

# HOUSE BILL No. 6115

August 4, 2004, Introduced by Reps. Kolb, Minore, Anderson, Jamnick, Tobocman,  
Vagnozzi, Accavitti and Farrah 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,  
4 and purpose of any gifts, fees, pharmaceutical detailing,  
5 marketing, advertising, and promotional activities directed to a  
6 dispensing prescriber, his or her designee, or any other employee  
7 within his or her office or directed to the general public to  
8 promote its prescription drugs in this state.

9       (2) By December 31, 2005 and each year thereafter, a  
10 manufacturer or wholesale distributor shall submit an annual  
11 written report disclosing the value, nature, and purpose of any

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1 gifts, fees, pharmaceutical detailing, marketing, advertising,  
2 and promotional activities described in subsection (1) to the  
3 department and the board. The report shall include, at a  
4 minimum, all of the following information:

5 (a) The name and address of the manufacturer or wholesale  
6 distributor.

7 (b) The name and address of each dispensing prescriber for  
8 whom any gifts, fees, detailing, marketing, advertising, or  
9 promotional activities were intended.

10 (c) The value, nature, and purpose of the gifts, fees,  
11 detailing, marketing, advertising, or promotional activities.

12 (d) All costs associated with marketing, advertising, and  
13 direct promotion of prescription drugs through radio, television,  
14 magazines, newspapers, direct mail, gifts, and telephone  
15 communications.

16 (e) All costs associated with education programs, seminars,  
17 entertainment, trips, remuneration for promoting or participating  
18 in informational sessions regarding prescription drugs, product  
19 samples of prescription drugs in excess of \$10.00 in value, and  
20 promotional gifts in excess of \$10.00 in value.

21 (f) Any other information determined necessary by the board  
22 or the department.

23 (3) By March 31, 2006 and each year thereafter, the  
24 department shall provide an annual report on prescription drug  
25 marketing and advertising activities and the costs of those  
26 activities to the legislature and the governor.

27 (4) The reports required under this section are public

1 information and are subject to the freedom of information act,  
2 1976 PA 442, MCL 15.231 to 15.246.

3 (5) As used in this section, "gift" means a payment,  
4 subscription, advance, forbearance, rendering, or deposit of  
5 money, services, or anything of value, unless consideration of  
6 equal or greater value is given in exchange. A gift may be in  
7 the form of food and beverages, travel, entertainment,  
8 hospitality, or promise. Gift does not include the distribution  
9 of complimentary starter doses.