

SENATE BILL No. 473

September 10, 2015, Introduced by Senators MACGREGOR and SCHMIDT and referred to the Committee on Commerce.

A bill to amend 1993 PA 327, entitled
"Tobacco products tax act,"
(MCL 205.421 to 205.436) by adding section 6e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 6E. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
2 DEPARTMENT SHALL, UPON REQUEST, DISCLOSE TO THE ATTORNEY GENERAL,
3 OR HIS OR HER DESIGNEE, INFORMATION OBTAINED BY THE DEPARTMENT THAT
4 IS RELEVANT TO THE ENFORCEMENT OF THE TOBACCO PRODUCT
5 MANUFACTURERS' ESCROW ACCOUNTS ACT, 1999 PA 244, MCL 445.2051 TO
6 445.2052. HOWEVER, WITH REGARD TO INFORMATION RECEIVED PURSUANT TO
7 ANY TAX AGREEMENT ENTERED INTO BETWEEN THIS STATE AND ANY INDIAN
8 TRIBE, THE INFORMATION WILL BE CONSOLIDATED TO INCLUDE ALL
9 AGREEMENTS WITH INDIAN TRIBES' INFORMATION SO AS NOT TO ENABLE A
10 PERSON TO ASCERTAIN ANY 1 INDIAN TRIBE'S INFORMATION. THE
11 DEPARTMENT AND THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE, EXCEPT

1 AS PROVIDED IN THIS SUBSECTION, MAY DISCLOSE INFORMATION PROVIDED
2 UNDER THIS SECTION THAT MAY OTHERWISE BE CONFIDENTIAL IF 1 OR MORE
3 OF THE FOLLOWING APPLY:

4 (A) IN DISCHARGE OF THE DUTY TO ENFORCE OR DEFEND THE
5 PROVISIONS OF THIS ACT OR THE TOBACCO PRODUCT MANUFACTURERS' ESCROW
6 ACCOUNTS ACT, 1999 PA 244, MCL 445.2051 TO 445.2052.

7 (B) IN THE COURSE OF ANY LITIGATION, ARBITRATION, OR
8 PROCEEDING RELATED TO THE TOBACCO PRODUCT MANUFACTURERS' ESCROW
9 ACCOUNTS ACT, 1999 PA 244, MCL 445.2051 TO 445.2052, THE TOBACCO
10 MASTER SETTLEMENT AGREEMENT, OR THE NPM ADJUSTMENT SETTLEMENT
11 AGREEMENT.

12 (C) IN COMPLYING WITH PROVISIONS IN THE NPM ADJUSTMENT
13 SETTLEMENT AGREEMENT RELATED TO A DATA CLEARINGHOUSE.

14 (2) TOBACCO PRODUCT SALES DATA PROVIDED BY ANOTHER STATE, A
15 MANUFACTURER, OR OTHER PERSON OR ENTITY TO A DATA CLEARINGHOUSE
16 PURSUANT TO THE NPM ADJUSTMENT SETTLEMENT AGREEMENT THAT IS ALSO
17 PROVIDED TO THE DEPARTMENT PURSUANT TO THAT AGREEMENT SHALL BE
18 TREATED AS CONFIDENTIAL TAX INFORMATION SUBJECT TO SECTION 28 OF
19 1941 PA 122, MCL 205.28. THIS SUBSECTION ONLY APPLIES TO
20 INFORMATION RECEIVED BY THE DEPARTMENT SOLELY AS A RESULT OF THE
21 NPM ADJUSTMENT SETTLEMENT AGREEMENT.