



Michigan Attorney General's Office: Consumer Protection Laws, 2024 Actions, and 2025 Hot Topics

February 19, 2025



Today's Speakers

Michigan Department of Attorney General:

The Honorable Dana Nessel
Michigan Attorney General

Jason Evans
Chief, Corporate Oversight Division

Darrin Fowler
AAG, Corporate Oversight Division

Kelley Drye:

Paul Singer
Partner and Chair, State Attorneys General

Beth Bolen Chun
Senior Counsel, Advertising and State AG

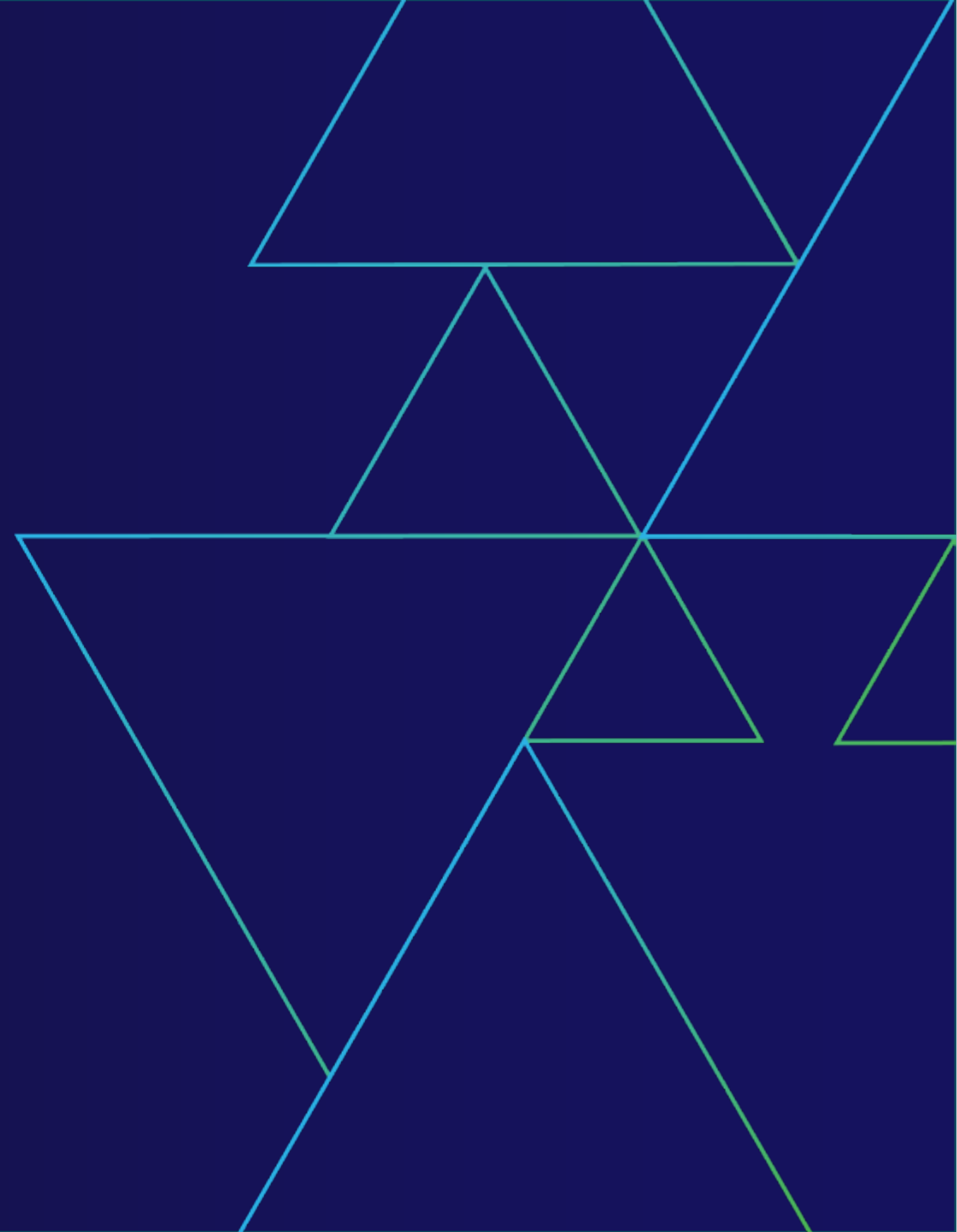
Andrea deLorimier
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Agenda

- Michigan Supreme Court: Consumer Protection Act Limitations and Challenges
- Consumer Protection Law Lightning Round
- Comprehensive Data Privacy Legislation
- 2024 Successes
- Hot Topics for 2025

