

SENATE BILL No. 445

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-2-34; IC 25-26-13-4.2; IC 34-30-2-152.3; IC 35-31.5-2; IC 35-48.

Synopsis: Ephedrine and pseudoephedrine. Provides that materials, compounds, mixtures, or preparations that contain ephedrine or pseudoephedrine are schedule IV controlled substances that may be dispensed only by prescription, except for a product that is determined by the Indiana board of pharmacy to be an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine. Requires the superintendent of the state police to submit a report by July 1, 2017, regarding the impact of ephedrine and pseudoephedrine as a schedule IV controlled substance. Provides that this bill is effective from July 1, 2015, to June 30, 2018.

Effective: July 1, 2015.

Steele

January 12, 2015, read first time and referred to Committee on Judiciary.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 445



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-11-2-34 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 34. The superintendent shall submit a report by July**
4 **1, 2017, regarding the impact of ephedrine and pseudoephedrine**
5 **as a schedule IV controlled substance. The report shall be**
6 **submitted to the legislative council, the governor, the chief justice**
7 **of Indiana, and the members of the interim study committee on**
8 **corrections and criminal code. The report to the legislative council**
9 **must be in an electronic format under IC 5-14-6.**

10 SECTION 2. IC 25-26-13-4.2 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2015]: **Sec. 4.2. (a) The board may adopt an**
13 **emergency rule in the manner provided under IC 4-22-2-37.1 to**
14 **declare that a product is an extraction resistant or conversion**
15 **resistant form of ephedrine or pseudoephedrine. Notwithstanding**
16 **IC 4-22-2-37.1(g), an emergency rule adopted under this subsection**



1 expires **June 30, 2018.**

2 **(b) The board shall find that a product is an extraction resistant**
3 **or conversion resistant form of ephedrine or pseudoephedrine if**
4 **the board determines that the product poses a significantly reduced**
5 **risk of being used in the manufacture of methamphetamine.**

6 **(c) This section expires June 30, 2018.**

7 SECTION 3. IC 34-30-2-152.3, AS AMENDED BY P.L.193-2013,
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 152.3. **(a) This section does not apply from July**
10 **1, 2015, through June 30, 2018.**

11 **(b)** IC 35-48-4-14.7 (Concerning a pharmacy or NPLEx retailer who
12 discloses information concerning the sale of a product containing
13 ephedrine or pseudoephedrine).

14 SECTION 4. IC 35-31.5-2-61, AS ADDED BY P.L.114-2012,
15 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2015]: Sec. 61. **(a) This section does not apply from July 1,**
17 **2015, through June 30, 2018.**

18 **(b)** "Constant video monitoring", for purposes of IC 35-48-4-14.7,
19 has the meaning set forth in IC 35-48-4-14.7(b)(1).

20 SECTION 5. IC 35-31.5-2-66, AS ADDED BY P.L.114-2012,
21 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2015]: Sec. 66. **(a) This section does not apply from July 1,**
23 **2015, through June 30, 2018.**

24 **(b)** "Convenience package", for purposes of IC 35-48-4-14.7, has
25 the meaning set forth in IC 35-48-4-14.7(b)(2).

26 SECTION 6. IC 35-31.5-2-120, AS ADDED BY P.L.114-2012,
27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2015]: Sec. 120. **(a) This section does not apply from July**
29 **1, 2015, through June 30, 2018.**

30 **(b)** "Ephedrine", for purposes of IC 35-48-4-14.7, has the meaning
31 set forth in IC 35-48-4-14.7(b)(3).

32 SECTION 7. IC 35-31.5-2-256, AS AMENDED BY P.L.193-2013,
33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2015]: Sec. 256. **(a) This section does not apply from July**
35 **1, 2015, through June 30, 2018.**

36 **(b)** "Pseudoephedrine", for purposes of IC 35-48-4-14.7, has the
37 meaning set forth in IC 35-48-4-14.7.

38 SECTION 8. IC 35-31.5-2-279, AS AMENDED BY P.L.193-2013,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 279. **(a) This section does not apply from July**
41 **1, 2015, through June 30, 2018.**

42 **(b)** "Retailer", for purposes of IC 35-48-4-14.7, has the meaning set



1 forth in IC 35-48-4-14.7.

