



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

September 2, 2005 – Offered by Representative GIELOW.

1 **AN ACT** *to create* 450.11 (4m) of the statutes; **relating to:** prescription drug
2 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 substitute amendment permits a pharmacist who substitutes a drug product equivalent for a brand name drug product to include a statement on the label identifying the prescribed brand name drug product, unless the prescribing practitioner requests omission of the brand name.

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

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

450.11 (4m) BRAND NAME PERMITTED ON LABEL. (a) In this subsection:

1. “Brand name” has the meaning given in s. 450.12 (1) (a).

2. “Drug product equivalent” has the meaning given in s. 450.13 (1).

3. “Generic name” has the meaning given in s. 450.12 (1) (b).

(b) If a pharmacist, pursuant to a prescription order that specifies a drug product by its brand name, dispenses the drug product equivalent of the drug product specified in the prescription order, the label required under sub. (4) (a) may include both the generic name of the drug product equivalent and the brand name specified in the prescription order, unless the prescribing practitioner requests that the brand name be omitted from the label.

SECTION 2. Initial applicability.

(1) This act first applies to prescription orders issued on the effective date of this subsection.

(END)