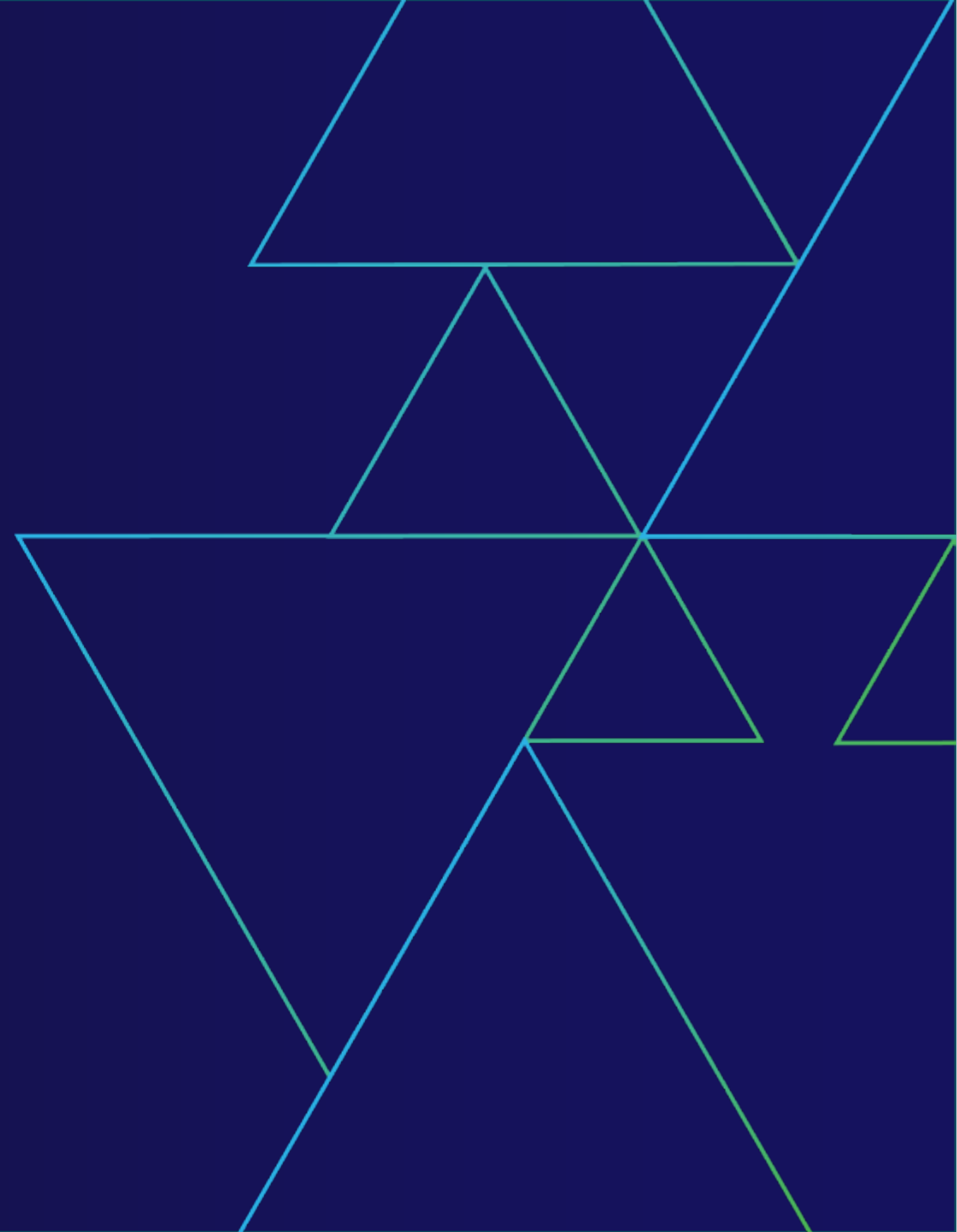
Michigan Supreme Court: Consumer Protection Act Limitations and Challenges



Michigan Supreme Court: Consumer Protection Act Limitations and Challenges

- Michigan AG is seeking reversal of two Michigan Supreme Court Cases: *Smith v. Globe Life Ins. Co.* and *Liss v. Lewiston-Richards, Inc.*
- The *Smith* and *Liss* decisions preclude state investigation of suspected illegal business practices when the target business sells products or services authorized for sale by a law administered by a state or federal agency, irrespective of allegations pertaining to how they conduct that business.
- This flawed and broad interpretation of a narrow exemption within the MCPA shields many corporations from any state scrutiny of even the most egregiously unfair alleged business conduct.

