviewing the amended definition of "purchaser," we agree that the slightly modified definition of "purchaser" would include hospitals and HMOs as drafted. However, we believe the revised definition might leave some potential loopholes for those who might want to debate this issue. Please see the enclosed document for an alternative suggestion. In our suggested definition, the reference to "selling" drugs is completely removed rather than modified. Instead, we introduce the defined term "dispense". This new term may help eliminate a potential argument in the case where HMOs or other third party payers buy drugs for consumers. Under current law, one might try to argue that a pharmacy that distributes drugs to consumers but accepts payment from an HMO did not really "engage in selling drugs to consumers." Our suggested definition eliminates this potential argument. In addition, it accounts for the future possibility of government entities paying for drugs that are dispensed to consumers.

Regarding the department's annual report to the Legislature on compliance, we welcome the opportunity to share the results of our work with the Legislature.

We are less comfortable, however, with the requirement that the department "describe programs offered by sellers and others that offer discounts on drugs to consumers" to the Legislature and to consumers. The Department certainly agrees that public disclosure of study results is desirable. However, publication of any results could be limited if a "purchaser" legally claims its documents are proprietary trade secrets under Wis. Stats. Section 19.36(5) and, therefore, are not subject to public disclosure.

One additional area where the drug price discrimination law might be improved is within s. 100.31(2). This subsection contains a reference to "the list of therapeutically equivalent drugs published by the federal food and drug administration". We suggest deleting this general reference and replacing it with the specific title of the list as follows:

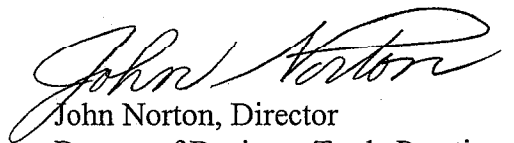
(2) PRICE DISCRIMINATION PROHIBITED. Every seller shall offer drugs from the list of therapeutically equivalent drugs published by the federal food and drug administration latest edition of "approved drug products with therapeutic equivalence evaluations" published by the U.S. department of health and human services.

If you choose to pursue amending the statute to name the specific publication, it might be wise to plan for the possibility that the Food and Drug Administration may someday discontinue the publication or change the name. This could be accomplished by granting the department authority to update the reference by administrative rule.

Finally, I would like to clarify the final point in your recent letter. The drug pricing position was vacated shortly after I became Bureau Director. We filled the position in November of 1997, but we were precluded from enforcement efforts at that time because of the private lawsuits in state and federal court. We began our investigations when those suits were resolved during the summer of 1998. Prior to these events, we had devoted considerable resources and effort to our wholesale drug-pricing program, including the nationally recognized study.

Again, thank you for allowing us the opportunity to comment on LRB-1977. Trade Practices Analyst Kevin LeRoy, and Assistant Counsel Karl Marquardt contributed to these suggestions. If you feel it would be beneficial, we would be willing to meet with you and your staff to discuss these suggestions in person. Please contact me if you have any additional questions, comments or if you would like to schedule a meeting.

Sincerely,

  
John Norton, Director  
Bureau of Business Trade Practices  
(608)224-4922

# Electronic Orange Book

## Approved Drug Products with Therapeutic Equivalence Evaluations

Current through July 2001

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[Search by Active Ingredient](#)    [Search by Applicant Holder](#)

[Search by Proprietary Name](#)    [Search by Application Number](#)

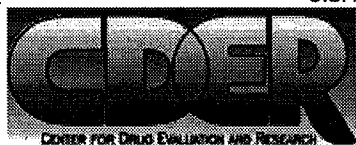
The products in this list have been approved under section 505 of the Federal Food, Drug, and Cosmetic Act.

