

# MAINE STATE LEGISLATURE

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Date: 3/26/12

L.D. 1714  
(Filing No. H-822)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1266, L.D. 1714, Bill, "An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 32 MRSA §13796, sub-§1**, as amended by PL 2007, c. 402, Pt. DD, §32, is repealed.

**Sec. 2. 32 MRSA §13796, sub-§1-A** is enacted to read:

**1-A. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Electronic logging system" means a system that:

- (1) Blocks the illegal sale of over-the-counter cold and allergy medications containing a targeted methamphetamine precursor;
- (2) Is available free of charge to the State and its taxpayers, retailers and law enforcement;
- (3) Operates in real time and communicates across state lines in real time with similar systems; and
- (4) Complies with the requirements of the national Criminal Justice Information Exchange or its successor program and the National Information Exchange Model or its successor program.

B. "Override function" means a function in an electronic logging system that may be used to override a stop-sale alert and allows the completion of a sale.

C. "Package" means an item packaged and marked for retail sale that is not designed to be broken down or subdivided for the purpose of retail sale.

**COMMITTEE AMENDMENT**

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1           D. "Retailer" or "retail store" means a person or business entity engaged in this State  
2           in the business of selling products to the general public on a retail basis, including  
3           pharmacies.

4           E. "Sale" or "sold" includes barter, exchange, transfer and gift.

5           F. "Stop-sale alert" means a notification that alerts the retailer that completion of the  
6           sale would result in the seller's or purchaser's violating the targeted  
7           methamphetamine precursor quantity limits.

8           **Sec. 3. 32 MRSA §13796, sub-§3**, as amended by PL 2007, c. 402, Pt. DD, §33,  
9           is further amended to read:

10           **3. Restrictions on the sale of targeted methamphetamine precursors.** The  
11           following restrictions on location in the retail store, manner of sale and amount of sale  
12           apply to sales of targeted methamphetamine precursors. The limits under this subsection  
13           on the amount of targeted methamphetamine precursors that may be sold apply to the  
14           total amount of base ephedrine, phenylpropanolamine and pseudoephedrine contained in  
15           packages and not the overall weight of the packages.

16           A. A retailer may not sell ~~more than 3 packages of a targeted methamphetamine~~  
17           ~~precursor per transaction to the same person a targeted methamphetamine precursor~~  
18           that causes the sales to that person of targeted methamphetamine precursors within a  
19           24-hour period to exceed 3.6 grams.

20           A-1. A person may not purchase more than 3.6 grams of a targeted  
21           methamphetamine precursor within a 24-hour period.

22           A-2. A retailer may not sell to the same person a targeted methamphetamine  
23           precursor that causes the sale to that person of targeted methamphetamine precursors  
24           within a 30-day period to exceed 9 grams.

25           A-3. A person may not purchase more than 9 grams of a targeted methamphetamine  
26           precursor within a 30-day period.

27           B. Except with regard to single-dose packages of not more than 60 milligrams that  
28           are kept within 30 feet and in direct line of sight of a staffed cash register or store  
29           counter, a retailer ~~must~~ shall keep targeted methamphetamine precursors in a location  
30           that is locked or otherwise not accessible by customers.

31           C. Except with regard to single-dose packages of not more than 60 milligrams that  
32           are kept within 30 feet and in direct line of sight of a staffed cash register or store  
33           counter, the sale of targeted methamphetamine precursors must be completed by:

34           (1) A licensed pharmacist or licensed pharmacy technician; or

35           (2) An employee of the retailer who accepts payment for the targeted  
36           methamphetamine precursor as long as:

37           (a) The employee works under the direct supervision of a pharmacist in the  
38           pharmacy area of the retail store; and

39           (b) A licensed pharmacist or licensed pharmacy technician has given  
40           individual, express approval for the purchase.

1 D. Except with regard to single-dose packages of not more than 60 milligrams that  
 2 are kept within 30 feet and in direct line of sight of a staffed cash register or store  
 3 counter, a retailer shall require a person purchasing a targeted methamphetamine  
 4 precursor to present a valid government-issued photograph identification document at  
 5 the point of sale. A retailer shall record the:

6 (1) Name and address of the purchaser;

7 (2) Name of the targeted methamphetamine precursor purchased including the  
 8 number of grams the product contains;

9 (3) Date and time of purchase; and

10 (4) Form of identification presented, issuing government entity and  
 11 corresponding identification number.

12 E. Except with regard to single-dose packages of not more than 60 milligrams that  
 13 are kept within 30 feet and in direct line of sight of a staffed cash register or store  
 14 counter, a retailer shall maintain a written or electronic logbook and require a person  
 15 purchasing a targeted methamphetamine precursor to sign the logbook. A purchaser  
 16 must sign the logbook acknowledging that the purchaser understands the applicable  
 17 sales limit and that providing false statements or misrepresentations in the logbook  
 18 may subject the purchaser to criminal penalties under 18 United States Code, Section  
 19 1001.

20 **Sec. 4. 32 MRSA §13796, sub-§§5 to 7** are enacted to read:

21 **5. Electronic logging.** Beginning January 1, 2013, a retailer who has access to the  
 22 Internet shall, before completing a sale under this section, electronically submit the  
 23 information obtained pursuant to subsection 3, paragraph D to an electronic logging  
 24 system. If the electronic logging system generates a stop-sale alert, the retailer may not  
 25 complete the sale. If the retailer has concern for personal safety or the safety of others if  
 26 a sale is not completed, the retailer may use the system's override function to complete  
 27 the sale and must maintain a log of the sale. If the retailer experiences mechanical or  
 28 electronic failure of the electronic logging system and is unable to comply with the  
 29 electronic logging requirement, the retailer shall maintain a written log or an alternative  
 30 electronic record-keeping mechanism until such time as the retailer is able to comply with  
 31 the electronic logging requirement.

32 **6. Immunity; presumption of good faith.** A retailer is immune from liability for  
 33 any claims, costs, expenses, injuries, liabilities, losses or damages of any kind resulting  
 34 from the retailer's use of the electronic logging system in accordance with this section  
 35 unless the injury or loss is the result of willful, reckless or intentional misconduct by the  
 36 retailer. In a civil proceeding in which the retailer's use of an electronic logging system  
 37 pursuant to this section is an issue, there is a rebuttable presumption of good faith on the  
 38 part of the retailer.

39 **7. Political subdivision ordinances.** A political subdivision, as defined in Title  
 40 30-A, section 2252, may not adopt an ordinance regulating the sale or purchase of a  
 41 targeted methamphetamine precursor, and any ordinance that violates this subsection is  
 42 void and has no force or effect.





# 125th MAINE LEGISLATURE

LD 1714

LR 2544(02)

**An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-822)**  
**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with selecting a real-time electronic logging system and notifying retailers can be absorbed within existing budgeted resources.