

SENATE BILL No. 333

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). ABSENT NEGLIGENCE, WANTONNESS, RECKLESSNESS,
6 OR DELIBERATE MISCONDUCT, ANY RETAILER UTILIZING THE ELECTRONIC
7 SALES TRACKING SYSTEM IN ACCORDANCE WITH THIS SUBSECTION IS NOT
8 CIVILLY LIABLE AS A RESULT OF ANY ACT OR OMISSION IN CARRYING OUT
9 THE DUTIES REQUIRED BY THIS SUBSECTION AND IS IMMUNE FROM LIABILITY

1 TO ANY THIRD PARTY UNLESS THE RETAILER HAS VIOLATED ANY PROVISION
2 OF THIS SUBSECTION IN RELATION TO A CLAIM BROUGHT FOR THAT
3 VIOLATION.

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

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

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

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

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No.____ or House Bill No.____ (request no.

1 00363'11 *) of the 96th Legislature is enacted into law.