State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0913/2
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2005 ASSEMBLY BILL 258

March 18, 2005 – Introduced by Representatives GIELOW, STRACHOTA, AINSWORTH, BALLWEG, BERCEAU, BIES, GOTTLIEB, GRONEMUS, HAHN, HINES, HUNDERTMARK, KESTELL, KREIBICH, F. LASEE, LOTHIAN, MOULTON, NASS, OTT, POCAN, UNDERHEIM, VAN ROY and MOLEPSKE, cosponsored by Senators ROESSLER and MILLER. Referred to Committee on Health.

AN ACT ***to amend*** 450.13 (1); and ***to create*** 450.01 (11m) and 450.11 (4) (c) of the statutes; **relating to:** prescription drug 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 bill permits a pharmacist who dispenses a drug product equivalent to include a statement on the label identifying the prescribed drug product and indicating that the pharmacist has substituted a drug product equivalent, unless the prescribing practitioner requests omission of the statement.

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

SECTION 1. 450.01 (11m) of the statutes is created to read:

450.01 **(11m)** "Drug product equivalent" means a drug product that is designated the therapeutic equivalent of another drug product by the federal food and drug administration.

SECTION 2. 450.11 (4) (c) of the statutes is created to read:

450.11 **(4)** (c) In addition to the information required under par. (a), if a pharmacist dispenses a drug product equivalent of the prescribed drug product, the pharmacist may include a statement on the label identifying the prescribed drug product and indicating that the pharmacist has substituted a drug product equivalent, unless the prescribing practitioner requests omission of the statement.

SECTION 3. 450.13 (1) of the statutes is amended to read:

450.13 **(1)** DRUG PRODUCT OR EQUIVALENT TO BE USED. Except as provided in sub. (2), a pharmacist shall dispense every prescription using either the drug product prescribed or its drug product equivalent, if its drug product equivalent is lower in price to the consumer than the drug product prescribed, and shall inform the consumer of the options available in dispensing the prescription. ~~In this section, "drug product equivalent" means a drug product that is designated the therapeutic equivalent of another drug product by the federal food and drug administration.~~

(END)