

HOUSE BILL No. 6470

November 7, 2002, Introduced by Rep. Kolb 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 17748a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17748A. (1) A MANUFACTURER OR WHOLESALE DISTRIBUTOR,
2 INCLUDING ANY EMPLOYEE OR AGENT OF THE MANUFACTURER OR WHOLESALE
3 DISTRIBUTOR, THAT EMPLOYS, DIRECTS, OR USES MARKETING OR ADVER-
4 TISING REPRESENTATIVES IN THIS STATE SHALL REPORT THE COSTS OF
5 MARKETING AND ADVERTISING ITS PRESCRIPTION DRUGS IN THIS STATE.
6 THE MANUFACTURER OR WHOLESALE DISTRIBUTOR SHALL FILE AN ANNUAL
7 WRITTEN REPORT WITH THE DEPARTMENT AND THE BOARD OUTLINING ITS
8 EXPENDITURES FOR MARKETING AND ADVERTISING ITS PRESCRIPTION DRUGS
9 IN THIS STATE.

1 (2) THE REPORT SHALL INCLUDE AT MINIMUM THE FOLLOWING
2 INFORMATION AS IT PERTAINS TO MARKETING AND ADVERTISING
3 ACTIVITIES CONDUCTED WITHIN THIS STATE:

4 (A) ALL COSTS ASSOCIATED WITH MARKETING, ADVERTISING, AND
5 DIRECT PROMOTION OF PRESCRIPTION DRUGS THROUGH RADIO, TELEVISION,
6 MAGAZINES, NEWSPAPERS, DIRECT MAIL, GIFTS, AND TELEPHONE
7 COMMUNICATIONS.

8 (B) ALL COSTS ASSOCIATED WITH EDUCATION PROGRAMS, SEMINARS,
9 ENTERTAINMENT, TRIPS, REMUNERATION FOR PROMOTING OR PARTICIPATING
10 IN INFORMATIONAL SESSIONS REGARDING PRESCRIPTION DRUGS, PRODUCT
11 SAMPLES OF PRESCRIPTION DRUGS IN EXCESS OF \$10.00 IN VALUE, AND
12 PROMOTIONAL GIFTS IN EXCESS OF \$10.00 IN VALUE.

13 (3) BY DECEMBER 31, 2003 AND EACH YEAR THEREAFTER, THE
14 DEPARTMENT SHALL PROVIDE AN ANNUAL REPORT ON PRESCRIPTION DRUG
15 MARKETING AND ADVERTISING ACTIVITIES AND THE COSTS OF THOSE
16 ACTIVITIES TO THE LEGISLATURE AND THE GOVERNOR.

17 (4) THE REPORT REQUIRED UNDER THIS SECTION IS PUBLIC INFOR-
18 MATION AND IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA
19 442, MCL 15.231 TO 15.246.