
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)