2 SECTION 9. IC 35-31.5-2-320, AS AMENDED BY P.L.193-2013,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 320. **(a) This section does not apply from July
5 1, 2015, through June 30, 2018.**

6 **(b)** "Suspicious order", for purposes of IC 35-48-4-14.7, has the
7 meaning set forth in IC 35-48-4-14.7.

8 SECTION 10. IC 35-31.5-2-343, AS AMENDED BY P.L.193-2013,
9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2015]: Sec. 343. **(a) This section does not apply from July
11 1, 2015, through June 30, 2018.**

12 **(b)** "Unusual theft", for purposes of IC 35-48-4-14.7, has the
13 meaning set forth in IC 35-48-4-14.7.

14 SECTION 11. IC 35-48-2-10, AS AMENDED BY P.L.283-2013,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2015]: Sec. 10. (a) The controlled substances listed in this
17 section are included in schedule IV.

18 (b) Narcotic drugs. Unless specifically excepted in a rule adopted
19 by the board or unless listed in another schedule, any material,
20 compound, mixture, or preparation containing any of the following
21 narcotic drugs, or their salts calculated as the free anhydrous base or
22 alkaloid, in the following limited quantities:

23 (1) Not more than 1 milligram of difenoxin (9618) and not less
24 than 25 micrograms of atropine sulfate per dosage unit.

25 (2) Dextropropoxyphene (alpha- (+)-4-dimethylamino-1,2-
26 diphenyl-3-methyl-2-propionoxybutane (9278).

27 (c) Depressants. Unless specifically excepted in a rule adopted by
28 the board or unless listed in another schedule, any material, compound,
29 mixture, or preparation which contains any quantity of the following
30 substances, including its salts, isomers, and salts of isomers whenever
31 the existence of such salts, isomers, and salts of isomers is possible
32 within the specific chemical designation:

33 Alprazolam (2882).

34 Barbital (2145).

35 Bromazepam (2748).

36 Camazepam (2749).

37 Carisoprodol.

38 Chloral betaine (2460).

39 Chloral hydrate (2465).

40 Chlordiazepoxide (2744).

41 Clobazam (2751).

42 Clonazepam (2737).



1	Clorazepate (2768).
2	Clotiazepam (2752).
3	Cloxazolam (2753).
4	Delorazepam (2754).
5	Diazepam (2765).
6	Dichloralphenazone (2467).
7	Estazolam (2756).
8	Ethchlorvynol (2540).
9	Ethinamate (2545).
10	Ethyl loflazepate (2758).
11	Fludiazepam (2759).
12	Flunitrazepam (2763).
13	Flurazepam (2767).
14	Fospropofol.
15	Halazepam (2762).
16	Haloxazolam (2771).
17	Ketazolam (2772).
18	Loprazolam (2773).
19	Lorazepam (2885).
20	Lormetazepam (2774).
21	Mebutamate (2800).
22	Medazepam (2836).
23	Meprobamate (2820).
24	Methohexital (2264).
25	Methylphenobarbital (mephobarbital) (2250).
26	Midazolam (2884).
27	Nimetazepam (2837).
28	Nitrazepam (2834).
29	Nordiazepam (2838).
30	Oxazepam (2835).
31	Oxazolam (2839).
32	Paraldehyde (2585).
33	Petrichloral (2591).
34	Phenobarbital (2285).
35	Pinazepam (2883).
36	Prazepam (2764).
37	Quazepam (2881).
38	Temazepam (2925).
39	Tetrazepam (2886).
40	Triazolam (2887).
41	Zaleplon (2781).
42	Zolpidem (Ambien) (2783).



