

HOUSE BILL No. 5396

February 14, 2012, Introduced by Rep. Opsommer and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7340a (MCL 333.7340a), as added by 2011 PA 84.

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) BEGINNING OCTOBER 1, 2012, NADDI SHALL PAY 5 CENTS FOR
8 EACH TRANSACTION SUBMITTED TO NPLEX UNDER THIS SECTION. NADDI SHALL
9 FORWARD THE TOTAL OF THE FUNDS COLLECTED UNDER THIS SECTION ON A
10 MONTHLY BASIS TO THE STATE TREASURER IN THE MANNER DETERMINED BY

1 THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE FUNDS
2 COLLECTED UNDER THIS SECTION INTO THE DOMESTIC REIMBURSEMENT
3 UTILIZATION GRANT FUND FOR USE AS PROVIDED IN THE DOMESTIC
4 REIMBURSEMENT UTILIZATION GRANT FUND ACT.

5 (3) ~~(2)~~—If a retailer selling a nonprescription product
6 containing ephedrine or pseudoephedrine experiences mechanical or
7 electronic failure of the electronic sales tracking system and is
8 unable to comply with the electronic sales tracking requirement,
9 the retailer shall maintain a written log or an alternative
10 electronic record-keeping mechanism until such time as the retailer
11 is able to comply with the electronic sales tracking requirement.

12 (4) ~~(3)~~—NADDI shall provide real-time access to NPLeX
13 information through the NPLeX online portal to law enforcement in
14 this state as authorized by state and federal law.

15 (5) ~~(4)~~—The system described in subsection (1) shall be
16 capable of generating a stop sale alert notifying the retailer that
17 completion of the sale will result in the seller's or purchaser's
18 violating the quantity limits set forth in section 17766f. The
19 seller shall not complete the sale if the system generates a stop
20 sale alert. The system shall contain an override function that may
21 be used by a dispenser of ephedrine or pseudoephedrine who has a
22 reasonable fear of imminent bodily harm if the dispenser does not
23 complete a sale. Each instance in which the override function is
24 utilized shall be logged by the system.

25 (6) ~~(5)~~—A person's failure to comply with the record-keeping
26 or sales verification requirements of this section does not create
27 a civil cause of action for damages to any other person arising out

1 of that failure absent a direct and proximate cause, and the person
2 is immune from civil liability for any damages arising out of that
3 failure.

4 (7) ~~(6)~~—A person who violates this section is guilty of a
5 misdemeanor punishable by a fine of not more than \$500.00.

6 Enacting section 1. This amendatory act takes effect October
7 1, 2012.

8 Enacting section 2. This amendatory act does not take effect
9 unless all of the following bills of the 96th Legislature are
10 enacted into law:

11 (a) Senate Bill No. ____ or House Bill No. 5394 (request no.
12 03794'11).

13 (b) Senate Bill No. ____ or House Bill No. 5395 (request no.
14 03794'11 a).