

SENATE BILL No. 333

(As amended May 11 and 12, 2011)

April 14, 2011, Introduced by Senators PROOS, SCHUITMAKER, BOOHER, PAPPAGEORGE, CASWELL, MARLEAU, JONES, BRANDENBURG, MEEKHOF, NOFS, KOWALL, CASPERSON, COLBECK, HILDENBRAND, WALKER and EMMONS and referred to the Committee on Health Policy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7340B. (1) BEGINNING JANUARY 1, 2012, A RETAILER SHALL,
2 BEFORE COMPLETING A SALE UNDER SECTION 7340A, ELECTRONICALLY SUBMIT
3 THE REQUIRED INFORMATION TO THE NATIONAL PRECURSOR LOG EXCHANGE
4 (NPLEX) ADMINISTERED BY THE NATIONAL ASSOCIATION OF DRUG DIVERSION
5 INVESTIGATORS (NADDI). <<A RETAILER SHALL NOT BE REQUIRED TO PAY A FEE
6 FOR USING THE NPLEX SYSTEM.
7
8
9

Senate Bill No. 333 as amended May 11 and 12, 2011

1

2

3

>>

4

(2) IF A RETAILER SELLING A NONPRESCRIPTION PRODUCT CONTAINING
EPHEDRINE OR PSEUDOEPHEDRINE EXPERIENCES MECHANICAL OR ELECTRONIC
FAILURE OF THE ELECTRONIC SALES TRACKING SYSTEM AND IS UNABLE TO
COMPLY WITH THE ELECTRONIC SALES TRACKING REQUIREMENT, THE RETAILER
SHALL MAINTAIN A WRITTEN LOG OR AN ALTERNATIVE ELECTRONIC RECORD-
KEEPING MECHANISM UNTIL SUCH TIME AS THE RETAILER IS ABLE TO COMPLY
WITH THE ELECTRONIC SALES TRACKING REQUIREMENT.

11

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

14

(4) THE SYSTEM DESCRIBED IN SUBSECTION (1) SHALL BE CAPABLE OF
GENERATING A STOP SALE ALERT NOTIFYING THE RETAILER THAT COMPLETION
OF THE SALE WILL RESULT IN THE SELLER'S OR PURCHASER'S VIOLATING
THE QUANTITY LIMITS SET FORTH IN SECTION 7340A. THE SELLER SHALL
NOT COMPLETE THE SALE IF THE SYSTEM GENERATES A STOP SALE ALERT.
THE SYSTEM SHALL CONTAIN AN OVERRIDE FUNCTION THAT MAY BE USED BY A
DISPENSER OF EPHEDRINE OR PSEUDOEPHEDRINE WHO HAS A REASONABLE FEAR
OF IMMINENT BODILY HARM IF THE DISPENSER DOES NOT COMPLETE A SALE.
EACH INSTANCE IN WHICH THE OVERRIDE FUNCTION IS UTILIZED SHALL BE
LOGGED BY THE SYSTEM.

23

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

24

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

25

26

Enacting section 1. This amendatory act does not take effect
unless House Bill No. 4564

27

1 of the 96th Legislature is enacted into law.