- 1 Zopiclone (2784).
- 2 (d) Fenfluramine. Any material, compound, mixture, or preparation
- 3 which contains any quantity of the following substances, including its
- 4 salts, isomers (whether optical, position, or geometric), and salts of
- 5 such isomers, whenever the existence of such salts, isomers, and salts
- 6 of isomers is possible.
- 7 Fenfluramine (1670).
- 8 (e) Stimulants. Unless specifically excepted in a rule adopted by the
- 9 board or unless listed in another schedule, any material, compound,
- 10 mixture, or preparation which contains any quantity of the following
- 11 substances having a stimulant effect on the central nervous system,
- 12 including its salts, isomers (whether optical, position, or geometric),
- 13 and salts of such isomers whenever the existence of such salts, isomers,
- 14 and salts of isomers is possible within the specific chemical
- 15 designation:
- 16 Cathine ((+)-norpseudoephedrine) (1230).
- 17 Diethylpropion (1610).
- 18 Fencamfamin (1760).
- 19 Fenproporex (1575).
- 20 Mazindol (1605).
- 21 Mefenorex (1580).
- 22 Modafinil (1680).
- 23 Phentermine (1640).
- 24 Pemoline (including organometallic complexes and chelates
- 25 thereof) (1530).
- 26 Pipradrol (1750).
- 27 Sibutramine (1675).
- 28 SPA ((-)-1-dimethylamino-1,2-diphenylethane (1635).
- 29 (f) Other substances. Unless specifically excepted or unless listed
- 30 in another schedule, any material, compound, mixture, or preparation
- 31 which contains any quantity of the following substances including its
- 32 salts:
- 33 Butorphanol (including its optical isomers) (9720).
- 34 Pentazocine (9709).
- 35 **(g) This subsection applies from July 1, 2015, through June 30,**
- 36 **2018. Except for a product that has been found by the Indiana**
- 37 **board of pharmacy to be an extraction resistant or conversion**
- 38 **resistant form of ephedrine or pseudoephedrine under**
- 39 **IC 25-26-13-4.2, a material, compound, mixture, or preparation**
- 40 **that contains a quantity of any of the following substances, pure or**
- 41 **adulterated:**
- 42 **(1) Ephedrine.**



1 **(2) Pseudoephedrine.**

2 ~~(g)~~ **(h)** The board may except by rule any compound, mixture, or
 3 preparation containing any depressant substance listed in subsection
 4 (b), (c), (d), (e), or (f) from the application of any part of this article if
 5 the compound, mixture, or preparation contains one (1) or more active
 6 medicinal ingredients not having a depressant effect on the central
 7 nervous system, and if the admixtures are included therein in
 8 combinations, quantity, proportion, or concentration that vitiate the
 9 potential for abuse of the substances which have a depressant effect on
 10 the central nervous system.

11 SECTION 12. IC 35-48-4-7, AS AMENDED BY P.L.158-2013,
 12 SECTION 633, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A person who, without a valid
 14 prescription or order of a practitioner acting in the course of the
 15 practitioner's professional practice, knowingly or intentionally
 16 possesses a controlled substance (pure or adulterated) classified in
 17 schedule I, II, III, or IV, except marijuana, hashish, salvia, or a
 18 synthetic cannabinoid, commits possession of a controlled substance,
 19 a Class A misdemeanor, except as provided in subsection (b).

20 **(b) Except as provided in section 14.5(b) of this chapter (this**
 21 **exception applying only for the period beginning July 1, 2015,**
 22 **through June 30, 2018),** the offense is a Level 6 felony if the person
 23 commits the offense and an enhancing circumstance applies.

24 (c) A person who, without a valid prescription or order of a
 25 practitioner acting in the course of the practitioner's professional
 26 practice, knowingly or intentionally obtains:

27 (1) more than four (4) ounces of schedule V controlled substances
 28 containing codeine in any given forty-eight (48) hour period
 29 unless pursuant to a prescription;

30 (2) a schedule V controlled substance pursuant to written or
 31 verbal misrepresentation; or

32 (3) possession of a schedule V controlled substance other than by
 33 means of a prescription or by means of signing an exempt
 34 narcotic register maintained by a pharmacy licensed by the
 35 Indiana state board of pharmacy;

36 commits a Class A misdemeanor.