Drug questions email: [DRUGINFO@CDER.FDA.GOV](mailto:DRUGINFO@CDER.FDA.GOV)

U.S Department of Health and Human Services  
Public Health Service  
Food and Drug Administration  
Center for Drug Evaluation and Research  
Office of Information Technology  
Division of Data Management and Services

Updated: October 19, 2001

U.S. Food and Drug Administration • Center for Drug Evaluation and Research



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### FOOD AND DRUG ADMINISTRATION CENTER FOR DRUG EVALUATION AND RESEARCH APPROVED DRUG PRODUCTS with Therapeutic Equivalence Evaluations

#### PREFACE

The publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (the List), identifies drug products approved on the basis of safety and effectiveness by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (the Act). Drugs on the market approved only on the basis of safety (covered by the ongoing Drug Efficacy Study Implementation [DESI] review [e.g., Donnatal<sup>7</sup> Tablets and Librax<sup>7</sup> Capsules] or pre-1938 drugs [e.g., Phenobarbital Tablets]) are not included in this publication. The main criterion for the inclusion of any product is that the product is the subject of an application with an effective approval that has not been withdrawn for safety or efficacy reasons. Inclusion of products on the List is independent of any current regulatory action through administrative or judicial means against a drug product. In addition, the List contains therapeutic equivalence evaluations for approved multisource prescription drug products. These evaluations have been prepared to serve as public information and advice to state health agencies, prescribers, and pharmacists to promote public education in the area of drug product selection and to foster containment of health care costs. Therapeutic equivalence evaluations in this publication are not official FDA actions affecting the legal status of products under the Act.

**Background of the Publication.** To contain drug costs, virtually every state has adopted laws and/or regulations that encourage the substitution of drug products. These state laws generally require either that substitution be limited to drugs on a specific list (the positive formulary approach) or that it be permitted for all drugs except those prohibited by a particular list (the negative formulary approach). Because of the number of requests in the late 1970s for FDA assistance in preparing both positive and negative formularies, it became apparent that FDA could not serve the needs of each state on an individual basis. The Agency also recognized that providing a single list based on common criteria would be preferable to evaluating drug products on the basis of differing definitions and criteria in various state laws. As a result, on May 31, 1978, the Commissioner of the Food and Drug Administration sent a letter to officials of each state stating FDA's intent to provide a list of all prescription drug products that are approved by FDA for safety and effectiveness, along with therapeutic equivalence determinations for multisource prescription products.

The List was distributed as a proposal in January 1979. It included only currently marketed prescription drug products approved by FDA through new drug applications (NDAs) and abbreviated new drug applications (ANDAs) under the provisions of Section 505 of the Act.

# Memo

To: Rep. Krusick

(The Bill's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB - 3275

Version: " / 1 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 10 / 09 / 2001

Fiscal Estimate Prepared By: (agency abbr.) DORL

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this is **re-drafted** to a new version please attach this early fiscal estimate to the back of the draft's file between the old version and the new version.
- If this draft gets **introduced** ... and the version of the attached fiscal estimate is correct ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Lynn) to process.

**THIS DRAFT WAS INTRODUCED AS:** 2001

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**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Tuesday, October 09, 2001 12:43 PM  
**To:** Rep.Krusick  
**Subject:** LRB-3275/1 (FE by DORL - attached - for your review)



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f

FE-3275\_Krusick.pdf





**Fiscal Estimate Narratives**  
**R&L 10/9/01**

LRB Number	01-3275/1	Introduction Number	Estimate Type	Original
<b>Subject</b> Prohibiting overcharging for prescription drugs				

**Assumptions Used in Arriving at Fiscal Estimate**

This bill imposes a limit on the price of certain prescription drugs.

There would be little or no fiscal impact to the agency.

**Long-Range Fiscal Implications**

# Memo

To: Rep. Krusick

(The Bill's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB - 3275

Version: " / 1 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 10 / 16 / 2001

Fiscal Estimate Prepared By: (agency abbr.) DATCP

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this is **re-drafted** to a new version please attach this early fiscal estimate to the back of the draft's file between the old version and the new version.
- If this draft gets **introduced** ... and the version of the attached fiscal estimate is correct ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Lynn) to process.

