



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 333 (as reported by the Committee of the Whole)
Sponsor: Senator John Proos
Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following:

- Beginning January 1, 2012, require a retailer to submit electronically to the National Precursor Log Exchange (NPLEx) information regarding sales of nonprescription products containing ephedrine or pseudoephedrine.
- Require an electronic sales tracking system to generate a stop sale alert if a transaction exceeded proposed restrictions on the amount of ephedrine or pseudoephedrine allowed in a sale to one purchaser.
- Require the system to contain an override function that a dispenser could use if he or she had a reasonable fear of imminent bodily harm if he or she did not complete the sale.
- Provide immunity from civil liability for a person who failed to comply with record-keeping or sales verification requirements.
- Designate a violation of the bill a misdemeanor and prescribe a maximum \$500 fine.

The bill also would require the National Association of Drug Diversion Investigators (which administers NPLEx) to grant law enforcement in Michigan real-time access to NPLEx information through the NPLEx online portal as authorized by State and Federal law.

The bill is tie-barred to House Bill 4564, which would prohibit the retail sale and purchase of products containing a total of more than 3.6 grams of ephedrine or pseudoephedrine, or a salt or isomer of ephedrine or pseudoephedrine, within a 24-hour period. The bill also would prohibit the retail sale and purchase of more than nine grams of products containing ephedrine or pseudoephedrine, or a salt or isomer of either substance, within a 24-hour period.

Proposed MCL 333.7340b

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanor. Local governments would incur the costs of incarceration in local facilities and/or misdemeanor probation, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-11-11

Fiscal Analyst: Matthew Grabowski

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Bill Analysis @ www.senate.michigan.gov/sfa

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