

Idaho Code § 37-3303A

Statutes current through all legislation from the 2024 Regular Session and effective prior to July 1, 2024.

Idaho Code > Title 37 Food, Drugs, and Oil (Chs. 1 — 34) > Chapter 33 Retail Sales of Pseudoephedrine Products (§§ 37-3301 — 37-3306)

37-3303A. Electronic tracking system.

- (1) The board of pharmacy shall implement a real-time electronic sales tracking system to monitor the nonprescription sale of pseudoephedrine products in this state provided that such system is available to the state without charge for accessing the system to the state or retailers. 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.
- (2) The records submitted to the tracking system shall include the following:
 - (a) The purchaser's name and address;
 - (b) The purchaser's signature, either on a written form or stored electronically in the tracking system, attesting to the validity of all information provided;
 - (c) The type of photographic identification presented pursuant to section 37-3303, Idaho Code;
 - (d) The number and issuing government entity of the photographic identification presented;
 - (e) The date and time of sale; and
 - (f) The name and quantity of the product sold.
- (3) The records submitted to the tracking system are for the confidential use of the retailer who submitted such records, except that:
 - (a) The records must be produced in court when lawfully required;
 - (b) The records must be open for inspection by the board of pharmacy; and
 - (c) The 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.
- (4) 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 in section 37-3303, Idaho Code. The system shall contain an override function for use by a dispenser of pseudoephedrine products. Each instance in which the override function is utilized shall be logged by the system.
- (5) The board of pharmacy shall have the authority to adopt rules necessary to implement and enforce the provisions of this section and section 37-3303, Idaho Code.

- (6) 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.

History

I.C., § 37-3303A, as added by 2012, ch. 303, § 2, p. 841.

Idaho Code

Copyright © 2024 All rights reserved.