



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1165/P3
KRP:wlj

DOA:.....Lessner, BB0196 - Licensure of Pharmaceutical Sales
Representatives

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Licensure of pharmaceutical representatives

This bill requires a pharmaceutical representative to be licensed by OCI and to display the pharmaceutical representative's license during each visit with a health care professional. The bill defines "pharmaceutical representative" to mean an individual who markets or promotes pharmaceuticals to health care professionals on behalf of a pharmaceutical manufacturer for compensation. The term of a license issued under the bill is one year, and the license is renewable. Under the bill, the license fee is set by the commissioner of insurance. The bill directs the commissioner to promulgate rules to implement the bill's requirements, including rules that require pharmaceutical representatives to complete continuing educational coursework as a condition of licensure. An individual who violates any of the requirements under the bill is subject to a fine, and the individual's license may be suspended or revoked.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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. 601.31 (1) (nv) of the statutes is created to read:

601.31 (1) (nv) For issuing or renewing a license as a pharmaceutical representative under s. 632.863, an amount to be set by the commissioner by rule.

SECTION 2. 632.863 of the statutes is created to read:

632.863 Pharmaceutical representatives. (1) DEFINITIONS. In this section:

(a) “Health care professional” means a physician or other health care practitioner who is licensed to provide health care services or to prescribe pharmaceutical or biologic products.

(b) “Pharmaceutical” means a medication that may legally be dispensed only with a valid prescription from a health care professional.

(c) “Pharmaceutical representative” means an individual who markets or promotes pharmaceuticals to health care professionals on behalf of a pharmaceutical manufacturer for compensation.

(2) LICENSURE. Beginning on the first day of the 12th month beginning after the effective date of this subsection [LRB inserts date], no individual may act as a pharmaceutical representative in this state without being licensed by the commissioner as a pharmaceutical representative under this section. In order to obtain a license, the individual shall apply to the commissioner in the form and manner prescribed by the commissioner. The term of a license issued under this subsection is one year and is renewable.

(3) DISPLAY OF LICENSE. A pharmaceutical representative licensed under sub. (2) shall display the pharmaceutical representative's license during each visit with a health care professional.

(4) ENFORCEMENT. (a) Any individual who violates this section shall be fined not less than \$1,000 nor more than \$3,000 for each offense. Each day of continued violation constitutes a separate offense.

(b) The commissioner may suspend or revoke the license of a pharmaceutical representative who violates this section. A suspended or revoked license may not be reinstated until the pharmaceutical representative remedies all violations related to the suspension or revocation and pays all assessed penalties and fees.

(5) RULES. The commissioner shall promulgate rules to implement this section, including rules that require pharmaceutical representatives to complete continuing educational coursework as a condition of licensure.

(END)