2005 DRAFTING REQUEST

Senate Amendment (SA-AB258)

Received: 02/27/2000				Received By: csundber			
Wanted: As time permits				Identical to LRB:			
For: Tim Carpenter (608) 266-8535 This file may be shown to any legislator: NO				By/Representing: Stuart Ewy Drafter: csundber			
Subject: Trade Regulation - other				Extra Copies:			
Submit v	via email: YES						
Requeste	er's email:	Sen.Carpe	nter@legis	.state.wi.us			
Carbon o	copy (CC:) to:				`		
Pre Top	oic:			***************************************			
No speci	fic pre topic g	ven					
Topic:				***************************************			
Prohibit	direct-to-consu	ımer advertisin	g				
Instruct	ions:						
See Atta	ched						
Drafting	g History:		***************************************				
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	csundber 02/27/2006	lkunkel 02/27/2006					
/1			pgreensl 02/27/20	06	mbarman 02/27/2006	mbarman 02/27/2006	
FE Sent	For:						

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

May Contact: Addl. Drafters:

Subject: Trade Regulation - other Extra Copies:

Submit via email: YES

Requester's email: Sen.Carpenter@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit direct-to-consumer advertising

Instructions:

See Attached

Drafting History:

Drafted Vers. Proofed **Submitted** Jacketed Required

/? csundber

Reviewed
/1/mk²/27 Dy FE Sent For:

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

TRB

LRB

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State of Misconsin 2005 - 2006 LEGISLATURE

Due: Tues Am

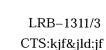
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO 2005 ASSEMBLY BILL 258

1	At the locations indicated, amend the bill as follows: As shown by assembly substitute amendment 1
2	1. Page 1, line 2: delete "labels." and substitute "labels and advertising for
3	prescription drugs.".
5	2. Page 1, line 3: delete that line and substitute: SECTION 1m. 450.11 (4m) of the statutes is created to read:".
7	3. Page 2, line 11: delete lines 11 to 13 and substitute:





INSERT

2005 ASSEMBLY BILL 357

April 22, 2005 – Introduced by Representatives Sherman, Musser, Molepske, Ainsworth, Freese, Lehman, Schweider, Zepnick, Black, Cullen, Benedict, Pocan, Vruwink, Parisi, Seidel, Turner, Pope-Roberts and Sinicki, cosponsored by Senators Carpenter, Jauch and Hansen. Referred to Committee on Health.

AN ACT *to create* 100.32 of the statutes; **relating to:** advertising for prescription

drugs.

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Analysis by the Legislative Reference Bureau

This bill prohibits advertising for prescription drugs. This prohibition does not apply to an advertisement that is broadcast from or is mailed or shipped to the ultimate recipient of the advertisement from outside this state or to advertising sent directly to pharmacists or to practitioners who are authorized to prescribe prescription drugs.

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

- 3 SECTION 1/. 100.32 of the statutes is created to read:
- 100.32 Prescription drug advertising. (1) Except as provided in sub. (2), no person may advertise a prescription drug. In this subsection, "prescription drug" means a drug, drug product, or drug–containing preparation that is subject to 21 USC 353 (b) or 21 CFR 201.105.
 - (2) Subsection (1) does not apply to any of the following:

ASSEMBLY BILL 357

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	1	(a) An advertisement that is broadcast from or is mailed or shipped to the
	2	ultimate recipient of the advertisement from outside this state.
	3	(b) An advertisement that is sent directly to a practitioner, as defined in s.
	4	450.01 (17), or to a pharmacist licensed under s. 450.03.
7	5	SECTION 2. Nonstatutory provisions.
and the second second second	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
SECTION AND PROPERTY.	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
1	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
1	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
2	20	dangerous that state law does not permit consumers to independently purchase.
2	21	(5) The legislature finds that the increasing cost of prescription drugs poses a

serious threat to the health of the citizens of this state, and that prescription drug

advertising directed to consumers aggravates this threat by adding considerable cost

to such drugs without concomitant benefit to the health of the citizens of this state.

ASSEMBLY BILL 357

- 1 (6) The legislature finds that the provisions of section 100.32 of the statutes. 2 as created by this act, constitute the least restrictive means of addressing the threats 3 to the health and welfare of the citizens of this state by prescription drug advertising 4 that is directed at consumers.
- ADVERTISEMENTS 〔5〕 SECTION 3. Initial applicability.
- 76(1) This act first applies to advertisements broadcast or published on the effective date of this subsection.

SECTION 4. Effective date: 5 10 9

(1) (This act takes effect on the first day of the 6th month beginning after

10publication END INGERT B

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(2) PRESCRIPTION ORDERSO This act First applies to prescription orders is sued on the effective gate of this subsection.

3 except as Follows: A (6) The creation of section 100,32 of the statutes and sections 2m and 3m(1) of this act take effect on the first day of The 6th month beginning after publication of @