

2009 DRAFTING REQUEST

Bill

Received: 09/02/2008

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: Gary Sherman (608) 266-7690

By/Representing: Judy Kelly

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: Rep.Sherman@legis.wisconsin.gov

Carbon copy (CC:) to: christopher.sundberg@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibit prescription drug advertising

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>
/?	csundber 09/05/2008	kfollett 09/11/2008					State
/1			jfrantze 09/11/2008		cduerst 09/11/2008	lparisi 11/13/2008	

FE Sent For:

*at intro
2/16*

<END>

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/?	csundber	11 E-F 9/19	Jo 9/11	Jo/Self 9/11			

FE Sent For:

<END>

Sundberg, Christopher

From: Kelly, Judy
Sent: Tuesday, September 02, 2008 1:51 PM
To: Sundberg, Christopher
Subject: redraft 204

Hi Chris,

Rep. Sherman would like a re-draft of AB204, relating to prohibiting prescription drug advertising, for the 2009-10 session.

Thank you.

Judy Kelly
Legislative Aide to
Rep. Gary Sherman

ln: 9/5/08

9 10
2007 - 2008 LEGISLATURE

0065/1
LRB-0938/1
CTS:jld:pg

gf

9
2007 ASSEMBLY BILL 204

March 19, 2007 - Introduced by Representatives SHERMAN, BENEDICT, ZEPNICK, POCAN, TURNER, HILGENBERG, JORGENSEN, HAHN, TRAVIS, VRUWINK, A. WILLIAMS, BLACK, BERCEAU, MUSSER, SMITH, MOLEPSKE and SINICKI, cosponsored by Senators CARPENTER, HANSEN, LEHMAN, MILLER and COGGS. Referred to Committee on Health and Healthcare Reform.

Gen

1 AN ACT *to create* 100.325 of the statutes; **relating to:** advertising for
2 prescription drugs.

Analysis by the Legislative Reference Bureau

This bill prohibits advertising for prescription drugs. The 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.

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. 100.325 of the statutes is created to read:

4 **100.325 Prescription drug advertising.** (1) Except as provided in sub. (2),
5 no person may advertise a prescription drug. In this subsection, "prescription drug"
6 means a drug, drug product, or drug-containing preparation that is subject to 21
7 USC 353 (b) or 21 CFR 201.105.

ASSEMBLY BILL 204**SECTION 1**

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

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

4 (b) An advertisement that is sent directly to a practitioner, as defined in s.
5 450.01 (17), or to a pharmacist licensed under s. 450.03.

6 **SECTION 2. Nonstatutory provisions.**

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

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

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

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

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

ASSEMBLY BILL 204

1 (6) The legislature finds that the provisions of section 100.325 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.

SECTION 3. Initial applicability.

5 (1) This act first applies to advertisements broadcast or published on the
6 effective date of this subsection.

SECTION 4. Effective date.

7 (1) This act takes effect on the first day of the 6th month beginning after
8 publication.
9
10

11

(END)

Barman, Mike

From: Kelly, Judy
Sent: Tuesday, September 16, 2008 3:21 PM
To: Barman, Mike
Subject: LRB drafts

Hi Mike,

Would you please send to me copies of the following new drafts by e-mail.

LRB 0064
LRB 0065
LRB 0095
LRB 0138

Thanks.

Judy Kelly
Legislative Aide to
Rep. Gary Sherman

Barman, Mike

From: Barman, Mike
Sent: Wednesday, September 17, 2008 8:07 AM
To: Kelly, Judy
Cc: Rep.Sherman
Subject: PDF's Attached (requested by Judy)

Attachments: 09-0064/1; 09-0064/1dn; 09-0065/1; 09-0095/1; 09-0138/1; 09-0138/1dn



09-00641.pdf (13 KB)



09-00641dn.pdf (12 KB)



09-00651.pdf (13 KB)



09-00951.pdf (13 KB)



09-01381.pdf (16 KB)



09-01381dn.pdf (6 KB)

Mike Barman (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office

1 East Main Street, Suite 200, Madison, WI 53703

(608) 266-3561 / mike.barman@legis.wisconsin.gov

Parisi, Lori

From: Sherman, Gary
Sent: Thursday, November 13, 2008 10:41 AM
To: LRB.Legal
Cc: Tribys, Eleanora; Kelly, Judy
Subject: Draft Review: LRB 09-0065/1 Topic: Prohibit prescription drug advertising

Please Jacket LRB 09-0065/1 for the ASSEMBLY.