

HOUSE BILL No. 1399

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-13.2; IC 25-26-13-4; IC 33-23-1-9.7; IC 33-24-6-3; IC 34-30-2.1; IC 35-31.5-2; IC 35-48-4-14.7.

Synopsis: Ephedrine and pseudoephedrine products. Requires the state police department (department) to oversee an electronic logging system (system) to: (1) record and monitor real time purchases of products containing ephedrine and pseudoephedrine; (2) monitor ephedrine and pseudoephedrine purchases to prevent or investigate the illegal purchase of ephedrine or pseudoephedrine; and (3) block illegal purchases of ephedrine and pseudoephedrine. Requires the department to contract with a third party vendor to operate the system. Requires each manufacturer of products that contain ephedrine and pseudoephedrine to demonstrate to the department that they have a valid contract with the vendor to provide electronic tracking of purchases in Indiana. Replaces "NPLeX system" references with "electronic logging system". Removes current restrictions on the sale of ephedrine and pseudoephedrine products to individuals who do not have a relationship on record with a pharmacy or have not completed a consultation with a pharmacy to determine if there is a legitimate medical or pharmaceutical need for the products.

Effective: July 1, 2026.

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January 8, 2026, read first time and referred to Committee on Veterans Affairs and Public Safety.



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1399

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 10-11-13.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]:

4 **Chapter 13.2. Electronic Logging System**

5 **Sec. 1. (a) The department shall oversee an electronic logging**
6 **system to:**

7 **(1) record and monitor real time purchases of products**
8 **containing ephedrine or pseudoephedrine;**

9 **(2) monitor the purchases described in subdivision (1) in**
10 **order to prevent or investigate the illegal purchase of**
11 **ephedrine or pseudoephedrine; and**

12 **(3) block illegal purchases of ephedrine and pseudoephedrine.**

13 **(b) The department shall contract with a third party vendor to**
14 **operate the electronic logging system.**

15 **(c) By September 1 of each year, each manufacturer of products**
16 **that contain ephedrine and pseudoephedrine must demonstrate to**
17 **the department that they have a valid contract with the vendor**



described in subsection (b) to provide electronic tracking of purchases in Indiana.

(d) The department may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 2. IC 25-26-13-4, AS AMENDED BY P.L.93-2024, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board may:

(1) adopt rules under IC 4-22-2 for implementing and enforcing this chapter;

(2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;

(3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;

(4) regulate the sale of drugs and devices in the state of Indiana;

(5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.



(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

(A) has entered into a contract that accepts the return of expired drugs with; or

(B) is subject to a policy that accepts the return of expired drugs of;

a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

(1) Privacy protection for the practitioner and the practitioner's patient.

(2) Security of the electronic transmission.

(3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.

(4) Use of a practitioner's United States Drug Enforcement Agency registration number.

(5) Protection of the practitioner from identity theft or fraudulent



use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

- (1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and
- (2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

- (1) A counterfeit protection bar code with human readable representation of the data in the bar code.
- (2) A thermochromic mark on the front and the back of the prescription that:
 - (A) is at least one-fourth (1/4) of one (1) inch in height and width; and
 - (B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

- (1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous years; and
- (2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract;

in order to be considered to implement and manage the program.

~~(h) The board shall adopt rules under IC 4-22-2 concerning:~~

- ~~(1) professional determinations made under IC 35-48-4-14.7(d); and~~
- ~~(2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.~~

~~(i) The board may:~~

- ~~(1) review professional determinations made by a pharmacist; and~~
- ~~(2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made;~~

~~under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.~~

SECTION 3. IC 33-23-1-9.7 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 9.7: "NPLeX" refers to the National Precursor Log Exchange.

SECTION 4. IC 33-24-6-3, AS AMENDED BY P.L.77-2025,



SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2026]: Sec. 3. (a) The office of judicial administration shall
do the following:

(1) Examine the administrative and business methods and systems
employed in the offices of the clerks of court and other offices
related to and serving the courts and make recommendations for
necessary improvement.

