House of Representatives

General Assembly

File No. 589

January Session, 2025

Substitute House Bill No. 6062

House of Representatives, April 8, 2025

The Committee on General Law reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROHIBITING DIRECT-TO-CONSUMER PRESCRIPTION DRUG ADVERTISEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

(1) "Consumer" means an individual who is physically present in this state;

(2) "Legend drug" has the same meaning as provided in section 20-571 of the general statutes;

(3) "Person" has the same meaning as provided in section 20-571 of the general statutes;

(4) "Pharmaceutical manufacturer" has the same meaning as provided in section 21a-70h of the general statutes;

(5) "Pharmaceutical marketing firm" has the same meaning as provided in section 21a-70h of the general statutes;

(6) "Pharmaceutical representative" has the same meaning as provided in section 21a-70h of the general statutes; and

(7) "Prescribing practitioner" has the same meaning as provided in section 20-571 of the general statutes.

(b) No person engaged in trade or commerce in this state shall directly advertise any legend drug to a consumer. Nothing in this subsection shall be construed to prohibit any pharmaceutical manufacturer that is registered with the Department of Consumer Protection as a pharmaceutical marketing firm under section 21a-70i of the general statutes, or any individual who is employed or compensated by such pharmaceutical marketing firm to perform the duties of a pharmaceutical representative in accordance with the provisions of said section, from promoting or providing information regarding a legend drug for human use to a prescribing practitioner.

(c) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

(d) Any violation of the provisions of subsection (b) of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	New section

Statement of Legislative Commissioners:
In Subsec. (d), "subsection (b) of" was added before "this section" for consistency with standard drafting conventions.

GL *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 $	FY 27 $
Consumer Protection, Dept.	GF - Cost	165,000	210,000
Resources of the General Fund	GF - Cost	61,921	82,562

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes it an unfair trade practice violation for any individual or entity to directly advertise a legend drug to a consumer resulting in a cost to the state.

To meet the requirements of the bill DCP will have to hire one drug control agent and one staff attorney for a FY 26 cost of $165,000[1] and a FY 27 cost of $210,000, along with associated fringe benefits costs of $61,921 in FY 26 and $82,562 in FY 27. The additional employees are needed to review complaints, perform investigations, and conduct enforcement against any person or entity who violate the provisions of the bill. This is anticipated to generate a significant number of complaints.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to employee wage increases and inflation.

[1]FY 26 costs reflect nine months of expenditures due to the bills 10/1/25 effective date.

OLR Bill Analysis

sHB 6062

AN ACT PROHIBITING DIRECT-TO-CONSUMER PRESCRIPTION DRUG ADVERTISEMENTS.

SUMMARY

This bill prohibits any individual or entity engaged in business in the state from directly advertising a legend drug to a consumer. A legend drug is one that:

1. state or federal law requires to be dispensed under a prescription,
2. is restricted to use by those licensed to issue prescriptions within the scope of their practice (prescribing practitioners), or
3. must under federal law have a label that it is for prescription use or use by or under a veterinarian's order.

The bill does not prohibit promoting or providing information about a legend drug for human use to a prescribing practitioner by:

1. a pharmaceutical manufacturer that registers with the Department of Consumer Protection (DCP) to employ or compensate pharmaceutical representatives to market, promote, or provide information on legend drugs for human use to prescribing practitioners or
2. their pharmaceutical representatives.

The bill allows DCP to adopt implementing regulations and makes violations of the bill an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA).

EFFECTIVE DATE: October 1, 2025

BACKGROUND

Pharmaceutical Manufacturers

The law requires pharmaceutical manufacturers to annually register with DCP as a pharmaceutical marketing firm if they employ pharmaceutical representatives to market, promote, or provide information about legend drugs for human use to prescribing practitioners. They must provide DCP with (1) a list of their pharmaceutical representatives in order for these representatives to perform their work and (2) an annual report about the activities of their representatives (CGS § 21a-70i).

CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner, under specified procedures, to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, impose civil penalties of up to $5,000**,** enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to $5,000 for willful violations and up to $25,000 for a restraining order violation.

COMMITTEE ACTION

General Law Committee

Joint Favorable
Yea 22 Nay 0 (03/24/2025)