

HOUSE BILL No. 6565

September 20, 2006, Introduced by Reps. Williams, Anderson, Adamini, Brown, Gleason, Sak, Sheltroun, Tobocman, Cushingberry, Murphy, Zelenko, Clack, Meisner, Accavitti, Virgil Smith, Donigan, Espinoza, Mayes, Plakas, Alma Smith, Cheeks, Hunter, Gillard, Kathleen Law and Lemmons, III and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17780.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17780. (1) A MANUFACTURER, INCLUDING ANY EMPLOYEE OR
2 AGENT OF THE MANUFACTURER, SHALL KEEP A DETAILED RECORD OF THE
3 VALUE, NATURE, AND PURPOSE OF ANY GIFTS, FEES, PAYMENTS, SUBSIDIES,
4 OR OTHER ECONOMIC BENEFITS PROVIDED IN CONNECTION WITH
5 PHARMACEUTICAL DETAILING, MARKETING, ADVERTISING, OR OTHER
6 PROMOTIONAL ACTIVITIES DIRECTED TO A PHARMACIST OR DISPENSING
7 PRESCRIBER, OR HIS OR HER DESIGNEE.

8 (2) BY DECEMBER 31, 2008 AND EACH YEAR THEREAFTER, A
9 MANUFACTURER SHALL SUBMIT A WRITTEN REPORT TO THE DEPARTMENT THAT

1 DISCLOSES THE VALUE, NATURE, AND PURPOSE OF ANY GIFTS, FEES,
2 PAYMENTS, SUBSIDIES, OR OTHER ECONOMIC BENEFITS PROVIDED IN
3 CONNECTION WITH PHARMACEUTICAL DETAILING, MARKETING, ADVERTISING,
4 OR OTHER PROMOTIONAL ACTIVITIES DIRECTED TO A PHARMACIST OR
5 DISPENSING PRESCRIBER, OR HIS OR HER DESIGNEE. THE REPORT SHALL BE
6 ON A FORM AND IN A MANNER AS PRESCRIBED BY THE DEPARTMENT. THE
7 DEPARTMENT SHALL ASSESS A FILING FEE FOR THIS REPORT THAT COVERS
8 THE DEPARTMENT'S ADMINISTRATIVE COST OF MAINTAINING THESE REPORTS.
9 ON OR BEFORE MARCH 31, 2009, AND EACH YEAR THEREAFTER, THE
10 DEPARTMENT SHALL REPORT TO THE LEGISLATURE AND THE GOVERNOR ON THE
11 DISCLOSURES MADE IN ACCORDANCE WITH THIS SECTION. EACH MANUFACTURER
12 SHALL ALSO DISCLOSE TO THE DEPARTMENT, ON OR BEFORE SEPTEMBER 31,
13 2008, AND ANNUALLY THEREAFTER, THE NAME AND ADDRESS OF THE
14 INDIVIDUAL RESPONSIBLE FOR THE MANUFACTURER'S COMPLIANCE WITH THE
15 PROVISIONS OF THIS SECTION.

16 (3) THE DEPARTMENT SHALL MAKE THE REPORTS SUBMITTED PURSUANT
17 TO THIS SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S
18 WEBSITE.

19 (4) EACH OF THE FOLLOWING IS EXEMPT FROM DISCLOSURE UNDER THIS
20 SECTION:

21 (A) FREE SAMPLES OR COMPLEMENTARY STARTER DOSES OF
22 PRESCRIPTION DRUGS THAT ARE INTENDED TO BE DISTRIBUTED TO PATIENTS.

23 (B) PAYMENT OF REASONABLE COMPENSATION AND REIMBURSEMENT OF
24 EXPENSES INCURRED IN CONNECTION WITH BONA FIDE CLINICAL TRIALS. AS
25 USED IN THIS SUBDIVISION, "CLINICAL TRIAL" MEANS AN APPROVED
26 CLINICAL TRIAL CONDUCTED IN CONNECTION WITH A RESEARCH STUDY
27 DESIGNED TO ANSWER SPECIFIC QUESTIONS ABOUT VACCINES, NEW

1 THERAPIES, OR NEW WAYS OF USING KNOWN TREATMENTS.

2 (C) ANY GIFT, FEE, PAYMENT, SUBSIDY, OR OTHER ECONOMIC BENEFIT
3 THE VALUE OF WHICH IS LESS THAN \$25.00.

4 (5) A MANUFACTURER WHO NEGLECTS OR REFUSES TO FILE A REPORT IN
5 ACCORDANCE WITH THIS SECTION IS SUBJECT TO A FINE OF NOT MORE THAN
6 \$10,000.00. A MANUFACTURER WHO INTENTIONALLY PROVIDES A FALSE
7 REPORT IS SUBJECT TO A FINE OF NOT MORE THAN \$500,000.00.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 93rd Legislature are
10 enacted into law:

11 (a) Senate Bill No.____ or House Bill No.____ (request no.
12 06675'06).

13 (b) Senate Bill No.____ or House Bill No.____ (request no.
14 06676'06).