



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 473 (Substitute S-1 as reported)
Sponsor: Senator Peter MacGregor
Committee: Commerce

CONTENT

The bill would amend the Tobacco Products Tax Act to require the Department of Treasury, upon request of the Attorney General, to disclose to the Attorney General information obtained by the Department that was relevant to the enforcement of Public Act 244 of 1999, notwithstanding any law to the contrary. (Public Act 244 requires a tobacco product manufacturer selling cigarettes to consumers within the State to either 1) become a participating manufacturer and generally perform its financial obligations under the master settlement agreement (MSA); or 2) place into a qualified escrow account an amount based on units (individual cigarettes) sold.)

With regard to information received pursuant to any tax agreement entered into between this State and any Indian tribe that included limits on disclosure of information in addition to, or instead of, those contained in statute, the information would have to be consolidated to include all information received under such agreements so a person could not ascertain any one tribe's information.

The Department and the Attorney General could disclose information under these provisions that could otherwise be confidential under one or more of the following circumstances:

- To enforce or defend the Tobacco Products Tax Act or Public Act 244 of 1999.
- In the course of any litigation, arbitration, or proceeding related to Public Act 244, the MSA, or the NPM (nonparticipating manufacturer) adjustment settlement agreement.
- In compliance with provisions in the NPM adjustment settlement agreement related to a data clearinghouse.

Tobacco product sales data provided by another state, a manufacturer, or another entity to a data clearinghouse under the NPM adjustment settlement agreement that also was provided to the Department under that agreement would have to be treated as confidential tax information subject to nondisclosure requirements of the revenue Act. This provision would apply only to information the Department received solely as a result of the NPM adjustment settlement agreement.

Proposed MCL 205.426e

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-7-15

Fiscal Analyst: Cory Savino