

SENATE BILL NO. 2259

Introduced by

Senators Klein, J. Lee, Robinson

Representatives Keiser, Koppelman, Mueller

1 A BILL for an Act to create and enact a new subsection to section 19-03.4-08 of the North
2 Dakota Century Code, relating to records of the sale of methamphetamine precursors; and to
3 amend and reenact subsection 4 of section 19-03.4-08 of the North Dakota Century Code,
4 relating to records of the sale of methamphetamine precursors.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 4 of section 19-03.4-08 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 4. a. When offering scheduled listed chemical products for retail sale, a person shall
9 require, obtain, and make a written record of the identification of the person
10 purchasing the scheduled listed chemical product, the identification being a
11 document issued by a government agency as described in subdivisions a and b
12 of subsection 6, and shall deliver the product directly into the custody of the
13 purchaser.

14 b. The person shall maintain a written list of sales that identifies the product by
15 name, the quantity sold, the names and addresses of the purchasers, the dates
16 and times of the sales, a unique identification number relating to the electronic
17 record submitted into the electronic recordkeeping system described in section 2
18 of this Act, and a notice to a purchaser that the making of false statements or
19 misrepresentations may subject the purchaser to federal and state criminal
20 penalties. The purchaser shall sign the written list of sales and enter the
21 purchaser's name, address, and the date and time of the sale. The person
22 making the sale shall determine that the name entered by the purchaser
23 corresponds with the name on the identification provided by the purchaser and

- 1 that the date and time of the purchase is correct. The person making the sale
2 shall enter the name of the product and the quantity sold on the list.
- 3 c. Before completing the transaction, the person making the sale shall submit all the
4 information from the written record into the electronic recordkeeping system
5 described in section 2 of this Act.
- 6 d. The person shall maintain the record of identification required by this
7 ~~subsection~~section for three years, after which the record must be destroyed. The
8 person may not use or maintain the record for any private or commercial purpose
9 or disclose the record to any person, except as required by law. The person shall
10 disclose the record, upon request, to a law enforcement agency for a law
11 enforcement purpose. A person who in good faith releases the information in the
12 record of identification to federal, state, or local law enforcement authorities is
13 immune from civil liability for such release unless the release constitutes gross
14 negligence or intentional, wanton, or willful misconduct.

15 **SECTION 2.** A new subsection to section 19-03.4-08 of the North Dakota Century Code is
16 created and enacted as follows:

- 17 13. a. The bureau of criminal investigation shall provide retailers of listed chemical
18 products access to a real-time electronic recordkeeping system to enter into the
19 record system any transaction required to be recorded by subsection 4.
- 20 b. The real-time electronic recordkeeping system must be maintained in a central
21 repository as defined in subsection 1 of section 19-03.5-01, and must have the
22 capability to calculate state and federal ephedrine base, pseudoephedrine base,
23 and phenylpropanolamine base purchase limitations.
- 24 c. The electronic recordkeeping system must include a record of all the information
25 in the written record, the unique identification number, and certification that a
26 signature has been obtained.
- 27 d. The information entered into the electronic recordkeeping system is subject to
28 subdivision d of subsection 4.
- 29 e. If feasible, the prescription drug monitoring system utilized under chapter 19-03.5
30 may be used as the electronic recordkeeping system. The bureau of criminal
31 investigation may contract with a private vendor to implement this subsection. A

- 1 contractor shall comply with the confidentiality requirements of this chapter and is
2 subject to sanctions for violation of confidentiality requirements, including
3 termination of the contract.
- 4 f. The bureau of criminal investigation may not charge a retailer a fee for the
5 establishment of, maintenance of, or access to, the electronic recordkeeping
6 system.