LRB-0674/1 CTS:lmk&jld:ch

2005 ASSEMBLY BILL 467

June 9, 2005 – Introduced by Representative Schneider. Referred to Committee on Health.

AN ACT *to create* 450.087 of the statutes; **relating to:** gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any person who manufactures or distributes prescription drugs (manufacturer) in this state from giving, or offering to give, anything of monetary value to any practitioner to encourage the practitioner to issue prescriptions for that manufacturer's drugs. Current law defines a practitioner to mean any person who is licensed in this state to prescribe and administer drugs or who is licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs. The prohibition created under the bill does not apply to gifts given or offers made by a manufacturer to a practitioner who is a relative of that manufacturer or to product samples given by a manufacturer to a practitioner for delivery to a patient.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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1	Section 1. 450.087 of the statutes is created to read:
2	450.087 Prohibited practices. (1) In this section, "relative" has the meaning
3	given under s. 13.62 (12g).
4	(2) (a) Except as provided in par. (b), no manufacturer or distributor may give,
5	or offer to give, anything of monetary value to any practitioner to encourage that
6	practitioner to issue prescription orders for a drug manufactured or distributed by
7	that manufacturer or distributor.
8	(b) Paragraph (a) does not apply to any of the following:
9	1. Gifts given or offers made by a manufacturer or distributor to a practitioner
10	who is a relative of the manufacturer or distributor.
11	2. Product samples given by a manufacturer or distributor to a practitioner for
12	delivery to a patient.
13	(3) Any person who violates sub. (2) shall be fined not more than \$10,000 for
14	each violation. Each act of giving or offering to give something of monetary value to

a practitioner in violation of sub. (2) constitutes a separate offense.

(END)