HOUSE BILL NO. 6393

September 24, 2026, Introduced by Reps. Linting and Aragona and referred to Committee on Regulatory Reform.

A bill to prescribe the rights and duties of parties to telephone solicitation sales; to regulate certain telephone calls; to provide for the powers and duties of certain state governmental officers and entities; and to prohibit certain conduct and prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act may be cited as the "solicitation and oversight partnership act".

Sec. 2. As used in this act:

(a) "Advertisement" means any material that advertises the

commercial availability or quality of any property, good, or service.

(b) "Automatic telephone dialing system" means equipment that has the ability to store or produce telephone numbers to be called using a random or sequential number generator and to dial those numbers.

(c) "Business associate" means that term as defined in 45 CFR 160.103.

(d) "Clear and conspicuous" means notice that would be apparent to the reasonable consumer.

(e) "Contribution" means a promise, grant, or payment of money or property of any kind or value, to support an individual's candidacy for public office.

(f) "Contribution solicitation" means initiating a telephone call, voice message, or text message to a person for the purpose of encouraging a contribution.

(g) "Covered entity" means that term as defined in 45 CFR 160.103.

(h) "Do-not-call list" means the national Do-Not-Call Registry maintained by the Federal Trade Commission.

(i) "Emergency purpose" means a telephone call made in a situation affecting the health and safety of an individual.

(j) "Emergency telephone number" includes a 9-1-1 number or an emergency number of a hospital, medical physician or service office, health care facility, poison control center, fire protection, or law enforcement agency.

(k) "Established business relationship" means a prior or existing relationship between an individual and a residential telephone subscriber on the basis of the residential telephone

subscriber's purchase or transaction with a person not earlier than 18 months before the date of a telephone call or on the basis of a residential telephone subscriber's inquiry or application regarding products or services offered by the person not earlier than 3 months before the date of the telephone call, and the relationship is not terminated by either person.

(*l*) "Financial institution" means that term as defined in 15 USC 6809(3)(A).

(m) "Health information" means that term as defined in 45 CFR 160.103.

(n) "Prior express written consent" means a written agreement signed by the recipient that clearly and conspicuously authorizes the person making the telephone call to make or cause to make an advertisement or telephone solicitation to the recipient using an automatic telephone dialing system, an artificial voice, or a recorded voice.

(o) "Recipient" means a person that receives a telephone call or text message.

(p) "Residential telephone subscriber" means an individual who resides in this state and who has a residential, wireless, or VoIP telephone service.

(q) "Telephone call" means real-time, 2-way voice communication.

(r) "Telephone solicitation" means a telephone call, voice message, or a text message for the purpose of encouraging the purchase, rental, or investment of a property, good, or service that is transmitted to a person. Telephone solicitation does not include a telephone call, voice message, or text message that is any of the following:

(*i*) To a person that has provided prior express written consent.

(*ii*) To a person that has an established business relationship.

(*iii*) By or on behalf of a tax-exempt nonprofit organization.

(s) "Text message" means a message consisting of text, images, sounds, or other information transmitted to or from a device that is identified by a 10-digit telephone number or N11 service code, including short message service and multimedia message service. Text message does not include a telephone call, video communication, or message sent over an IP-enabled messaging service to another user of the same messaging service.

(t) "VoIP" means a type of telephone communication service utilizing voice over internet protocol or otherwise utilizing the internet to generate, send, or receive telephone communications.

Sec. 3. (1) Except as otherwise provided in this section, a person shall not make a telephone call using an automatic telephone dialing system, artificial voice, or recorded voice to any of the following:

(a) An emergency telephone number.

(b) A guest or patient room in a hospital, health care facility, or intermediate care facility.

(c) A telephone number that is assigned to a paging service, cellular telephone service, specialized mobile radio service, other radio common carrier service, or any service that charges the recipient for the telephone call.

(2) Subsection (1) does not apply to a telephone call that is made for an emergency purpose or made with the recipient's prior express written consent.

(3) Subject to subsection (4), a person may make a telephone

call as described in subsection (1) or send a text message to a recipient described in subsection (1)(c) in any of the following circumstances:

(a) The telephone call or text message is made by a package delivery company to the person about a package delivery and the telephone call meets all the following requirements:

(*i*) The telephone call or text message is only to the telephone number of the person receiving the package.