(2) Collect and compile statistical data and other information on
the judicial work of the courts in Indiana. All justices of the
supreme court, judges of the court of appeals, judges of all trial
courts, and any city or town courts, whether having general or
special jurisdiction, court clerks, court reporters, and other
officers and employees of the courts shall, upon notice by the
chief administrative officer and in compliance with procedures
prescribed by the chief administrative officer, furnish the chief
administrative officer the information as is requested concerning
the nature and volume of judicial business. The information must
include the following:

(A) The volume, condition, and type of business conducted by
the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for
the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than
two (2) times per year, on the nature and volume of judicial work
performed by the courts as determined by the information
required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial
qualifications commission in the performance by the commissions
of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the court technology fund established by section
12 of this chapter.

(7) By December 31, 2013, develop and implement a standard
protocol for sending and receiving court data:

(A) between the protective order registry, established by
IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and



(iii) a county court case management system developed and operated by the office of judicial administration; to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and (C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost, and for a case management system developed and operated by the office of judicial administration, must include a searchable field for the name and bail agent license number, if applicable, of the bail agent or a person authorized by the surety that pays bail for an individual as described in IC 35-33-8-3.2.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm for the purpose of:

(A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; and

(B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify ~~NPLEx~~ **the state police department** of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide ~~NPLEx~~ **the state police department** with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through ~~NPLEx~~ **the state police department's electronic logging system under IC 10-11-13.2** for each individual reported



under this clause.

(B) Notify ~~NPLE~~ **the state police department** if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, ~~NPLE~~ **the state police department** shall remove the stop sale alert issued under clause (A) for the individual **in the electronic logging system under IC 10-11-13.2.**

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony or misdemeanor conviction information for each felony or misdemeanor described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony or misdemeanor described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony or misdemeanor.

(B) Notify the department of education if the felony or misdemeanor of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed; or
- (iii) vacated.

(11) Perform legal and administrative duties for the justices as determined by the justices.

(12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

(13) Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.

(14) If necessary for purposes of IC 35-47-16-1, issue a retired judicial officer an identification card identifying the retired judicial officer as a retired judicial officer.



(15) Establish and administer the statewide juvenile justice data aggregation plan established under section 12.5 of this chapter.

(16) Create and make available an application for detention to be used in proceedings under IC 12-26-5 (mental health detention, commitment, and treatment).

(17) Create and make available a uniform form to assist a court in making an indigency determination under IC 35-33-7-6.5.

(18) Before July 1, 2025, establish and administer an electronic system for:

(A) receiving a request for a chronological case summary from; and

(B) transmitting a chronological case summary to;

the state police department for purposes of expungement or sealing of records.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The office of judicial administration may adopt rules to implement this section.

SECTION 5. IC 34-30-2.1-569, AS ADDED BY P.L.105-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 569. IC 35-48-4-14.7(d) (Concerning a pharmacy or ~~NPLEx~~ covered retailer that discloses information concerning the sale of a product containing ephedrine or pseudoephedrine).

SECTION 6. IC 34-30-2.1-570 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 570. IC 35-48-4-14.7(d)(3) (Concerning a pharmacist's professional judgment not to sell ephedrine or pseudoephedrine to an individual).~~

SECTION 7. IC 34-30-2.1-571, AS ADDED BY P.L.105-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 571. ~~IC 35-48-4-14.7(k)~~ **IC 35-48-4-14.7(j)** (Concerning a pharmacy or ~~NPLEx~~ covered retailer that discloses information concerning the sale of a product containing ephedrine or pseudoephedrine).

