

SUBSTITUTE FOR  
SENATE BILL NO. 502

A bill to amend 1984 PA 323, entitled  
"The health care false claim act,"  
by amending section 4a (MCL 752.1004a), as added by 2004 PA 411.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4a. (1) A rebate or discount from a drug manufacturer or  
2       from a company that licenses or distributes the drugs of a drug  
3       manufacturer to a consumer **OR OTHER PERSON ON THE CONSUMER'S BEHALF**  
4       for ~~that~~**THE** consumer's use of a drug manufactured or licensed or  
5       distributed by ~~that~~**THE** drug manufacturer or company, **OR A SIMILAR**  
6       **MONETARY PAYMENT FROM THE DRUG MANUFACTURER OR COMPANY TO THE**  
7       **CONSUMER OR OTHER PERSON ON THE CONSUMER'S BEHALF FOR HEALTH CARE**  
8       **ITEMS OR SERVICES RELATED TO THE USE DESCRIBED IN THIS SECTION,**  
9       does not violate section 4.

1           (2) This section does not alter any copayment, deductible,  
2   coinsurance, or other cost-sharing requirements under a contract,  
3   certificate, or policy issued by a health care corporation or  
4   health care insurer.

5           (3) AS USED IN THIS SECTION:

6           (A) "OTHER PERSON ON THE CONSUMER'S BEHALF" DOES NOT INCLUDE A  
7   PRESCRIBER OR A PERSON WITH A FINANCIAL RELATIONSHIP TO THE  
8   PRESCRIBER.

9           (B) "PRESCRIBER" MEANS THAT TERM AS DEFINED IN SECTION 17708  
10   OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17708.

11          Enacting section 1. This amendatory act takes effect 90 days  
12   after the date it is enacted into law.