(*ii*) The package delivery company does not make a telephone call or send a text message more than 1 time per package if a signature is not required for the package.

(*iii*) The package delivery company does not make a telephone call or send a text message more than 2 times if the package delivery requires a signature, and the package delivery company is unable to deliver the package to the customer.

(b) The telephone call or text message is made by an inmate collect telephone call service provider to establish a billing arrangement with the recipient for future collect telephone calls and meets both of the following requirements:

(*i*) The inmate collect call service provider does not make a telephone call or send a text message more than 3 times following each inmate collect telephone call that is unsuccessful in setting up a billing arrangement.

(*ii*) The inmate collect call service provider does not retain the recipient's number after completion of the telephone call or after the third notification attempt.

(c) A telephone call or text message made by a financial institution that meets both of the following requirements:

(*i*) The content of the telephone call or text message is

limited to transactions and events that suggest fraud, identity theft, or security breaches of the recipient's personal information, information related to steps a recipient can take to prevent or remedy harm caused by the breach, and actions needed to arrange for pending money transfers.

(*ii*) The financial institution does not make a telephone call or send a text message to the recipient more than 3 times in 3 consecutive days.

(d) A telephone call or text message made by or on behalf of a health care provider that meets both of the following requirements:

(*i*) The content of the telephone call or text message is limited to an appointment or exam confirmation or reminder, wellness checkup, hospital preregistration instructions, preoperative instruction, lab result, post-discharge follow up, prescription notification, or home health care instruction.

(*ii*) The health care provider does not make a telephone call or send a text message to the recipient more than 1 time per day and does not make a telephone call or send a text message to the recipient more than 3 times per week.

(4) A telephone call or text message described in subsection (3) must meet all of the following requirements:

(a) Be made only to the telephone number of the recipient.

(b) Not include a telephone solicitation, debt collection, or an advertisement.

(c) Meet either of the following requirements:

(*i*) Be 1 minute or less for voice telephone calls.

(*ii*) Be 160 characters or less for text messages.

(d) Include information on how to opt out from future telephone calls or text messages.

(5) A person that makes a telephone call or sends a text message must honor an opt-out request not later than 10 business days after the recipient made the request.

Sec. 5. (1) Except as otherwise provided in subsection (2), a person shall not make a telephone call that includes or introduces an advertisement to a residential telephone subscriber using an artificial voice or a recorded voice without the recipient's prior express written consent.

(2) Subsection (1) does not apply to any of the following:

(a) A telephone call made for an emergency purpose.

(b) A telephone call not made for a commercial purpose and that meets both of the following:

(*i*) The person making the telephone call does not make more than 3 telephone calls in 30 consecutive days to a residential telephone subscriber.

(*ii*) Allows the residential telephone subscriber to opt out of future telephone calls.

(c) A telephone call made for a commercial purpose that meets all of the following:

(*i*) Does not contain an advertisement or a telephone solicitation.

(*ii*) The person making the telephone call does not make more than 3 telephone calls in 30 consecutive days to a residential telephone subscriber.

(*iii*) Allows the residential telephone subscriber to opt out of future telephone calls.

(d) A telephone call made on behalf of a tax-exempt nonprofit organization that meets both of the following:

(*i*) The person making the telephone call does not make more

than 3 telephone calls in 30 consecutive days to a residential telephone subscriber.

(*ii*) Allows the recipient to opt out of future telephone calls.

(e) A telephone call that delivers health information on behalf of a covered entity or a business associate and meets both of the following requirements:

(*i*) The person making the telephone call does not make more than 1 telephone call per day and no more than 3 telephone calls per week.

(*ii*) Allows the recipient to opt out of future telephone calls.

(3) A person shall not make a telephone solicitation to a residential telephone subscriber before 8:00 a.m. or after 9:00 p.m.

(4) A person shall not make a telephone solicitation to a residential telephone subscriber whose number is on the do-not-call list unless any of the following apply:

(a) The person can demonstrate that the violation is an error and that as a part of the person's routine business the person meets all of the following requirements:

(*i*) The person establishes written procedures to comply with the do-not-call list rules.

(*ii*) The person trains personnel to comply with the do-not-call list rules.

(*iii*) The person maintains a list of telephones numbers that the person may not contact.

(*iv*) The person maintains an updated list of the do-not-call list and does not sell or use the do-not-call list except to comply with state or federal law.