**THIS DRAFT WAS INTRODUCED AS:** 2001 \_\_\_\_\_

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Tuesday, October 16, 2001 8:44 AM  
**To:** Rep.Krusick  
**Subject:** LRB-3275/1 (FE by DATCP - attached - for your review)



FE-3275\_DATCP.p  
df

FE-3275\_DATCP.pdf



**Fiscal Estimate Narratives**

**DATCP 10/16/01**

LRB Number <b>01-3275/1</b>	Introduction Number	Estimate Type	<b>Original</b>
<b>Subject</b> Prohibiting overcharging for prescription drugs			

**Assumptions Used in Arriving at Fiscal Estimate**

The department has occasionally investigated possible violations of "Unfair discrimination in drug pricing" over the last several years. We do not expect this bill to change the amount of staff time and other resources used in this type of investigation.

The proposed "Copayment price limitation" portion of this bill is a new statutory requirement and a new responsibility for DATCP. DATCP will have some immaterial costs associated with educating consumers and the retail prescription drug industry of this new requirement. However, we do not anticipate spending significant resources on enforcement of this provision.

**Long-Range Fiscal Implications**

Today by  
4:30pm

D-NOTE

2001 BILL

Regen. cat. has an insurance policy that requires him or her to pay a portion of the price of ✓

1 AN ACT, to renumber and amend 100.31 (1) (a) and 100.31 (1) (b); to amend  
2 100.31 (title), 100.31 (1) (c), 100.31 (2), 100.31 (3), 100.31 (4) and 450.10 (1) (a)  
3 2.; and to create 100.31 (1) (ag) and 100.31 (2m) of the statutes; relating to:  
4 prescription drug prices and providing a penalty.

granting rule-making authority

Analysis by the Legislative Reference Bureau

that portion ✓

This bill imposes a limit on the price of certain prescription drugs. Under the bill, if a person is required to make an insurance copayment for a prescription drug, the dispenser of the drug may not require the person to pay an amount for the drug that exceeds the amount of the copayment or the average price that the dispenser charges to consumers who do not have insurance coverage of prescription drugs, whichever is less. The bill defines a "dispenser" as a person who delivers a prescription drug to the ultimate user for outpatient use, including an insurer that issues certain types of managed health care plans or a hospital. The bill's prohibition does not apply to a dispenser who delivers prescription drugs exclusively to persons who have insurance coverage of prescription drugs. A dispenser who violates the bill's prohibition may be subject to a forfeiture of between \$100 and \$10,000 per violation. The department of agriculture, trade and consumer protection and district attorneys are authorized to bring actions for forfeitures.

The bill also changes a prohibition under current law against price discrimination that applies to persons who trade in prescription drugs for resale. Under current law, the prohibition applies to trades with persons who engage

(DATCP)

BILL

INSERT 2A ✓

primarily in selling prescription drugs directly to consumers. Under the bill, the prohibition applies to trades with dispensers, as defined above.

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

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

1 SECTION 1. 100.31 (title) ✓ of the statutes is amended to read:

2 100.31 (title) ~~Unfair discrimination in~~ Prescription drug pricing.

3 SECTION 2. 100.31 (1) (a) ✓ of the statutes is renumbered 100.31 (1) (bm) and  
4 amended to read:

5 100.31 (1) (bm) ~~Drug~~ Prescription drug means any substance subject to 21  
6 USC 353 (b).

7 SECTION 3. 100.31 (1) (a) ✓ of the statutes is created to read:

8 100.31 (1) (a) <sup>ae</sup> ~~as~~ "Consumer" means a person for whom a prescription drug is  
9 prescribed.

10 SECTION 4. 100.31 (1) (b) ✓ of the statutes is renumbered 100.31 (1) (am) and  
11 amended to read:

12 100.31 (1) (am) <sup>am</sup> ~~as~~ "Purchaser" Dispenser ✓ means any person who engages  
13 primarily in selling dispensing, as defined in s. 450.01 (7), prescription drugs directly  
14 to consumers for outpatient use. "Dispenser" includes a hospital that directly or  
15 indirectly bills patients for prescription drugs, or an insurer that issues a defined  
16 network plan, as defined in s. 609.01 (1b), and that provides prescription drugs or  
17 prescription drug coverage to the enrollees of the plan.

