

2005 DRAFTING REQUEST

Bill

Received: **11/18/2004**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Curtis Gielow (608) 266-0486**

By/Representing: **John Reinemann**

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.Gielow@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prescription drug labels may indicate therapeutic equivalency

Instructions:

Draft AA1 to 2003 AB 689 as a separate bill

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 12/20/2004	lkunkel 01/08/2005		_____			
/1			rschluet 01/10/2005	_____	sbasford 01/10/2005		
/2	csundber 01/27/2005	lkunkel 02/04/2005	pgreensl 02/04/2005	_____	lemery 02/04/2005	lnorthro 03/07/2005	

FE Sent For:

<END>

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FE Sent For:

12/mk 3/4

2/4
PS

2/4
PS
<END>

Received By: csundber

pls. review

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By/Representing: John Reinemann

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/?	csundber	1/1mk 1/8					
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FE Sent For:

<END>

Kunkel, Mark

From: Hafeman, Greta
Sent: Wednesday, November 17, 2004 4:05 PM
To: Kunkel, Mark
Cc: Reinemann, John
Subject: Bill Draft Request

Mr. Kunkel:

My name is Greta Hafeman and I am working in Representative Curt Gielow's office. Rep. Gielow would like to request a bill draft.

We would like to request that 2003 AA1-AB 689 be introduced as a free-standing bill in 2005.

Please feel free to contact me with any questions, and you may call my co-worker John as well.

Thank you for your time,

Greta Hafeman

Aide to Representative Curt Gielow

(608) 266-0486

a 2056

Kunkel, Mark

From: Reinemann, John
Sent: Thursday, January 29, 2004 9:27 AM
To: Kunkel, Mark
Subject: RE: Drafting request: amendment to AB 689

(R 450.11 (c) (c) ?

Hi Mark. Thanks for the quick look at the request.

Yes, you assume correctly on all points. We are fine with s.450.13(1) and s.450.11(4) (a) 7.

We want to give the pharmacist maximum freedom without requiring that these label changes be made. So yes, let the pharmacist indicate what was prescribed and what was filled. Perhaps we need to require that the label include the statement that the abc drug provided is therapeutically equivalent to prescribed drug ayz, or whatever. Your call on that.

Do call with any questions.

John

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

From: Kunkel, Mark
Sent: Wednesday, January 28, 2004 5:13 PM
To: Reinemann, John
Subject: RE: Drafting request: amendment to AB 689

John:

Under current law, a pharmacist is required to fill a prescription order with a less expensive substitute, unless the physician (or other authorized practitioner) who made the prescription order specifies that no substitutes should be allowed. See s. 450.13 (1), stats. In addition, current law requires the label to disclose the name and strength of the prescribed drug, unless the physician (or other authorized practitioner) request this information to be omitted from the label. See s. 450.11 (4) (a) 7., stats.

I assume you don't want to change the above requirements. Is that correct?

Also, do you want to allow a pharmacist to indicate the name of the drug prescribed, in those cases where the pharmacist makes a substitution for the less expensive equivalent?

Sorry about the wordiness of the above. I'll call you tomorrow so we can discuss this.

-- Mark

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

From: Reinemann, John
Sent: Wednesday, January 28, 2004 4:00 PM
To: Kunkel, Mark
Subject: Drafting request: amendment to AB 689

Mark: I am writing to request an amendment that we would like to draft to AB 689.

Rep. Gielow would like to do a permissive change ("may," not "shall") to the laws governing prescription drug labels. What he wants to accomplish is to allow a pharmacist who wishes to do so, to list alternatives that are chemically and therapeutically equivalent to a prescribed medication on the label (i.e. ibuprofen = Advil and Motrin).

The issue he is trying to address is, that as a pharmacist himself, he was asked to do this by a pharmacist who deals only with elderly patients. The clients are confused when a physician discusses a brand-name drug with the patient and then the pill bottle comes from the pharmacy and it bears the name of the generic drug that was used to fill the scrip. Alternatively letting a patient know that his/her scrip has substitutes might encourage better consumerism by patients.

Does this seem workable to you? If not, please contact me and we can discuss.

Thanks for you help.

John Reinemann
Aide to Rep. Curt Gielow
608-266-0486



State of Wisconsin
2005 - 2006 LEGISLATURE

Other

LRB-0913
CTS: lmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/20/04
Dwork

2009 Bill

GenCat

1 AN ACT ...; relating to: prescription drug labels,

Analysis by the Legislative Reference Bureau

Under current law, a pharmacist may dispense a drug product that has been designated by the federal food and drug administration (FDA) as the therapeutic equivalent of the drug product that is prescribed (drug product equivalent), if the drug product equivalent is cheaper. Current law also requires a prescription drug label to specify certain information, including the name and address of the practitioner who prescribed the drug, the date on which the prescription was dispensed, the name of the patient, and directions for the use of the drug product or device.

This bill permits a pharmacist who dispenses a drug product equivalent to include a statement on the label identifying the prescribed drug product and indicating that the FDA has designated the drug product equivalent as the therapeutic equivalent of the prescribed drug product, unless the prescribing practitioner requests omission of the statement.

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

2 SECTION 1. 450.01 (11m) of the statutes is created to read:

1 450.01 (11m) "Drug product equivalent" means a drug product that is
 2 designated the therapeutic equivalent of another drug product by the federal food
 3 and drug administration.

