

HOUSE BILL No. 5706

February 16, 2006, Introduced by Reps. Kahn, Hune, Elsenheimer, Ball, Nofs, Gaffney, Vander Veen, Mortimer, Ward, Tobocman, Anderson, Adamini, Moore, McDowell, Jones, David Law, Bieda, Wojno, Brandenburg and Stewart 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, SHALL KEEP A DETAILED RECORD OF THE VALUE, NATURE, AND
4 PURPOSE OF ANY GIFTS, FEES, PHARMACEUTICAL DETAILING, MARKETING,
5 ADVERTISING, AND PROMOTIONAL ACTIVITIES DIRECTED TO A DISPENSING
6 PRESCRIBER, HIS OR HER DESIGNEE, OR ANY OTHER EMPLOYEE WITHIN HIS
7 OR HER OFFICE OR DIRECTED TO THE GENERAL PUBLIC TO PROMOTE ITS
8 PRESCRIPTION DRUGS IN THIS STATE.

9 (2) BY DECEMBER 31, 2006 AND EACH YEAR THEREAFTER, A
10 MANUFACTURER OR WHOLESALE DISTRIBUTOR SHALL SUBMIT AN ANNUAL

1 WRITTEN REPORT DISCLOSING THE VALUE, NATURE, AND PURPOSE OF ANY
2 GIFTS, FEES, PHARMACEUTICAL DETAILING, MARKETING, ADVERTISING, AND
3 PROMOTIONAL ACTIVITIES DESCRIBED IN SUBSECTION (1) TO THE
4 DEPARTMENT AND THE BOARD. THE REPORT SHALL INCLUDE, AT A MINIMUM,
5 ALL OF THE FOLLOWING INFORMATION:

6 (A) THE NAME AND ADDRESS OF THE MANUFACTURER OR WHOLESALE
7 DISTRIBUTOR.

8 (B) THE NAME AND ADDRESS OF EACH DISPENSING PRESCRIBER FOR
9 WHOM ANY GIFTS, FEES, DETAILING, MARKETING, ADVERTISING, OR
10 PROMOTIONAL ACTIVITIES WERE INTENDED.

11 (C) THE VALUE, NATURE, AND PURPOSE OF THE GIFTS, FEES,
12 DETAILING, MARKETING, ADVERTISING, OR PROMOTIONAL ACTIVITIES.

13 (D) ALL COSTS ASSOCIATED WITH MARKETING, ADVERTISING, AND
14 DIRECT PROMOTION OF PRESCRIPTION DRUGS THROUGH RADIO, TELEVISION,
15 MAGAZINES, NEWSPAPERS, DIRECT MAIL, GIFTS, AND TELEPHONE
16 COMMUNICATIONS.

17 (E) ALL COSTS ASSOCIATED WITH EDUCATION PROGRAMS, SEMINARS,
18 ENTERTAINMENT, TRIPS, REMUNERATION FOR PROMOTING OR PARTICIPATING
19 IN INFORMATIONAL SESSIONS REGARDING PRESCRIPTION DRUGS, PRODUCT
20 SAMPLES OF PRESCRIPTION DRUGS IN EXCESS OF \$10.00 IN VALUE, AND
21 PROMOTIONAL GIFTS IN EXCESS OF \$10.00 IN VALUE.

22 (F) ANY OTHER INFORMATION DETERMINED NECESSARY BY THE BOARD OR
23 THE DEPARTMENT.

24 (3) BY MARCH 31, 2007 AND EACH YEAR THEREAFTER, THE DEPARTMENT
25 SHALL PROVIDE AN ANNUAL REPORT ON PRESCRIPTION DRUG MARKETING AND
26 ADVERTISING ACTIVITIES AND THE COSTS OF THOSE ACTIVITIES TO THE
27 LEGISLATURE AND THE GOVERNOR.

1 (4) THE REPORTS REQUIRED UNDER THIS SECTION ARE PUBLIC
2 INFORMATION AND ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976
3 PA 442, MCL 15.231 TO 15.246.

4 (5) AS USED IN THIS SECTION, "GIFT" MEANS A PAYMENT,
5 SUBSCRIPTION, ADVANCE, FORBEARANCE, RENDERING, OR DEPOSIT OF MONEY,
6 SERVICES, OR ANYTHING OF VALUE, UNLESS CONSIDERATION OF EQUAL OR
7 GREATER VALUE IS GIVEN IN EXCHANGE. A GIFT MAY BE IN THE FORM OF
8 FOOD AND BEVERAGES, TRAVEL, ENTERTAINMENT, HOSPITALITY, OR PROMISE.
9 GIFT DOES NOT INCLUDE THE DISTRIBUTION OF COMPLIMENTARY STARTER
10 DOSES.