18 SECTION 5. 100.31 (1) (c) ✓ of the statutes is amended to read:

19 100.31 (1) (c) "Seller" means any person who trades in prescription drugs for  
20 resale to ~~purchasers~~ dispensers in this state.

INSERT 2-9 ✓

BILL

*most current federal drug*

1 SECTION 6. 100.31 (2) of the statutes is amended to read:

2 100.31 (2) PRICE DISCRIMINATION PROHIBITED. Every seller shall offer  
3 prescription drugs from the list of ~~therapeutically equivalent drugs published by the~~  
4 ~~federal food and drug administration~~ to every purchaser dispenser in this state, with  
5 all rights and privileges offered or accorded by the seller to the most favored  
6 purchaser dispenser, including purchase prices for similar volume purchases,  
7 rebates, free merchandise, samples, and similar trade concessions. Nothing in this  
8 subsection prohibits the giving of a discount for volume purchases.

9 SECTION 7. 100.31 (2<sup>g</sup>) of the statutes is created to read:

10 100.31 (2<sup>g</sup>) ~~COPAYMENT~~ PRICE LIMITATION. If a consumer has insurance coverage  
11 for prescription drugs and is required to pay a ~~copayment~~ *portion of the price of* a prescription drug  
12 covered under the consumer's insurance policy, a dispenser who sells the  
13 prescription drug to the consumer may not require the consumer to pay an amount  
14 for the prescription drug that is more than the ~~amount of the copayment~~ *portion that the consumer is*  
15 average price that the dispenser charges for the prescription drug to consumers who  
16 do not have insurance coverage of prescription drugs, whichever is less. This  
17 subsection does not apply to a dispenser who dispenses prescription drugs  
18 exclusively to consumers who have insurance coverage of prescription drugs.

19 SECTION 8. 100.31 (3) of the statutes is amended to read:

20 100.31 (3) TREBLE DAMAGES. Any purchaser dispenser damaged by a violation  
21 of this section sub. (2) may bring an action against the seller to recover treble  
22 damages sustained by reason of such violation.

23 SECTION 9. 100.31 (4) of the statutes is amended to read:

24 100.31 (4) PENALTIES. For any violation of this section, the department or a  
25 district attorney may commence an action on behalf of the state to recover a forfeiture

INSERT  
3-18

*under the policy*

*required to pay*



**BILL**

1 of not less than \$100 nor more than \$10,000 for each offense. Each delivery of a  
2 prescription drug sold to a purchaser dispenser or consumer at a price in violation  
3 of this section and each separate day in violation of an injunction issued under this  
4 section is a separate offense.

5 **SECTION 10.** 450.10<sup>✓</sup> (1) (a) 2. of the statutes is amended to read:

6 450.10 (1) (a) 2. Violating this chapter, s. 100.31<sup>✓</sup> (~~2m~~), or, subject to s. 961.38  
7 (4r), ch. 961 or any federal or state statute or rule which substantially relates to the  
8 practice of the licensee.

9 **SECTION 11. Nonstatutory provisions.**

10 (1) If a dispenser, as defined in section 100.31 (1) (~~4r~~)<sup>am ✓</sup> of the statutes, as affected  
11 by this act, is subject to a contract that is in effect on the effective date of this  
12 subsection and that contains provisions regarding prices of prescription drugs, as  
13 defined in section 100.31 (1) (bm)<sup>✓</sup> of the statutes, as affected by this act, that are  
14 inconsistent with section 100.31 (~~2m~~)<sup>2g</sup> of the statutes, as created by this act, then,  
15 notwithstanding section 100.31 (~~2m~~)<sup>2g</sup> of the statutes, as created by this act, the  
16 dispenser may perform its obligations, and exercise its rights, under that contract  
17 until the contract expires, or is extended, modified, or renewed, whichever occurs  
18 first.

19 **SECTION 12. Effective date.**

20 (1) This act takes effect on the first day of the 3rd month beginning after  
21 publication.

22 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3275/2ins  
MDK:.....

