February 8, 2019 - Introduced by Senators CARPENTER, BERNIER, FEYEN, RISSER, JACQUE and L. TAYLOR, cosponsored by Representatives O'TT, KOLSTE, C. TAYLOR, SINICKI and SARGENT. Referred to Committee on Economic Development, Commerce and Trade.

AN ACT to amend 100.30 (6) (title); and to create 100.30 (6) (a) 10. and 100.30 (6) (e) of the statutes; relating to: regulating the sale of prescription drugs below cost.

Analysis by the Legislative Reference Bureau

This bill exempts prescription drugs from the Unfair Sales Act. Under current law, the Unfair Sales Act, also known as the “minimum markup law,” prohibits retailers and wholesalers from selling merchandise, including prescription drugs, for less than the cost of the merchandise to the seller. Under the bill, the prohibition on below-cost sales does not apply to 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:

SECTION 1. 100.30 (6) (title) of the statutes is amended to read:

100.30 (6) (title) EXCEPTIONS; CONSTRUCTION.

SECTION 2. 100.30 (6) (a) 10. of the statutes is created to read:
100.30 (6) (a) 10. The merchandise sold is a prescription drug, as defined in s. 450.01 (20).

SECTION 3. 100.30 (6) (e) of the statutes is created to read:

100.30 (6) (e) Paragraph (a) 10. may not be construed to diminish any remedies available for violations of ch. 133 or 15 USC 2.

(END)