37 SECTION 13. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013,
 38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 14.7. **(a) This section does not apply from July**
 40 **1, 2015, through June 30, 2018.**

41 ~~(a)~~ **(b)** This section does not apply to the following:

42 (1) Ephedrine or pseudoephedrine dispensed pursuant to a



- 1 prescription.
- 2 (2) The sale of a drug containing ephedrine or pseudoephedrine
- 3 to a licensed health care provider, pharmacist, retail distributor,
- 4 wholesaler, manufacturer, or an agent of any of these persons if
- 5 the sale occurs in the regular course of lawful business activities.
- 6 However, a retail distributor, wholesaler, or manufacturer is
- 7 required to report a suspicious order to the state police department
- 8 in accordance with subsection ~~(g)~~: **(h)**.
- 9 (3) The sale of a drug containing ephedrine or pseudoephedrine
- 10 by a person who does not sell exclusively to walk-in customers for
- 11 the personal use of the walk-in customers. However, if the person
- 12 described in this subdivision is a retail distributor, wholesaler, or
- 13 manufacturer, the person is required to report a suspicious order
- 14 to the state police department in accordance with subsection ~~(g)~~:
- 15 **(h)**.
- 16 ~~(b)~~ (c) The following definitions apply throughout this section:
- 17 (1) "Constant video monitoring" means the surveillance by an
- 18 automated camera that:
- 19 (A) records at least one (1) photograph or digital image every
- 20 ten (10) seconds;
- 21 (B) retains a photograph or digital image for at least
- 22 seventy-two (72) hours;
- 23 (C) has sufficient resolution and magnification to permit the
- 24 identification of a person in the area under surveillance; and
- 25 (D) stores a recorded photograph or digital image at a location
- 26 that is immediately accessible to a law enforcement officer.
- 27 (2) "Convenience package" means a package that contains a drug
- 28 having as an active ingredient not more than sixty (60) milligrams
- 29 of ephedrine or pseudoephedrine, or both.
- 30 (3) "Ephedrine" means pure or adulterated ephedrine.
- 31 (4) "Pharmacy or NPLeX retailer" means:
- 32 (A) a pharmacy, as defined in IC 25-26-13-2;
- 33 (B) a retailer containing a pharmacy, as defined in
- 34 IC 25-26-13-2; or
- 35 (C) a retailer that electronically submits the required
- 36 information to the National Precursor Log Exchange (NPLeX)
- 37 administered by the National Association of Drug Diversion
- 38 Investigators (NADDI).
- 39 (5) "Pseudoephedrine" means pure or adulterated
- 40 pseudoephedrine.
- 41 (6) "Retailer" means a grocery store, general merchandise store,
- 42 or other similar establishment. The term does not include a



- 1 pharmacy or NPLEx retailer.
- 2 (7) "Suspicious order" means a sale or transfer of a drug
- 3 containing ephedrine or pseudoephedrine if the sale or transfer:
- 4 (A) is a sale or transfer that the retail distributor, wholesaler,
- 5 or manufacturer is required to report to the United States Drug
- 6 Enforcement Administration;
- 7 (B) appears suspicious to the retail distributor, wholesaler, or
- 8 manufacturer in light of the recommendations contained in
- 9 Appendix A of the report to the United States attorney general
- 10 by the suspicious orders task force under the federal
- 11 Comprehensive Methamphetamine Control Act of 1996; or
- 12 (C) is for cash or a money order in a total amount of at least
- 13 two hundred dollars (\$200).
- 14 (8) "Unusual theft" means the theft or unexplained disappearance
- 15 from a particular pharmacy or NPLEx retailer of drugs containing
- 16 ten (10) grams or more of ephedrine, pseudoephedrine, or both in
- 17 a twenty-four (24) hour period.
- 18 ~~(c)~~ (d) A drug containing ephedrine or pseudoephedrine may be
- 19 sold only by a pharmacy or NPLEx retailer. Except as provided in
- 20 subsection ~~(f)~~; (g), a retailer may not sell a drug containing ephedrine
- 21 or pseudoephedrine.
- 22 ~~(d)~~ (e) A pharmacy or NPLEx retailer may sell a drug that contains
- 23 the active ingredient of ephedrine, pseudoephedrine, or both only if the
- 24 pharmacy or NPLEx retailer complies with the following conditions:
- 25 (1) The pharmacy or NPLEx retailer does not sell the drug to a
- 26 person less than eighteen (18) years of age.
- 27 (2) The pharmacy or NPLEx retailer does not sell drugs
- 28 containing more than:
- 29 (A) three and six-tenths (3.6) grams of ephedrine or
- 30 pseudoephedrine, or both, to one (1) individual on one (1) day;
- 31 (B) seven and two-tenths (7.2) grams of ephedrine or
- 32 pseudoephedrine, or both, to one (1) individual in a thirty (30)
- 33 day period; or
- 34 (C) sixty-one and two-tenths (61.2) grams of ephedrine or
- 35 pseudoephedrine, or both, to one (1) individual in a three
- 36 hundred sixty-five (365) day period.
- 37 (3) The pharmacy or NPLEx retailer requires:
- 38 (A) the purchaser to produce a valid government issued photo
- 39 identification card showing the date of birth of the person;
- 40 (B) the purchaser to sign a written or electronic log attesting
- 41 to the validity of the information; and
- 42 (C) the clerk who is conducting the transaction to initial or



