

ARTICLE VII. PHARMACEUTICAL REPRESENTATIVES

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-5-010 Establishment of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the Commissioner of Business Affairs and Consumer Protection.

(Omitted text is unaffected by this ordinance)

(36) Pharmaceutical representative per year \$750.00

SECTION 2. Section 4-6-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-010 Regulated business license.

(Omitted text is unaffected by this ordinance)

(c) Business activities requiring a regulated business license under this chapter shall include the following: (1) health club; (2) clothing alteration; (3) laundry service; (4) residential real estate developer; (5) tattooing, body piercing or tanning facility; (6) day labor agency; (7) adult family care center; (8) assisted living establishment; (9) long-term care facility; (10) adult family care home; (11) automatic amusement operator; (12) private scavenger; (13) secondhand dealer in children's clothing and children's products only; (14) junk peddler; (15) debt collectors; (16) hospital; (17) hotel; (18) board-up company; (19) dry cleaner; (20) hazardous materials; (21) single-room occupancy buildings; (22) booting of motor vehicles; (23) immigration assistance; (24) expediter company; (25) expediter/natural person; (26) home occupation; (27) home repair; (28) bed-and-breakfast establishment; (29) vacation rentals; and (30) pharmaceutical representative.

SECTION 3. Chapter 4-6 of the Municipal Code of Chicago is hereby amended by inserting, in correct numerical order, a new Article XXXI, as follows:

ARTICLE XXXI. PHARMACEUTICAL REPRESENTATIVES

4-6-310 Pharmaceutical Representatives.

(a) *Definitions.* For the purposes of this section, the following terms will have the following meanings:

“Health care professional” shall mean any physician or other health care practitioner who is licensed to provide health care services or to prescribe pharmaceutical or biologic products.

“Pharmaceutical” means a medication that may legally be dispensed only with a valid prescription from a health care professional.

“Pharmaceutical representative” means a person who markets or promotes pharmaceuticals to health care professionals.

(b) *License – Required.*

(1) No person shall conduct business as a pharmaceutical representative without first having obtained a pharmaceutical representative license unless the pharmaceutical representative conducts business in the City of Chicago as a pharmaceutical representative for fewer than fifteen days per calendar year.

(2) In order to become initially licensed, a pharmaceutical representative shall complete a professional education course as determined by the Commissioner of Public Health prior to application for the license and affirm that this training was completed on the application for the license.

(3) To maintain a license, a pharmaceutical representative must complete minimum continuing education in accordance with subsection (f).

(c) *License – Nontransferability.* No transfer of ownership shall be allowed on any license issued under this section.

(d) *License – Application.* An application for a pharmaceutical representative license shall be made to the Commissioner of Business Affairs and Consumer Protection on a form accessible at the Department’s website, and shall include the following:

(1) the applicant's full name, residence address, residence telephone number, business address and business telephone number;

(2) a description of the type of work in which the applicant will engage;

(3) the license fee;

(4) an affirmation of professional education:

(A) in the case of an initial license, affirm that the applicant has completed a professional education course in compliance with subsection (f); or

(B) in the case of a renewal, affirm that the applicant has completed at least five hours of continuing professional education in the previous year in compliance with subsection (f);

(5) proof that the applicant has paid any assessed penalties and fees; and

(6) any other information that the commissioner may reasonably require. Any changes made to the information submitted on the application or any material changes made to the licensee's personal or businesses operations or to any information provided under this section must be reported, in writing, to the Commissioner within four business days of the change.

(e) *License – Fee.* The fee for a pharmaceutical representative license shall be as set forth in Section 4-5-010.

(f) *Professional education.*

(1) The Commissioner of Public Health shall establish by rule continuing education requirements as a condition for an initial or a renewal pharmaceutical representative license. All pharmaceutical representatives shall complete a minimum of five hours of continuing professional education prior to renewing their license. The continuing professional education may include training in the areas of ethics, pharmacology, laws and regulations applicable to pharmaceutical marketing, and other areas that the Commissioner of Public Health may designate by rule.

(2) Upon request, pharmaceutical representatives shall provide proof of completion of the continuing professional education requirements to the Commissioner of Public Health or his designee.

(3) The Commissioner of Public Health may designate and publish a list of institutions that provide courses that meet the continuing-education requirements. The Commissioner may also designate the courses that satisfy the continuing education requirements.

A professional education provider may not be a pharmaceutical representative's employer.

(g) *Disclosure.*

(1) Upon request, or at time intervals that the Commissioner of Public Health prescribes by rule, pharmaceutical representatives shall provide the following information to the Commissioner of Public Health or his designee: a list of health care professionals within the City of Chicago contacted; the number of times the health care professionals were contacted; the location and duration of contact; the pharmaceuticals promoted; whether product samples, materials, or gifts of any value were provided to the health care professional and the value of the products, materials, or gifts; and whether and how the health care professional was compensated for contact with the pharmaceutical representative. The time interval covered shall be no greater than the period between license renewals.

(2) A model disclosure form may be issued to facilitate compliance with the disclosure requirements of this section.

(h) *Ethical standards.* The Commissioner of Public Health or his designee shall produce a list of ethical standards for pharmaceutical representatives that shall be incorporated into the rules and published on the City's website. In addition to those rules, a pharmaceutical representative shall not:

- (1) Engage in any deceptive or misleading marketing of a pharmaceutical product, including the knowing concealment, suppression, omission, misleading representation, or misstatement of any material fact;
- (2) Use a title or designation that could reasonably lead a licensed health professional, or an employee or representative of a licensed health professional, to believe that the pharmaceutical detailer is licensed to practice medicine, nursing, dentistry, optometry, pharmacy, or other similar health occupation, in the City of Chicago, unless the pharmaceutical detailer currently holds such a license; or
- (3) Attend patient examinations without the consent of the patient.

(i) *Rules.* The Commissioners of Public Health and Business Affairs and Consumer Protection shall have the authority to promulgate rules necessary to implement their respective powers and duties under this Article.

(j) *License – Suspension and revocation.* A violation of this section may result in license suspension or revocation in accordance with Section 4-4-280 of this Code. No license suspended or revoked pursuant to this section shall be reinstated until all code violations related to the suspension or revocation have been remedied and all assessed penalties and fees have been paid. No person whose pharmaceutical license under this chapter is revoked for any cause shall be granted a license under this section for a period of two years from the date of revocation.

(k) *Violation – Penalty.* Any person violating any of the provisions of this chapter shall be fined not less than \$1,000.00 nor more than \$3,000.00 for each offense. Every day such violation continues shall constitute a separate and distinct offense.