4 **SECTION 2.** 450.11 (4) (c) of the statutes is created to read:

5 450.11 (4) (c) In addition to the information required under par. (a), if a
 6 pharmacist dispenses a drug product equivalent of the prescribed drug product, the
 7 pharmacist may include a statement on the label identifying the prescribed drug
 8 product and indicating that the federal food and drug administration has designated
 9 the drug product equivalent as the therapeutic equivalent of the prescribed drug
 10 product, unless the prescribing practitioner requests omission of the statement.

11 **SECTION 3.** 450.13 (1) of the statutes is amended to read:

12 450.13 (1) DRUG PRODUCT OR EQUIVALENT TO BE USED. Except as provided in sub.
 13 (2), a pharmacist shall dispense every prescription using either the drug product
 14 prescribed or its drug product equivalent, if its drug product equivalent is lower in
 15 price to the consumer than the drug product prescribed, and shall inform the
 16 consumer of the options available in dispensing the prescription. ~~In this section,~~
 17 ~~"drug product equivalent" means a drug product that is designated the therapeutic~~
 18 ~~equivalent of another drug product by the federal food and drug administration.~~

19 History: 1985 a. 146; 1991 a. 114; 1997 a. 27.

(END)

cl-n

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

LRB-0913/?dn
CTS: *link*

(date)

Representative Gielow:

- * This bill is based upon Assembly Amendment 1 to 2003 AB-689. I have made minor
- * changes to the language of AA-1 to enhance readability, but the substantive effect remains the same. Please contact me if you have any questions or if you would like to make changes to the draft. ✓

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0913/1dn
CTS:lmk:rs

January 10, 2005

Representative Gielow:

This bill is based upon Assembly Amendment 1 to 2003 AB-689. I have made minor changes to the language of AA-1 to enhance readability, but the substantive effect remains the same. Please contact me if you have any questions or if you would like to make changes to the draft.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Sundberg, Christopher

From: Reinemann, John
Sent: Monday, January 24, 2005 4:26 PM
To: Sundberg, Christopher
Subject: Revisions to LRB 0913

Christopher: Rep. Gielow wishes a modification to this draft.

Our fear (the Rep is a former pharmacist) is that the wording of section 2 would require an unworkably long disclaimer on the label.

We'd like section 2 of the bill to read as follows. Obviously there may be factors at work here that we need to be mindful of. Please let me know if there is a need to discuss this. I'm at 6-0486 and am happy to talk by phone. Thanks!

SECTION 2. 450.11 (4) (c) of the statutes is created to read:

450.11 (4) (c) In addition to the information required under par. (a), if a pharmacist dispenses a drug product equivalent of the prescribed drug product, the pharmacist may include a statement on the label identifying the prescribed drug product and indicating that ~~the federal food and drug administration has designated the drug-product equivalent as the therapeutic equivalent of the prescribed drug product~~ a substitution of an equivalent drug product has occurred, unless the prescribing practitioner requests omission of the statement.



05-09131dn.pdf



05-09131.pdf



State of Wisconsin
2005 - 2006 LEGISLATURE

Other

LRB-0913/2
CTS:mlc
RMA
CTS:mlc

W: 1/27/05
D-note

2005 BILL

Reber

1 AN ACT to amend 450.13 (1); and to create 450.01 (11m) and 450.11 (4) (c) of the
2 statutes; relating to: prescription drug labels.

Analysis by the Legislative Reference Bureau

Under current law, a pharmacist may dispense a drug product that has been designated by the federal Food and Drug Administration (FDA) as the therapeutic equivalent of the drug product that is prescribed (drug product equivalent), if the drug product equivalent is cheaper. Current law also requires a prescription drug label to specify certain information, including the name and address of the practitioner who prescribed the drug, the date on which the prescription was dispensed, the name of the patient, and directions for the use of the drug product or device.

This bill permits a pharmacist who dispenses a drug product equivalent to include a statement on the label identifying the prescribed drug product and indicating that the FDA has designated the drug product equivalent as the therapeutic equivalent of the prescribed drug product, unless the prescribing practitioner requests omission of the statement.

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

3 SECTION 1. 450.01 (11m) of the statutes is created to read:

pharmacist has substituted a drug product equivalent

BILL

1 450.01 (11m) "Drug product equivalent" means a drug product that is
2 designated the therapeutic equivalent of another drug product by the federal food
3 and drug administration.

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16 consumer of the options available in dispensing the prescription. ~~In this section,~~
17 ~~"drug product equivalent" means a drug product that is designated the therapeutic~~
18 ~~equivalent of another drug product by the federal food and drug administration.~~

19 (END)

dn

*the pharmacist has substituted
a drug product equivalent*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0913/2dn
CTS:lmkrs

(date)

Representative Gielow:

I have redrafted LRB-0913/1 based on your instructions. In order to conform to our drafting conventions, I have altered slightly the language you proposed. However, the substance is unchanged. Please let me know if you have any questions or if you would like to make further changes to the draft.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

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

LRB-0913/2dn
CTS:lmk:pg

February 4, 2005

Representative Gielow:

I have redrafted LRB-0913/1 based on your instructions. In order to conform to our drafting conventions, I have altered slightly the language you proposed. However, the substance is unchanged. Please let me know if you have any questions or if you would like to make further changes to the draft.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Northrop, Lori

From: Sawyer, Julie
Sent: Monday, March 07, 2005 12:01 PM
To: LRB.Legal
Subject: LRB 0913/1

Please jacket LRB 0913/1 relating to prescription drug labels for Rep. Gielow and send to our office at 316 North.

If you have any questions, please call.

Thank you,

Julie Sawyer
Office of Rep. Gielow
6-0496