

**SUBSTITUTE FOR
SENATE BILL NO. 535**

A bill 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "methamphetamine abuse reporting act".

3 Sec. 2. As used in this act:

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

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

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

6 (ii) A violation or attempted violation of section 17766c or
7 17766f of the public health code, 1978 PA 368, MCL 333.17766c and
8 333.17766f.

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

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

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

14 Sec. 3. If the department is notified by the court that an
15 individual has been convicted of a methamphetamine-related offense
16 on or after the effective date of this act, the department shall
17 notify NADDI of that conviction. The department may consult with
18 NADDI regarding the conviction information that is to be provided
19 under this act and may limit the information provided to NADDI
20 based upon those requirements. However, the information provided to
21 NADDI under this section shall, at a minimum, include all of the
22 following:

23 (a) The individual's full name.

24 (b) The individual's date of birth.

25 (c) The individual's driver license number or state personal
26 identification card number, if known by the department.

27 (d) A statement that the individual has been convicted of a

1 methamphetamine-related offense. A statutory citation to the
2 violation satisfies the requirements of this subdivision.

3 (e) A statement of the date of conviction.

4 Sec. 4. The information provided to NADDI under this section
5 shall be for the purpose of generating a stop-sale alert through
6 NPLeX for individuals who have been convicted of methamphetamine-
7 related offenses. The stop-sale alert applies until the expiration
8 of 10 years after the individual is convicted of the
9 methamphetamine-related offense.

10 Sec. 5. NADDI may provide a statement on NPLeX that the stop-
11 sale alert is generated because of a conviction for a
12 methamphetamine-related offense and that the individual to whom the
13 stop order applies may contact the department of state police if he
14 or she believes that the information reported to NADDI under this
15 act is erroneous.

16 Sec. 6. (1) The department shall notify NADDI if any of the
17 following apply:

18 (a) The department corrects or updates any information
19 regarding the conviction, if that information was previously
20 reported to NADDI.

21 (b) The department determines that the conviction has been set
22 aside under 1965 PA 213, MCL 780.621 to 780.624, or otherwise
23 expunged.

24 (2) NADDI shall promptly correct or update information in, or
25 remove information from, NPLeX upon receiving notification by the
26 department under subsection (1).

27 Sec. 7. The department and NADDI are immune from civil

1 liability for compiling, maintaining, or reporting methamphetamine-
2 related offense information under this act.

3 Sec. 8. (1) A person who sells ephedrine or pseudoephedrine at
4 retail may rely on information provided by the department to NADDI
5 under this act for enforcing a stop-sale alert based upon a report
6 of a conviction for a methamphetamine-related offense and, except
7 as provided in subsection (2), is immune from civil liability for
8 the reliance upon and use of that information under this act.

9 (2) A person shall not intentionally disclose to any person
10 any information that he or she knows was provided under this act,
11 except as authorized under this act. Information provided under
12 this act and information entered in NPLEx under this act is not
13 subject to disclosure under the freedom of information act, 1976 PA
14 442, MCL 15.231 to 15.246.

15 (3) A person who discloses information in violation of
16 subsection (2) is guilty of a misdemeanor punishable by
17 imprisonment for not more than 90 days or a fine of not more than
18 \$500.00, or both.

19 Enacting section 1. This act takes effect January 1, 2015.

20 Enacting section 2. This act does not take effect unless
21 Senate Bill No. ____ or House Bill No. ____ (request no. 02722'13
22 a) of the 97th Legislature is enacted into law.