SECTION 8. IC 35-31.5-2-111.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 111.2. "Electronic logging system", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b).**

SECTION 9. IC 35-31.5-2-120, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 120. "Ephedrine", for purposes of



1 IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(3)~~.
 2 **IC 35-48-4-14.7(b).**

3 SECTION 10. IC 35-48-4-14.7, AS AMENDED BY P.L.252-2017,
 4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2026]: Sec. 14.7. (a) This section does not apply to the
 6 following:

7 (1) Ephedrine or pseudoephedrine dispensed pursuant to a
 8 prescription. Nothing in this section prohibits a person who is
 9 denied the sale of a nonprescription product containing
 10 pseudoephedrine or ephedrine from obtaining pseudoephedrine
 11 or ephedrine pursuant to a prescription.

12 (2) The sale of a drug containing ephedrine or pseudoephedrine
 13 to a licensed health care provider, pharmacist, retail distributor,
 14 wholesaler, manufacturer, or an agent of any of these persons if
 15 the sale occurs in the regular course of lawful business activities.
 16 However, a retail distributor, wholesaler, or manufacturer is
 17 required to report a suspicious order to the state police department
 18 in accordance with subsection ~~(g)~~. **(f).**

19 (3) The sale of a drug containing ephedrine or pseudoephedrine
 20 by a person who does not sell exclusively to walk-in customers for
 21 the personal use of the walk-in customers. However, if the person
 22 described in this subdivision is a retail distributor, wholesaler, or
 23 manufacturer, the person is required to report a suspicious order
 24 to the state police department in accordance with subsection ~~(g)~~.
 25 **(f).**

26 (b) The following definitions apply throughout this section:

27 (1) "Constant video monitoring" means the surveillance by an
 28 automated camera that:

29 (A) records at least one (1) photograph or digital image every
 30 ten (10) seconds;

31 (B) retains a photograph or digital image for at least
 32 seventy-two (72) hours;

33 (C) has sufficient resolution and magnification to permit the
 34 identification of a person in the area under surveillance; and

35 (D) stores a recorded photograph or digital image at a location
 36 that is immediately accessible to a law enforcement officer.

37 (2) "Convenience package" means a package that contains a drug
 38 having as an active ingredient not more than sixty (60) milligrams
 39 of ephedrine or pseudoephedrine, or both.

40 **(3) "Electronic logging system" means the system established**
 41 **and operated by the state police department under**
 42 **IC 10-11-13.2 for the purpose of:**



(A) recording and monitoring the real time purchase of products containing ephedrine or pseudoephedrine; and
(B) monitoring the information described in clause (A) to prevent or investigate the illegal purchase of ephedrine or pseudoephedrine.

(3) (4) "Ephedrine" means pure or adulterated ephedrine.

(4) (5) "Pharmacy or ~~NPLEx~~ covered retailer" means:

(A) a pharmacy, as defined in IC 25-26-13-2;

(B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

(C) a retailer that electronically submits the required information to the ~~National Precursor Log Exchange (NPLEx)~~ state police department's logging system under IC 10-11-13.2.

(5) (6) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(6) (7) "Retailer" means a grocery store, general merchandise store, or other similar establishment. The term does not include a pharmacy or ~~NPLEx~~ covered retailer.

(7) (8) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(8) (9) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or ~~NPLEx~~ covered retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or ~~NPLEx~~ covered retailer.

(d) A pharmacy or ~~NPLEx~~ covered retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or ~~NPLEx~~ covered retailer complies with the following conditions:

(1) The pharmacy or ~~NPLEx~~ covered retailer does not sell the



1 drug to a person less than eighteen (18) years of age.

2 (2) The pharmacy or ~~NPLEx~~ **covered** retailer does not sell drugs
3 containing more than:

4 (A) three and six-tenths (3.6) grams of ephedrine or
5 pseudoephedrine, or both, to one (1) individual on one (1) day;

6 (B) seven and two-tenths (7.2) grams of ephedrine or
7 pseudoephedrine, or both, to one (1) individual in a thirty (30)
8 day period; or

9 (C) sixty-one and two-tenths (61.2) grams of ephedrine or
10 pseudoephedrine, or both, to one (1) individual in a three
11 hundred sixty-five (365) day period.

