

State of Misconsin 2011 - 2012 LEGISLATURE



2011 SENATE BILL 360

January 4, 2012 – Introduced by Senators Vukmir and Carpenter, cosponsored by Representatives Kramer and Richards. Referred to Committee on Health.

- 1 AN ACT to amend 100.30 (6) (title); and to create 100.30 (6) (a) 10. and 100.30
- 2 (6) (e) of the statutes; **relating to:** the minimum sale price of prescription
- drugs.

Analysis by the Legislative Reference Bureau

Under current law, the Unfair Sales Act or "minimum markup" law prohibits "loss leaders," or wholesale and retail sales of merchandise at a price below the cost of the merchandise to the seller.

This bill exempts prescription drugs from the Unfair Sales Act. As a result, the bill deletes the current prohibition on below-cost sales of 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:
- 5 100.30 (6) (title) EXCEPTIONS; CONSTRUCTION.
- **SECTION 2.** 100.30 (6) (a) 10. of the statutes is created to read:

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1	100.30 (6) (a) 10. Merchandise is a prescription drug, as defined in s. 450.01
2	(20).
3	Section 3. 100.30 (6) (e) of the statutes is created to read:
4	100.30 (6) (e) Paragraph (a) 10. may not be construed to diminish any remedies
5	available for violations of ch. 133 or 15 USC 2 .
6	(END)