1 electronically record the clerk's identification on the log.
2 Records from the completion of a log must be retained for at least
3 two (2) years. A law enforcement officer has the right to inspect
4 and copy a log or the records from the completion of a log in
5 accordance with state and federal law. A pharmacy or NPLeX
6 retailer may not sell or release a log or the records from the
7 completion of a log for a commercial purpose. The Indiana
8 criminal justice institute may obtain information concerning a log
9 or the records from the completion of a log from a law
10 enforcement officer if the information may not be used to identify
11 a specific individual and is used only for statistical purposes. A
12 pharmacy or NPLeX retailer that in good faith releases
13 information maintained under this subsection is immune from
14 civil liability unless the release constitutes gross negligence or
15 intentional, wanton, or willful misconduct.

16 (4) The pharmacy or NPLeX retailer maintains a record of
17 information for each sale of a nonprescription product containing
18 pseudoephedrine or ephedrine. Required information includes:
19 (A) the name and address of each purchaser;
20 (B) the type of identification presented;
21 (C) the governmental entity that issued the identification;
22 (D) the identification number; and
23 (E) the ephedrine or pseudoephedrine product purchased,
24 including the number of grams the product contains and the
25 date and time of the transaction.

26 (5) Beginning January 1, 2012, a pharmacy or NPLeX retailer
27 shall, except as provided in subdivision (6), before completing a
28 sale of an over-the-counter product containing pseudoephedrine
29 or ephedrine, electronically submit the required information to the
30 National Precursor Log Exchange (NPLeX) administered by the
31 National Association of Drug Diversion Investigators (NADDI),
32 if the NPLeX system is available to pharmacies or NPLeX
33 retailers in the state without a charge for accessing the system.
34 The pharmacy or NPLeX retailer may not complete the sale if the
35 system generates a stop sale alert.

36 (6) If a pharmacy or NPLeX retailer selling an over-the-counter
37 product containing ephedrine or pseudoephedrine experiences
38 mechanical or electronic failure of the electronic sales tracking
39 system and is unable to comply with the electronic sales tracking
40 requirement, the pharmacy or NPLeX retailer shall maintain a
41 written log or an alternative electronic recordkeeping mechanism
42 until the pharmacy or NPLeX retailer is able to comply with the



1 electronic sales tracking requirement.

2 (7) The pharmacy or NPLeX retailer stores the drug behind a
3 counter in an area inaccessible to a customer or in a locked
4 display case that makes the drug unavailable to a customer
5 without the assistance of an employee.

6 ~~(e)~~ (f) A person may not purchase drugs containing more than:

7 (1) three and six-tenths (3.6) grams of ephedrine or
8 pseudoephedrine, or both, on one (1) day;

9 (2) seven and two-tenths (7.2) grams of ephedrine or
10 pseudoephedrine, or both, in a thirty (30) day period; or

11 (3) sixty-one and two-tenths (61.2) grams of ephedrine or
12 pseudoephedrine, or both, in a three hundred sixty-five (365) day
13 period.