Consumer Protection Law Lightning Round



Consumer Protection Law Lightning Round: Background & Policy

- How is the AG selected in your state?
- How is consumer protection organized in your office?
- How are consumer protection priorities set in your office?
- Do you participate in multistate consumer investigations?
- Do you receive consumer complaints?
- Do you perform any complaint resolution role?

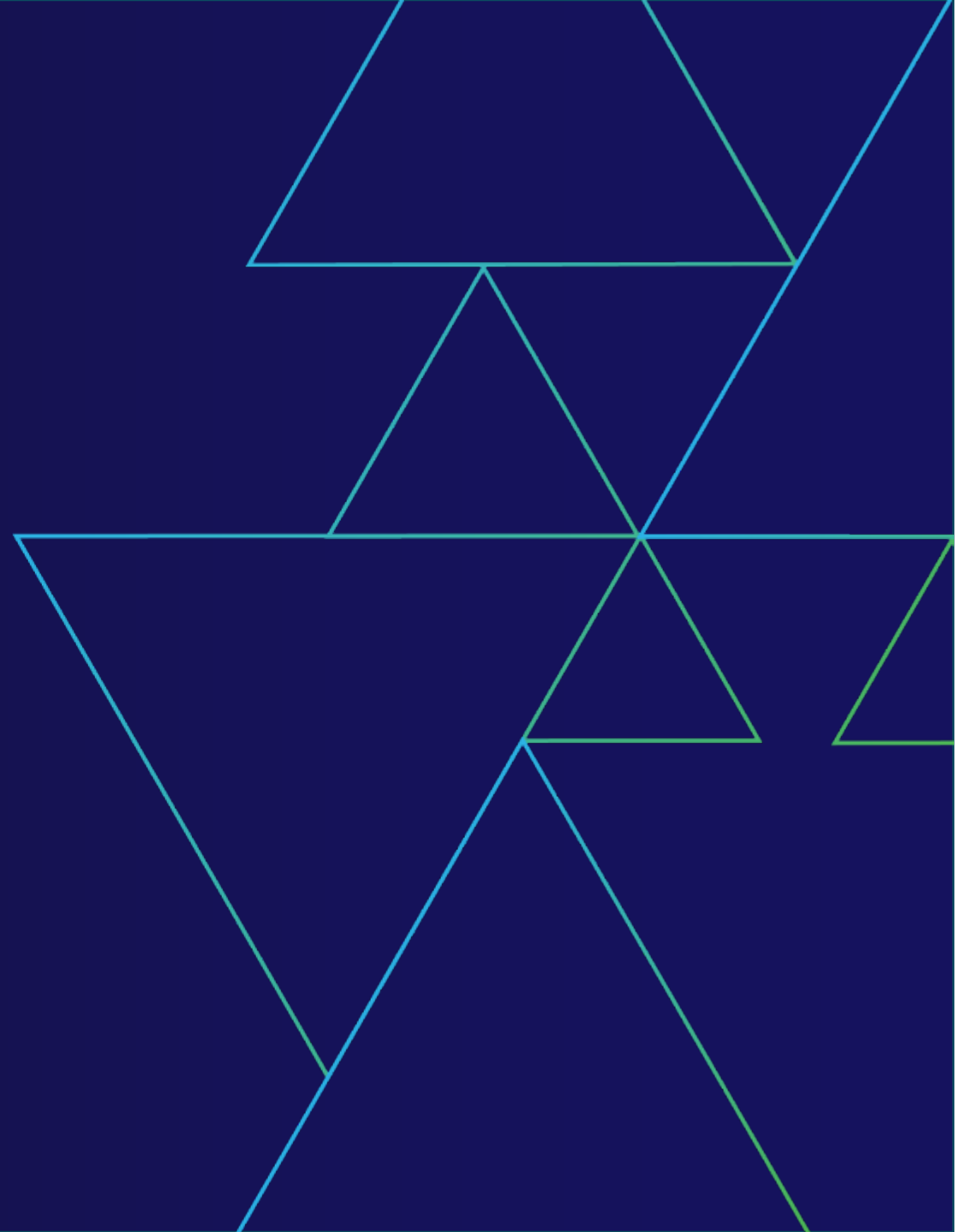
Consumer Protection Law Lightning Round: State-Specific UDAP Law

- What is your primary consumer protection statute?
- Are you able to conduct pre-suit investigations by statute?
- Can you request documents? Take statements?
- Are CIDs confidential? Are answers confidential?
- Does your law allow a party to object or set aside? If so, in what timeframe?
- How can you enforce compliance?
- Do you have a statute of limitations? If so, what is it?
- Do you have to provide pre-suit notice? If so, what timeframe?

