

IDAHO**PRODUCTS:**

- Single entity and combination pseudoephedrine (PSE) products. (ID ST §37-3301)

EXEMPTIONS:

- PSE products dispensed pursuant to a valid prescription are not subject to this act. (ID ST §37-3306)

SALES LIMITS:

- Unlawful for any retailer to knowingly sell, transfer or furnish more than 3.6 grams of PSE in a single day. (ID ST §37-3303)

PURCHASE LIMITS:

- Unlawful for any person to knowingly purchase from a retailer more than the daily sales limit of 3.6 grams of PSE or more than a base amount of 9 grams in a 30 day period regardless of the number of transactions. (ID ST §37-3303)

ID REQUIREMENT:

- The retailer shall not sell the PSE product unless the purchaser presents a photographic ID card issue by a state or by federal government. (ID ST §37-3303)

-

PRODUCT PLACEMENT:

- Retailers may only offer PSE products for sale in an area where the public is not permitted or in a locked display case (ID ST §37-3302);
- No PSE products may be dispensed by a self-service system of any kind
- All distribution of PSE products must be conducted by employee of the retailer. (ID ST §37-3302)

RECORD KEEPING FOR ELECTRONIC TRACKING SYSTEM:

- The records submitted to the tracking system shall include (a) purchaser's name and address; purchaser's signature, either on a written form or stored electronically in the tracking system, attesting to the validity of all information provided; number and issuing government entity of the photographic identification presented; date and time of sale; and name and quantity of the product sold. ID ST §37-3303A
- The records submitted to the tracking system are for the confidential use of the retailer who submitted such records, except that: records must be produced in court when lawfully required; records must be open for inspection by the board of pharmacy; records must be available to any general or limited authority Idaho

peace officer to enforce the provisions of this chapter or to federal law enforcement officers. ID ST §37-3303A

ELECTRONIC SALES TRACKING SYSTEM:

- A retailer shall, before completing a sale submit the required information to the electronic sales tracking system established under section 37-3303A, Idaho Code, as long as such a system is available without charge to the retailer for accessing the system. The retailer may not complete the sale if the system generates a stop sale alert, except as permitted in section 37-3303A, Idaho Code.
- The electronic sales tracking system shall be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits. The system shall contain an override function for use by a dispenser of pseudoephedrine products. Each instance in which the
- 23 override function is utilized shall be logged by the system. ID ST §37-3303A
- If a real-time electronic sales tracking system is not available to the state without charge for accessing the system to the state or retailers, the board of pharmacy shall not be required to create such a system. ID ST §37-3303A
- If a retailer selling a nonprescription pseudoephedrine product experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, he or she shall make available for inspection by any law enforcement officer or board inspector during normal business hours the logbook required by the federal combat methamphetamine epidemic act of 2005 until such time as he or she is able to comply with the electronic sales tracking requirement. ID ST §37-3303
- A retailer selling a nonprescription pseudoephedrine product may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the board of pharmacy stating the reasons for the exemption. The board may grant an exemption for good cause shown, but in no event shall a granted exemption exceed one hundred eighty (180) days. ID ST §37-3303
- The board may grant multiple exemptions for any *retailer* if the good cause shown indicates significant hardship for compliance with this section. A retailer that receives an exemption shall make available for inspection by any law enforcement officer or board inspector during normal business hours the logbook required by the federal combat methamphetamine epidemic act of 2005. ID ST §37-3303
- A retailer who withdraws from the electronic sales tracking system is subject to the same requirements as a retailer who has been granted an exemption.
- Charge for accessing the system" means charges relating to: 1. Access to the web-based electronic sales tracking software; 2. Training; and 3. Technical support to integrate to point of sale vendors, if necessary. ID ST §37-3303

- "Charge for accessing the system" does not include: 1. Charges relating to required internet access; 2. Optional hardware that a pharmacy may choose to purchase for work flow purposes; or 3. other equipment. ID ST §37-3303

LIABILITIES:

- A retailer participating in the electronic sales tracking system: (a) Is not liable for civil damages resulting from any act or omission in carrying out the requirements of this section or section 37-3303, Idaho Code, other than an act or omission constituting gross negligence or willful or wanton misconduct; and (b) Is not liable for civil damages resulting from a data breach that was proximately caused by a failure on the part of the electronic sales tracking system to take reasonable care through the use of industry standard levels of encryption to guard against unauthorized access to account information that is in the possession or control of the system. ID ST §37-3303A

PENALTIES:

- Persons who knowingly violate the sales limits, purchase limits, ID requirements and product placement requirements are guilty of a misdemeanor. (ID ST §37-3304)

PREEMPTION:

- Preempts more stringent regulation of retail sales of PSE products by any county, city or other political subdivision. (ID ST §37-3305)