14 These limits apply to the total amount of base ephedrine and
15 pseudoephedrine contained in the products and not to the overall
16 weight of the products.

17 ~~(f)~~ (g) This subsection only applies to convenience packages. A
18 retailer may sell convenience packages under this section without
19 complying with the conditions listed in subsection ~~(d)~~: (e):

20 (1) after June 30, 2013; and

21 (2) before January 1, 2014.

22 A retailer may not sell drugs containing more than sixty (60)
23 milligrams of ephedrine or pseudoephedrine, or both in any one (1)
24 transaction. A retailer who sells convenience packages must secure the
25 convenience packages behind the counter in an area inaccessible to a
26 customer or in a locked display case that makes the drug unavailable
27 to a customer without the assistance of an employee. A retailer may not
28 sell a drug containing ephedrine or pseudoephedrine after December
29 31, 2013.

30 ~~(g)~~ (h) A retail distributor, wholesaler, or manufacturer shall report
31 a suspicious order to the state police department in writing.

32 ~~(h)~~ (i) Not later than three (3) days after the discovery of an unusual
33 theft at a particular retail store, the pharmacy or NPLeX retailer shall
34 report the unusual theft to the state police department in writing. If
35 three (3) unusual thefts occur in a thirty (30) day period at a particular
36 pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for
37 at least one hundred eighty (180) days after the date of the last unusual
38 theft, locate all drugs containing ephedrine or pseudoephedrine at that
39 particular pharmacy or NPLeX retailer behind a counter in an area
40 inaccessible to a customer or in a locked display case that makes the
41 drug unavailable to customers without the assistance of an employee.

42 ~~(i)~~ (j) A unit (as defined in IC 36-1-2-23) may not adopt an



1 ordinance after February 1, 2005, that is more stringent than this
2 section.

3 ~~(j)~~ **(k)** A person who knowingly or intentionally violates this section
4 commits a Class C misdemeanor. However, the offense is a Class A
5 misdemeanor if the person has a prior unrelated conviction under this
6 section.

7 ~~(k)~~ **(l)** A pharmacy or NPLeX retailer that uses the electronic sales
8 tracking system in accordance with this section is immune from civil
9 liability for any act or omission committed in carrying out the duties
10 required by this section, unless the act or omission was due to
11 negligence, recklessness, or deliberate or wanton misconduct. A
12 pharmacy or NPLeX retailer is immune from liability to a third party
13 unless the pharmacy or NPLeX retailer has violated a provision of this
14 section and the third party brings an action based on the pharmacy's or
15 NPLeX retailer's violation of this section.

16 ~~(l)~~ **(m)** The following requirements apply to the NPLeX:

17 (1) Information contained in the NPLeX may be shared only with
18 law enforcement officials.

19 (2) A law enforcement official may access Indiana transaction
20 information maintained in the NPLeX for investigative purposes.

21 (3) NADDI may not modify sales transaction data that is shared
22 with law enforcement officials.

23 (4) At least one (1) time per week, NADDI shall forward Indiana
24 data contained in the NPLeX, including data concerning a
25 transaction that could not be completed due to the issuance of a
26 stop sale alert, to the state police department.

27 SECTION 14. IC 35-48-4-14.8 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2015]: **Sec. 14.8. (a) This section applies to a
30 pharmacy or NPLeX retailer that, as of June 30, 2015, kept a
31 written or electronic log required by IC 35-48-1-14.7 before its
32 inapplicability effective July 1, 2015, through June 30, 2018.**

33 **(b) Notwithstanding the inapplicability of section 14.7 of this
34 chapter effective July 1, 2015, through June 30, 2018, a pharmacy
35 or NPLeX retailer described in subsection (a) shall:**

36 **(1) continue to maintain, through June 30, 2018, its electronic
37 or written log as the log existed on June 30, 2015; and**

38 **(2) provide access to the log to any law enforcement officer or
39 the criminal justice institute.**

40 **(c) This section expires July 1, 2018.**