Consumer Protection Law Lightning Round: Remedies & Other Laws

- What types of settlements can you enter into?
- What is your civil penalty authority?
- Can you obtain restitution?
- Are there times you don't get injunctive relief? Penalties/payment?
- How are IR terms enforced? What if they are in an AVC?
- Do you have specific laws and remedies for price gouging?
- Do you have specific laws and remedies for auto-renewals?
- Do you have a privacy law?
- Any new noteworthy CP laws recently introduced/passed?

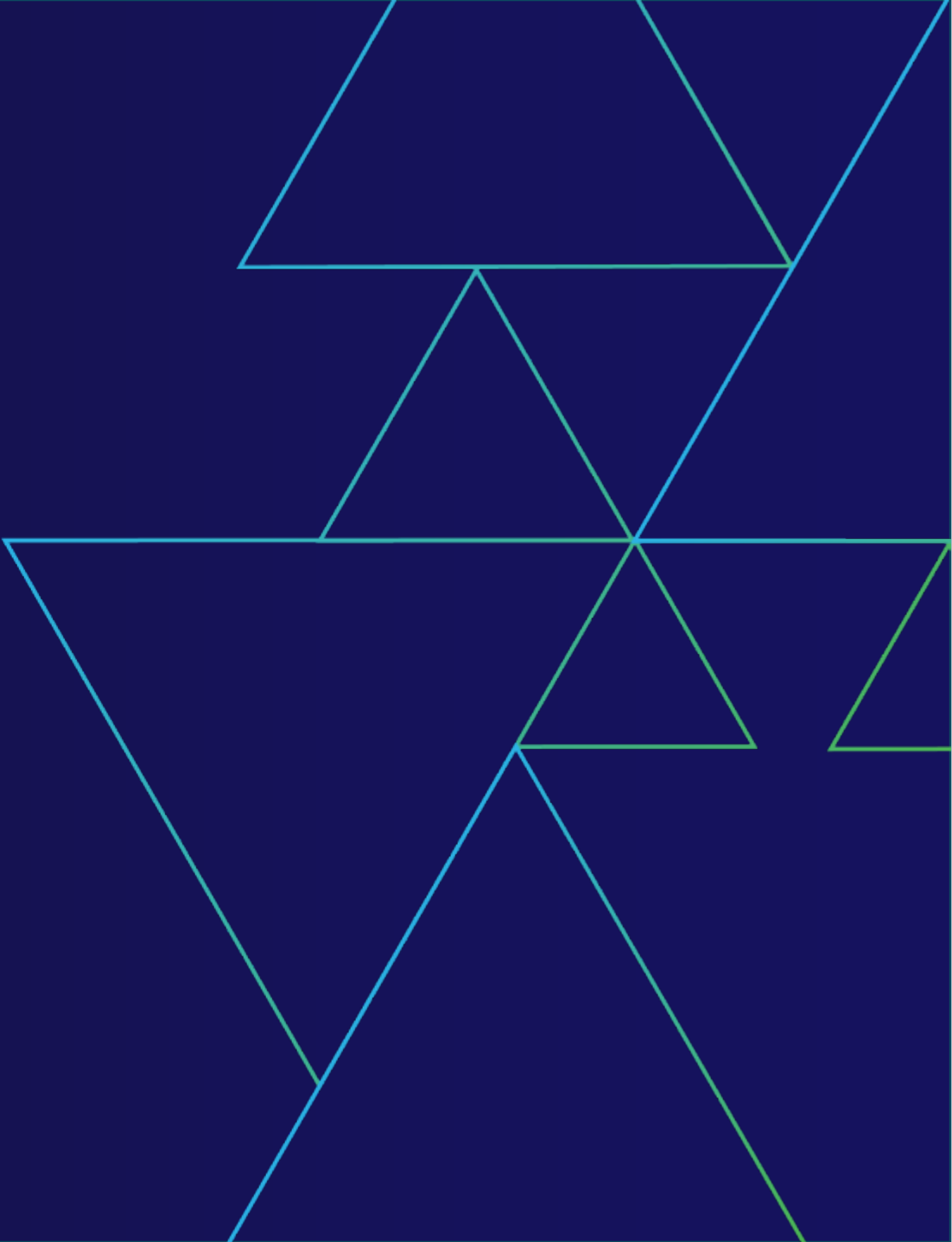
Comprehensive Data Privacy Legislation



Comprehensive Data Privacy Legislation

- Michigan does not have a comprehensive data privacy law.
- Bill to create the “Personal Data Privacy Act” passed the senate last legislative session.
- The bill would establish consumers' rights related to the collection and use of personal data.
- It also would establish requirements of controllers and processors of personal data.
- A controller would have to obtain consent from a consumer before processing the consumer's personal data and provide a privacy notice concerning the purpose of that data processing.
- The bill would allow the Attorney General to initiate civil actions for violations and would create the Data Broker Registry and two funds for administration of the bill's provisions.