12 ~~(3) Except as provided in subsection (f), before the sale occurs the~~
13 ~~pharmacist or the pharmacy technician (as defined by~~
14 ~~IC 25-26-19-2) has determined that the purchaser has a~~
15 ~~relationship on record with the pharmacy; in compliance with~~
16 ~~rules adopted by the board under IC 25-26-13-4. If it has been~~
17 ~~determined that the purchaser does not have a relationship on~~
18 ~~record with the pharmacy; the pharmacist shall make a~~
19 ~~professional determination as to whether there is a legitimate~~
20 ~~medical or pharmaceutical need for ephedrine or pseudoephedrine~~
21 ~~before selling ephedrine or pseudoephedrine to an individual. The~~
22 ~~pharmacist's professional determination must comply with the~~
23 ~~rules adopted under IC 25-26-13-4 and may include the~~
24 ~~following:~~

25 ~~(A) Prior medication filling history of the individual;~~

26 ~~(B) Consulting with the individual;~~

27 ~~(C) Other tools that provide professional reassurance to the~~
28 ~~pharmacist that a legitimate medical or pharmaceutical need~~
29 ~~for ephedrine or pseudoephedrine exists;~~

30 ~~A pharmacist who in good faith does not sell ephedrine or~~
31 ~~pseudoephedrine to an individual under this subdivision is~~
32 ~~immune from civil liability unless the refusal to sell constitutes~~
33 ~~gross negligence or intentional, wanton, or willful misconduct;~~

34 ~~(4) (3) The pharmacy or ~~NPLEx~~ **covered** retailer requires:~~

35 ~~(A) the purchaser to produce a valid government issued photo~~
36 ~~identification card showing the date of birth of the person;~~

37 ~~(B) the purchaser to sign a written or electronic log attesting~~
38 ~~to the validity of the information; and~~

39 ~~(C) the clerk who is conducting the transaction to initial or~~
40 ~~electronically record the clerk's identification on the log.~~

41 Records from the completion of a log must be retained for at least
42 two (2) years. A law enforcement officer has the right to inspect



and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or ~~NPLEx~~ **covered** retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or ~~NPLEx~~ **covered** retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

~~(5)~~ **(4)** The pharmacy or ~~NPLEx~~ **covered** retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

- (A) the name and address of each purchaser;
- (B) the type of identification presented;
- (C) the governmental entity that issued the identification;
- (D) the identification number; and
- (E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.

~~(6)~~ **(5)** A pharmacy or ~~NPLEx~~ **covered** retailer shall, except as provided in subdivision ~~(7)~~; **(6)**, before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the ~~National Precursor Log Exchange (NPLEx)~~; **electronic logging system under IC 10-11-13.2**, if the ~~NPLEx~~ **electronic logging** system is available to pharmacies or ~~NPLEx~~ **covered** retailers in the state without a charge for accessing the system. The pharmacy or ~~NPLEx~~ **covered** retailer may not complete the sale if the system generates a stop sale alert, including a stop sale alert for a person convicted of a drug related felony reported under IC 33-24-6-3.

~~(7)~~ **(6)** If a pharmacy or ~~NPLEx~~ **covered** retailer selling an over-the-counter 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 pharmacy or ~~NPLEx~~ **covered** retailer shall maintain a written log or an alternative electronic record keeping mechanism until the pharmacy or



1 ~~NPLEx~~ covered retailer is able to comply with the electronic
2 sales tracking requirement.

3 ~~(8)~~ (7) The pharmacy or ~~NPLEx~~ covered retailer stores the drug
4 behind a counter in an area inaccessible to a customer or in a
5 locked display case that makes the drug unavailable to a customer
6 without the assistance of an employee.

