

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 333

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 7340a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7340A. (1) BEGINNING JANUARY 1, 2012, A RETAILER SHALL,
2 BEFORE COMPLETING A SALE UNDER SECTION 17766F, ELECTRONICALLY
3 SUBMIT THE REQUIRED INFORMATION TO THE NATIONAL PRECURSOR LOG
4 EXCHANGE (NPLEX) ADMINISTERED BY THE NATIONAL ASSOCIATION OF DRUG
5 DIVERSION INVESTIGATORS (NADDI). A RETAILER SHALL NOT BE REQUIRED
6 TO PAY A FEE FOR USING THE NPLEX SYSTEM.

7 (2) IF A RETAILER SELLING A NONPRESCRIPTION PRODUCT CONTAINING
8 EPHEDRINE OR PSEUDOEPHEDRINE EXPERIENCES MECHANICAL OR ELECTRONIC
9 FAILURE OF THE ELECTRONIC SALES TRACKING SYSTEM AND IS UNABLE TO
10 COMPLY WITH THE ELECTRONIC SALES TRACKING REQUIREMENT, THE RETAILER
11 SHALL MAINTAIN A WRITTEN LOG OR AN ALTERNATIVE ELECTRONIC RECORD-

1 KEEPING MECHANISM UNTIL SUCH TIME AS THE RETAILER IS ABLE TO COMPLY
2 WITH THE ELECTRONIC SALES TRACKING REQUIREMENT.

3 (3) NADDI SHALL PROVIDE REAL-TIME ACCESS TO NPLEX INFORMATION
4 THROUGH THE NPLEX ONLINE PORTAL TO LAW ENFORCEMENT IN THIS STATE AS
5 AUTHORIZED BY STATE AND FEDERAL LAW.

6 (4) THE SYSTEM DESCRIBED IN SUBSECTION (1) SHALL BE CAPABLE OF
7 GENERATING A STOP SALE ALERT NOTIFYING THE RETAILER THAT COMPLETION
8 OF THE SALE WILL RESULT IN THE SELLER'S OR PURCHASER'S VIOLATING
9 THE QUANTITY LIMITS SET FORTH IN SECTION 17766F. THE SELLER SHALL
10 NOT COMPLETE THE SALE IF THE SYSTEM GENERATES A STOP SALE ALERT.
11 THE SYSTEM SHALL CONTAIN AN OVERRIDE FUNCTION THAT MAY BE USED BY A
12 DISPENSER OF EPHEDRINE OR PSEUDOEPHEDRINE WHO HAS A REASONABLE FEAR
13 OF IMMINENT BODILY HARM IF THE DISPENSER DOES NOT COMPLETE A SALE.
14 EACH INSTANCE IN WHICH THE OVERRIDE FUNCTION IS UTILIZED SHALL BE
15 LOGGED BY THE SYSTEM.

16 (5) A PERSON'S FAILURE TO COMPLY WITH THE RECORD-KEEPING OR
17 SALES VERIFICATION REQUIREMENTS OF THIS SECTION DOES NOT CREATE A
18 CIVIL CAUSE OF ACTION FOR DAMAGES TO ANY OTHER PERSON ARISING OUT
19 OF THAT FAILURE ABSENT A DIRECT AND PROXIMATE CAUSE, AND THE PERSON
20 IS IMMUNE FROM CIVIL LIABILITY FOR ANY DAMAGES ARISING OUT OF THAT
21 FAILURE.

22 (6) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
23 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00.

24 Enacting section 1. This amendatory act does not take effect
25 unless House Bill No. 4749 of the 96th Legislature is enacted into
26 law.