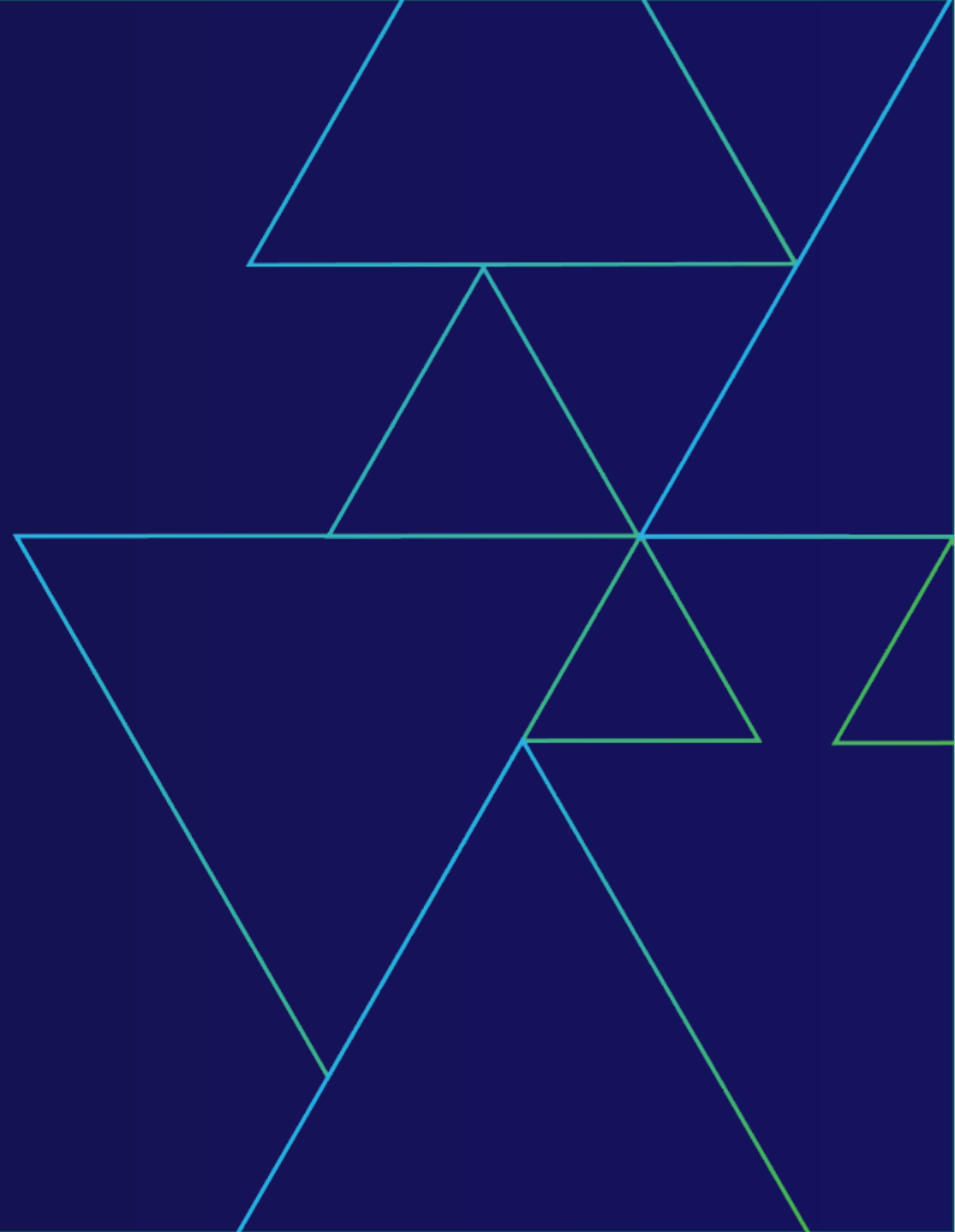
2024 Successes



2024 Successes

- Multiple actions against tree services who took advantage of consumers after storms
- Pest control services
- Price gouging at hotel based on storm
- Home ownership deceptions
- Air duct cleaning
- Landscaping/snow removal

Hot Topics for 2025



Hot Topics for 2025

- Tree services
- Usurious interest rates
- Cancellation fees
- Pet sales

Thank you.



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