METHAMPHETAMINE ABUSE REPORTING ACT

Act 276 of 2014

AN ACT to create the methamphetamine abuse reporting act; to require the department of state police to report methamphetamine-related offenses to the national association of drug diversion investigators (NADDI); to require the entry of methamphetamine-related offenses into the national precursor log exchange (NPLEx) system; to provide civil immunity under certain circumstances; to prohibit the disclosure of certain information under certain circumstances; and to provide remedies and penalties.

History: 2014, Act 276, Eff. Jan. 1, 2015

The People of the State of Michigan enact:

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28.121 Short title.

Sec. 1.

This act shall be known and may be cited as the "methamphetamine abuse reporting act".

History: 2014, Act 276, Eff. Jan. 1, 2015

28.122 Definitions.

Sec. 2.

As used in this act:

(a) "Department" means the department of state police.

(b) "Methamphetamine-related offense" means 1 or more of the following offenses under Michigan law:

(i) A violation or attempted violation of article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, involving methamphetamine.

(ii) A violation or attempted violation of section 17766c or 17766f of the public health code, 1978 PA 368, MCL 333.17766c and 333.17766f.

(iii) Conspiracy to commit an offense described in subparagraph (i) or (ii).

(c) "NADDI" means the national association of drug diversion investigators.

(d) "NPLEx" means the national precursor log exchange.

History: 2014, Act 276, Eff. Jan. 1, 2015

28.123 Notification of conviction to NADDI; information.

Sec. 3.

If the department is notified by the court that an individual has been convicted of a methamphetamine-related offense on or after the effective date of this act, the department shall notify NADDI of that conviction. The department may consult with NADDI regarding the conviction information that is to be provided under this act and may limit the information provided to NADDI based upon those requirements. However, the information provided to NADDI under this section shall, at a minimum, include all of the following:

(a) The individual's full name.
(b) The individual's date of birth.
(c) The individual's driver license number or state personal identification card number, if known by the department.
(d) A statement that the individual has been convicted of a methamphetamine-related offense. A statutory citation to the violation satisfies the requirements of this subdivision.
(e) A statement of the date of conviction.

History: 2014, Act 276, Eff. Jan. 1, 2015

28.124 Stop-sale alert; purpose of information provided to NADDI; expiration.

Sec. 4.

(1) The information provided to NADDI under this section shall be for the purpose of generating a stop-sale alert through NPLEx for individuals who have been convicted of methamphetamine-related offenses. Except as provided in subsection (2), the stop-sale alert applies until the expiration of 10 years after the individual is convicted of the methamphetamine-related offense.
(2) The stop-sale alert applies until the expiration of 5 years after the individual is convicted of violating section 7340c(3) of the public health code, 1978 PA 368, MCL 333.7340c.

History: 2014, Act 276, Eff. Jan. 1, 2015 ;-- Am. 2016, Act 127, Eff. Aug. 23, 2016

28.125 Statement on NPLEx.

Sec. 5.

NADDI may provide a statement on NPLEx that the stop-sale alert is generated because of a conviction for a methamphetamine-related offense and that the individual to whom the stop order applies may contact the department of state police if he or she believes that the information reported to NADDI under this act is erroneous.

History: 2014, Act 276, Eff. Jan. 1, 2015

28.126 Conditions requiring notification; correcting, updating, or removing information.

Sec. 6.

(1) The department shall notify NADDI if any of the following apply:
(a) The department corrects or updates any information regarding the conviction, if that information was previously reported to NADDI.
(b) The department determines that the conviction has been set aside under 1965 PA 213, MCL 780.621 to 780.624, or otherwise expunged.
(2) NADDI shall promptly correct or update information in, or remove information from, NPLEx upon receiving notification by the department under subsection (1).

History: 2014, Act 276, Eff. Jan. 1, 2015

28.127 Immunity from civil liability.

Sec. 7.

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The department and NADDI are immune from civil liability for compiling, maintaining, or reporting methamphetamine-related offense information under this act.

History: 2014, Act 276, Eff. Jan. 1, 2015

28.128 Reliance on and use of information by retailer; immunity from civil liability; disclosure of information; violation as misdemeanor; penalty.

Sec. 8.

(1) A person who sells ephedrine or pseudoephedrine at retail may rely on information provided by the department to NADDI under this act for enforcing a stop-sale alert based upon a report of a conviction for a methamphetamine-related offense and, except as provided in subsection (2), is immune from civil liability for the reliance upon and use of that information under this act.

(2) A person shall not intentionally disclose to any person any information that he or she knows was provided under this act, except as authorized under this act. Information provided under this act and information entered in NPLEx under this act is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(3) A person who discloses information in violation of subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

History: 2014, Act 276, Eff. Jan. 1, 2015

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