

HOUSE BILL NO. 4947

September 16, 2025, Introduced by Reps. BeGole, McFall, Woolford, Wozniak, Schmaltz, Harris, Frisbie, Rigas, DeBoyer, Hoadley and Robinson and referred to Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7340 and 7340a (MCL 333.7340 and 333.7340a),
section 7340 as added by 2006 PA 261 and section 7340a as amended
by 2014 PA 275.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7340. (1) A person ~~shall not sell, distribute, deliver,~~
2 ~~or otherwise furnish~~ **may offer for retail sale** a product that
3 contains any compound, mixture, or preparation containing any

1 detectable quantity of ephedrine or pseudoephedrine, a salt or
2 optical isomer of ephedrine or pseudoephedrine, or a salt of an
3 optical isomer of ephedrine or pseudoephedrine to an individual ~~if~~
4 ~~the sale is transacted through use of the mail, internet,~~
5 telephone, or other electronic means. **The person offering a product**
6 **described in this subsection for retail sale shall ensure that the**
7 **product is delivered or shipped directly to the purchaser. A retail**
8 **sale conducted under this section must comply with 21 USC 830 and**
9 **any other applicable federal law.**

10 ~~(2) This section does not apply to any of the following:~~

11 ~~(a) A pediatric product primarily intended for administration~~
12 ~~to children under 12 years of age according to label instructions.~~

13 ~~(b) A product containing pseudoephedrine that is in a liquid~~
14 ~~form if pseudoephedrine is not the only active ingredient.~~

15 ~~(c) A product that the state board of pharmacy, upon~~
16 ~~application of the manufacturer or certification by the United~~
17 ~~States drug enforcement administration as inconvertible, exempts~~
18 ~~from this section because the product has been formulated in such a~~
19 ~~way as to effectively prevent the conversion of the active~~
20 ~~ingredient into methamphetamine.~~

21 ~~(d) A person who dispenses a product described in subsection~~
22 ~~(1) pursuant to a prescription.~~

23 ~~(e) A person who, in the course of his or her business, sells~~
24 ~~or distributes products described in subsection (1) to either of~~
25 ~~the following:~~

26 ~~(i) A person licensed by this state to manufacture, deliver,~~
27 ~~dispense, or possess with intent to manufacture or deliver a~~
28 ~~controlled substance, prescription drug, or other drug.~~

29 ~~(ii) A person who orders those products described in subsection~~

~~(1) for retail sale pursuant to a license issued under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.~~

~~(f) A manufacturer or distributor who donates product samples to a nonprofit charitable organization that has tax-exempt status pursuant to section 501(c)(3) of the internal revenue code of 1986, a licensed practitioner, or a governmental entity.~~

(2) ~~(3)~~ A person ~~who~~ **that** violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

Sec. 7340a. (1) Before completing a sale under section 17766f, a retailer shall electronically submit the required information to ~~the national precursor log exchange (NPLEx) administered by the national association of drug diversion investigators (NADDI).~~ **the NPLEx.** A retailer ~~shall not be~~ **is not** required to pay a fee for using the NPLEx system.

(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.

(3) ~~NADDI~~ **The NPLEx** 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.

(4) The system described in subsection (1) ~~shall~~ **must** be capable of generating a stop sale alert notifying the retailer that the person is prohibited from purchasing a nonprescription product containing ephedrine or pseudoephedrine due to a conviction

1 reported under the methamphetamine abuse reporting act, **2014 PA**
2 **276, MCL 28.121 to 28.128**, or that completing the sale will result
3 in the seller's or purchaser's violating the quantity limits set
4 forth in section 17766f. Except as otherwise provided by law, the
5 seller shall not complete the sale if the system generates a stop
6 sale alert. The system ~~shall~~**must** contain an override function that
7 may be used by a dispenser of ephedrine or pseudoephedrine who has
8 a reasonable fear of imminent bodily harm if the dispenser does not
9 complete a sale. Each instance in which the override function is
10 utilized ~~shall~~**must** be logged by the system.

11 (5) A person's failure to comply with the record-keeping or
12 sales verification requirements of this section does not create a
13 civil cause of action for damages to any other person arising out
14 of that failure absent a direct and proximate cause, and the person
15 is immune from civil liability for any damages arising out of that
16 failure.

17 (6) **Beginning June 1, 2026, a manufacturer of a product that**
18 **contains any compound, mixture, or preparation containing any**
19 **detectable quantity of ephedrine or pseudoephedrine that is sold in**
20 **this state shall participate in a national, real-time logging**
21 **system that tracks the retail sales of the substances described in**
22 **this section.**

23 (7) ~~(6)~~A person ~~who~~**that** violates this section is guilty of a
24 misdemeanor punishable by a fine of not more than \$500.00.

25 (8) **As used in this section, "NPLeX" means National Precursor**
26 **Log Exchange.**