7 (e) A person may not purchase drugs containing more than:

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

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

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

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

18 ~~(f) If a purchaser does not have a relationship on record with the~~
19 ~~pharmacy; as determined by rules adopted by the board under~~
20 ~~IC 25-26-13-4; or the pharmacist has made a professional~~
21 ~~determination that there is not a legitimate medical or pharmaceutical~~
22 ~~need for ephedrine or pseudoephedrine under subsection (d); the~~
23 ~~purchaser may; at the pharmacist's discretion; purchase only the~~
24 ~~following:~~

25 ~~(1) A product that has been determined under section 14.3 of this~~
26 ~~chapter to be an extraction resistant or a conversion resistant form~~
27 ~~of ephedrine or pseudoephedrine.~~

28 ~~(2) A product that contains not more than:~~

29 ~~(A) a total of seven hundred twenty (720) milligrams of~~
30 ~~ephedrine or pseudoephedrine per package; and~~

31 ~~(B) thirty (30) milligrams of ephedrine or pseudoephedrine per~~
32 ~~tablet.~~

33 ~~The pharmacist may not sell more than one (1) package of~~
34 ~~ephedrine or pseudoephedrine to a purchaser under this~~
35 ~~subdivision per day.~~

36 ~~However, if the pharmacist believes that the ephedrine or~~
37 ~~pseudoephedrine purchase will be used to manufacture~~
38 ~~methamphetamine, the pharmacist may refuse to sell ephedrine or~~
39 ~~pseudoephedrine to the purchaser.~~

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

42 ~~(h)~~ (g) Not later than three (3) days after the discovery of an unusual



1 theft at a particular retail store, the pharmacy or ~~NPLEx~~ **covered**
 2 retailer shall report the unusual theft to the state police department in
 3 writing. If three (3) unusual thefts occur in a thirty (30) day period at
 4 a particular pharmacy or ~~NPLEx~~ **covered** retailer, the pharmacy or
 5 ~~NPLEx~~ **covered** retailer shall, for at least one hundred eighty (180)
 6 days after the date of the last unusual theft, locate all drugs containing
 7 ephedrine or pseudoephedrine at that particular pharmacy or ~~NPLEx~~
 8 **covered** retailer behind a counter in an area inaccessible to a customer
 9 or in a locked display case that makes the drug unavailable to
 10 customers without the assistance of an employee.

11 ~~(†)~~ **(h)** A unit (as defined in IC 36-1-2-23) may not adopt an
 12 ordinance after February 1, 2005, that is more stringent than this
 13 section.

14 ~~(†)~~ **(i)** A person who knowingly or intentionally violates this section
 15 commits a Class C misdemeanor. However, the offense is a Class A
 16 misdemeanor if the person has a prior unrelated conviction under this
 17 section.

18 ~~(†)~~ **(j)** A pharmacy or ~~NPLEx~~ **covered** retailer that uses the
 19 electronic sales tracking system in accordance with this section is
 20 immune from civil liability for any act or omission committed in
 21 carrying out the duties required by this section, unless the act or
 22 omission was due to recklessness or deliberate or wanton misconduct.
 23 A pharmacy or ~~NPLEx~~ **covered** retailer is immune from liability to a
 24 third party unless the pharmacy or ~~NPLEx~~ **covered** retailer has violated
 25 a provision of this section and the third party brings an action based on
 26 the pharmacy's or ~~NPLEx~~ **covered** retailer's violation of this section.

27 ~~(†)~~ **(k)** The following requirements apply to the ~~NPLEx~~ **electronic**
 28 **logging system:**

29 (1) Information contained in the ~~NPLEx~~ **electronic logging**
 30 **system** may be shared only with law enforcement officials.

31 (2) A law enforcement official may access Indiana transaction
 32 information maintained in the ~~NPLEx~~ **electronic logging system**
 33 for investigative purposes.

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

36 (4) At least one (1) time per day, Indiana data contained in the
 37 ~~NPLEx~~ **electronic logging system** for the previous calendar day
 38 shall be forwarded to the state police department.

39 ~~(m)~~ **(l)** A person or corporate entity may not mandate a protocol or
 40 procedure that interferes with the pharmacist's ability to exercise the
 41 pharmacist's independent professional judgment under this section.
 42 ~~including whether to deny the sale of ephedrine or pseudoephedrine~~



1 under subsection (f):

