

HOUSE BILL No. 5389

October 31, 2007, Introduced by Reps. Johnson, Brown, Byrum, Simpson, McDowell, Bieda, Donigan, Vagnozzi, Valentine, Corriveau, Jackson, Polidori, Leland, Hopgood, Accavitti, Young, Dean, Miller, Alma Smith, Ebli, Lemmons, Wojno, Kathleen Law, Constan, Hammel, Scott and Cheeks 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 17791.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17791. (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 RESEARCH AND DEVELOPMENT
4 CONDUCTED IN ITS USUAL COURSE OF BUSINESS.

5 (2) BY DECEMBER 31, 2008 AND EACH YEAR THEREAFTER, A
6 MANUFACTURER SHALL SUBMIT A WRITTEN REPORT TO THE DEPARTMENT THAT
7 DISCLOSES THE VALUE, NATURE, AND PURPOSE OF ANY RESEARCH AND
8 DEVELOPMENT. THE REPORT SHALL BE ON A FORM AND IN A MANNER AS
9 PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT SHALL ASSESS A FILING

1 FEE FOR THIS REPORT THAT COVERS THE DEPARTMENT'S ADMINISTRATIVE
2 COST OF MAINTAINING THESE REPORTS. ON OR BEFORE MARCH 31, 2009, AND
3 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE
4 LEGISLATURE AND THE GOVERNOR ON THE DISCLOSURES MADE UNDER THIS
5 SECTION. EACH MANUFACTURER SHALL ALSO DISCLOSE TO THE DEPARTMENT,
6 ON OR BEFORE SEPTEMBER 31, 2008, AND ANNUALLY THEREAFTER, THE NAME
7 AND ADDRESS OF THE INDIVIDUAL RESPONSIBLE FOR THE MANUFACTURER'S
8 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

9 (3) THE DEPARTMENT SHALL MAKE THE REPORTS SUBMITTED PURSUANT
10 TO THIS SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S
11 WEBSITE.

12 (4) A MANUFACTURER WHO NEGLECTS OR REFUSES TO FILE A REPORT
13 UNDER THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE FINE OF NOT MORE
14 THAN \$10,000.00. A MANUFACTURER WHO INTENTIONALLY PROVIDES A FALSE
15 REPORT IS SUBJECT TO AN ADMINISTRATIVE FINE OF NOT MORE THAN
16 \$500,000.00.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 94th Legislature are
19 enacted into law:

20 (a) Senate Bill No.____ or House Bill No. 5388(request no.
21 02305'07).

22 (b) Senate Bill No.____ or House Bill No. 5387(request no.
23 02307'07).