

Legislative Analysis



CONSUMER PROTECTION ACT: DRUGS, DIETARY SUPPLEMENTS, HERBAL PRODUCTS, ETC.

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House Bill 4046

Sponsor: Rep. Mary Valentine

Committee: Judiciary

Complete to 2-12-07

A SUMMARY OF HOUSE BILL 4046 AS INTRODUCED 1-22-07

The Michigan Consumer Protection Act contains a list of actions that constitute unfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce, and that are unlawful. House Bill 4046 would add to that list:

Failing to accurately represent the risks involved in the intended use of a prescription or over-the-counter drug or medication or an herbal product, dietary supplement, or botanical extract.

The bill also would define the term "goods" to include a legal pharmaceutical product.

(The act refers to "goods" and "services" throughout. For example, the phrase "trade or commerce" is defined in the act as "the conduct of a business providing goods, property, or service primarily for personal, family, or household purposes and includes the advertising, solicitation, offering for sale or rent, sale, lease, or distribution of a service or property, tangible or intangible, real, personal, or mixed, or any other article, or a business opportunity.")

MCL 445.902 and 445.903

FISCAL IMPACT:

A fiscal analysis is in process.

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