

**SENATE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 258**

February 28, 2006 – Offered by Senator CARPENTER.

1           At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3           **1.** Page 1, line 2: delete “labels.” and substitute “labels and advertising for  
4 prescription drugs.”.

5           **2.** Page 1, line 3: delete that line and substitute:

6           “**SECTION 1g.** 100.32 of the statutes is created to read:

7           **100.32 Prescription drug advertising. (1)** Except as provided in sub. (2),  
8 no person may advertise a prescription drug. In this subsection, “prescription drug”  
9 means a drug, drug product, or drug-containing preparation that is subject to 21  
10 USC 353 (b) or 21 CFR 201.105.

11           **(2)** Subsection (1) does not apply to any of the following:

12           (a) An advertisement that is broadcast from or is mailed or shipped to the  
13 ultimate recipient of the advertisement from outside this state.

1 (b) An advertisement that is sent directly to a practitioner, as defined in s.  
2 450.01 (17), or to a pharmacist licensed under s. 450.03.

3 **SECTION 1m.** 450.11 (4m) of the statutes is created to read:".

4 **3.** Page 2, line 11: delete lines 11 to 13 and substitute:

5 **"SECTION 2m. Nonstatutory provisions.**

6 (1) The legislature finds that prescription drug advertising that is directed to  
7 consumers undermines the efforts of this state to protect the health and welfare of  
8 the citizens of this state from drugs that are sufficiently dangerous to require a  
9 prescription from a licensed practitioner.

10 (2) The legislature finds that prescription drug advertising that is directed to  
11 consumers undermines the efforts of this state to ensure that practitioners who are  
12 licensed to prescribe and administer prescription drugs do so on the basis of their  
13 independent professional judgment.

14 (3) The legislature finds that the health and welfare of the citizens of this state  
15 has been threatened by prescription drugs that have been heavily advertised in the  
16 popular media and that have subsequently been determined to pose substantial risk  
17 to human health.

18 (4) The legislature finds that prescription drug advertising that is directed to  
19 consumers is inherently misleading, in that it promotes the sale of products so  
20 dangerous that state law does not permit consumers to independently purchase.

21 (5) The legislature finds that the increasing cost of prescription drugs poses a  
22 serious threat to the health of the citizens of this state, and that prescription drug  
23 advertising directed to consumers aggravates this threat by adding considerable cost  
24 to such drugs without concomitant benefit to the health of the citizens of this state.