(b) The person received prior express written consent from the

residential telephone subscriber to receive the telephone solicitation.

(c) The person has a personal relationship with the residential telephone subscriber.

Sec. 7. A telephone call made using an artificial voice or recorded voice must meet all of the following requirements:

(a) At the beginning of the telephone call, state the name of the person that is making the telephone call.

(b) During the telephone call, state the telephone number to reach the person that made the telephone call, and the telephone number provided must not charge the recipient.

(c) For a telephone call that includes or introduces an advertisement to a service described in section 3(1)(c) or to a recipient described in section 5, immediately after stating the name of the person making the telephone call, provide instructions on how to opt out of the telephone call. The person must provide an automated voice or key press activation opt-out mechanism, and if the recipient requests to opt out of using the opt-out mechanism, the telephone call must immediately record the number on a list that is created by the person to track opt-out requests and terminate the telephone call. If the telephone call is left on an answering machine or voicemail service, the telephone call must include a toll-free number to access the opt-out mechanism.

(d) For a telephone call to a recipient described in section 5 that is not for an emergency purpose, the person making the telephone call shall allow the recipient to opt out of the telephone call during normal business hours.

Sec. 9. (1) Except as otherwise provided in this act, a request to revoke prior express written consent must be honored not

later than 10 business days after receipt of the request.

(2) If a person makes a request to revoke prior express written consent that uses an automated interactive voice or a key press opt-out mechanism, the method used revokes that prior express written consent for that method of communication.

(3) If a person replies to a text message using words other than "stop", "quit", "end", "revoke", "opt-out", "cancel", or "unsubscribe", the reply is not a valid revocation of prior express written consent. If a text message does not allow a reply, the person that sent the text message must provide a clear and conspicuous disclosure on each text message that 2-way communication is unavailable and provide an alternative method to revoke consent.

(4) A person that makes a telephone call or sends a text message shall not designate an exclusive means to request revocation unless the method does not impose requirements that are unduly burdensome to the recipient.

(5) If a person provided prior express written consent, the person must revoke that prior express written consent in accordance with this act before the person may file a complaint with the attorney general under this act.

Sec. 11. A person shall not cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, harm, or wrongfully obtain anything of value.

Sec. 13. A person that violates this act is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $500.00.

Sec. 15. (1) Not later than 1 year after the effective date of

this act, the attorney general shall create a process to allow a person to submit either of the following:

(a) A complaint that a person made a telephone call or a text message in violation of this act.

(b) Information regarding a complaint against the person submitted under subdivision (a).

(2) Not later than 1 year after the effective date of this act, the attorney general shall submit an annual report to the house and senate committees with jurisdiction over consumer protection that includes all of the following:

(a) The number of complaints alleging a violation of this act received by the attorney general in each of the previous 5 calendar years.

(b) The number of cease-and-desist letters sent by the attorney general for the previous calendar year, and details of each letter.

(c) The number of residents of this state whom the attorney general notified that the office would not pursue a civil action based on the information provided, including the average number of days elapsed before such notice was provided.

(d) The number of residents of this state for whom the attorney general provided the residents' information to the federal government to facilitate the residents' ability to enforce their rights under applicable federal laws.

(e) The number of cases filed by the attorney general for the previous calendar year and the details of each case, including whether the case was initiated because of information provided by a resident or other person.

(f) The number of final orders imposing civil penalties during

the previous calendar year to enforce this act, and the details of each order.

(g) The number of civil fines collected during the previous calendar year by the attorney general for violations of this act, and the details of each violation for which a fine was collected.

(h) The number of carriers or VoIP providers referred to the Federal Communications Commission for further investigation.

(i) The nature of collaborative efforts with federal authorities and other states undertaken by the attorney general, and the results of those collaborative efforts.

(j) Proposals for reducing the number of telephone calls or text messages made in violation of this act, including additional legal authority, funding, or technical resources needed, and data supporting the need.

(k) The number of persons that have reported frivolous complaints under this act.

(*l*) Proposals for reducing frivolous complaints against persons under this act.

(3) Not later than 120 days after the effective date of this act, the attorney general shall conduct a public consultation related to individuals' objections to telephone solicitations and contribution solicitations.

Enacting section 1. This act does not take effect unless House Bill No. 6394 (request no. H07692'26) of the 103rd Legislature is enacted into law.