

SUBSTITUTE FOR
SENATE BILL NO. 473

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 OF THE ATTORNEY GENERAL, DISCLOSE TO
3 THE ATTORNEY GENERAL, OR HIS OR HER DESIGNEE, INFORMATION OBTAINED
4 BY THE DEPARTMENT THAT IS RELEVANT TO THE ENFORCEMENT OF THE
5 TOBACCO PRODUCT MANUFACTURERS' ESCROW ACCOUNTS ACT, 1999 PA 244,
6 MCL 445.2051 TO 445.2052. HOWEVER, WITH REGARD TO INFORMATION
7 RECEIVED PURSUANT TO ANY TAX AGREEMENT ENTERED INTO BETWEEN THIS
8 STATE AND ANY INDIAN TRIBE, THAT INCLUDES LIMITATIONS ON DISCLOSURE
9 OF SUCH INFORMATION IN ADDITION TO, OR IN LIEU OF, THOSE CONTAINED

1 IN STATUTE, THE INFORMATION PROVIDED UNDER THIS SECTION SHALL BE
2 CONSOLIDATED TO INCLUDE ALL INFORMATION RECEIVED PURSUANT TO SUCH
3 AGREEMENTS WITH INDIAN TRIBES' INFORMATION SO AS NOT TO ENABLE A
4 PERSON TO ASCERTAIN ANY 1 INDIAN TRIBE'S INFORMATION. THE
5 DEPARTMENT AND THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE, EXCEPT
6 AS PROVIDED IN THIS SUBSECTION, MAY DISCLOSE INFORMATION PROVIDED
7 UNDER THIS SECTION THAT MAY OTHERWISE BE CONFIDENTIAL IF 1 OR MORE
8 OF THE FOLLOWING APPLY:

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

12 (B) IN THE COURSE OF ANY LITIGATION, ARBITRATION, OR
13 PROCEEDING RELATED TO THE TOBACCO PRODUCT MANUFACTURERS' ESCROW
14 ACCOUNTS ACT, 1999 PA 244, MCL 445.2051 TO 445.2052, THE TOBACCO
15 MASTER SETTLEMENT AGREEMENT, OR THE NPM ADJUSTMENT SETTLEMENT
16 AGREEMENT.

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

19 (2) TOBACCO PRODUCT SALES DATA PROVIDED BY ANOTHER STATE, A
20 MANUFACTURER, OR OTHER PERSON OR ENTITY TO A DATA CLEARINGHOUSE
21 PURSUANT TO THE NPM ADJUSTMENT SETTLEMENT AGREEMENT THAT IS ALSO
22 PROVIDED TO THE DEPARTMENT PURSUANT TO THAT AGREEMENT SHALL BE
23 TREATED AS CONFIDENTIAL TAX INFORMATION SUBJECT TO SECTION 28 OF
24 1941 PA 122, MCL 205.28. THIS SUBSECTION ONLY APPLIES TO
25 INFORMATION RECEIVED BY THE DEPARTMENT SOLELY AS A RESULT OF THE
26 NPM ADJUSTMENT SETTLEMENT AGREEMENT.