1

**INSERT 2A:**

Finally, the bill provides that the prohibition against price discrimination described above applies to drugs included in the most current version of either of the following: 1) the "Approved Drug Products with Therapeutic Equivalence Evaluations" which is published by the federal Food and Drug Administration (FDA); or 2) another publication specified in rules promulgated by DATCP that identifies drug products approved on the basis of safety and effectiveness by the FDA under the federal Food, Drug, and Cosmetic Act. Current law refers only to the list of therapeutically equivalent drugs published by the FDA.

2

**INSERT 2-9:**

3

**SECTION 1.** 100.31 (1) (as) of the statutes is created to read:

4

100.31 (1) (as) "Federal drug list" means the "Approved Drug Products with

5

Therapeutic Equivalence Evaluations" published by the federal Food and Drug

6

Administration, or other publication specified in rules promulgated by the

7

department under sub. (2r).

8

**INSERT 3-18:**

9

**SECTION 2.** 100.31 (2r) of the statutes is created to read:

10

100.31 (2r) RULES. The department may promulgate rules that, for purposes

11

of sub. (1) (as), specify a publication that identifies drug products approved on the

12

basis of safety and effectiveness by the federal Food and Drug Administration under

13

the federal Food, Drug, and Cosmetic Act.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3275/2dn

MDK:.....

JLd

Representative Krusick:

This version is identical to the previous version, except for the following:

1. Instead of referring to a "copayment" this version refers to an insurance policy that requires a consumer to pay a portion of the price of a drug. The term "portion" is broad enough to include a portion that is either a specific amount or percentage.
2. This version makes the change recommended by DATCP regarding the federal list. Note, however, that the FDA, not the federal Department of Health and Human Services, publishes the list.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**Basford, Sarah**

---

**From:** Basford, Sarah  
**Sent:** Thursday, October 04, 2001 9:09 AM  
**To:** Rep.Krusick  
**Subject:** LRB -3275/1 (attached)

10/04/2001

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3275/2dn  
MDK:jld.pg

October 29, 2001

Representative Krusick:

This version is identical to the previous version, except for the following:

1. Instead of referring to a "copayment," this version refers to an insurance policy that requires a consumer to pay a portion of the price of a drug. The term "portion" is broad enough to include a portion that is either a specific amount or percentage.
2. This version makes the change recommended by DATCP regarding the federal list. Note, however, that the FDA, not the federal Department of Health and Human Services, publishes the list.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

## Emery, Lynn

---

**From:** Emery, Lynn  
**Sent:** Monday, October 29, 2001 1:11 PM  
**To:** Rep.Krusick  
**Subject:** LRB-3275/2 (attached as requested)

### Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)  
(E-Mail: [lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

**Emery, Lynn**

---

**From:** Rep.Krusick  
**Sent:** Wednesday, February 06, 2002 12:09 PM  
**To:** LRB.Legal  
**Subject:** Jacket Request (LRB-3275/2)

Please jacket LRB-3275/2 for introduction in the Assembly.

Peggy Krusick  
128 North  
6-1733

# Memo

To: Rep. Krusick

(The Draft's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB -3275

Version: "/2"

Entered In Computer And Copy Sent To Requestor Via E-Mail: 12/03 / 2001

Fiscal Estimate Prepared By: (agency abbr.) DORL

If you have questions about the attached fiscal estimate, you may contact the agency/individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

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THIS DRAFT WAS INTRODUCED AS: 2001 AB 821

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.



## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Monday, December 03, 2001 8:48 AM  
**To:** Rep.Krusick  
**Subject:** LRB-3275/2 (FE by DORL - attached - for your review)



FE\_Krusick.pdf

FE\_Krusick.pdf

# Memo

To: **Rep. Krusick**

(The Draft's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB **- 3275**

Version: **"/ 2 "**

Entered In Computer And Copy Sent To Requestor Via E-Mail: **10 / 31 / 2001**

Fiscal Estimate Prepared By: (agency abbr.) **DATCP**

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

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**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Wednesday, October 31, 2001 9:14 AM  
**To:** Rep.Krusick  
**Subject:** LRB-3275/2 (FE by DATCP - attached - for your review)



FE-3275\_DATCP.p  
df

FE-3275\_DATCP.pdf