

House Bill 686

By: Representatives Reece of the 11th, Mosby of the 90th, Talton of the 145th, Smith of the 13th, and Heard of the 104th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to limit the sale and manner of sale of products whose sole active
3 ingredient is pseudoephedrine; to provide for penalties; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
8 substances, is amended by adding a new subsection (b.1) to Code Section 16-13-30.3,
9 relating to possession of substances containing ephedrine, pseudoephedrine, and
10 phenylpropanolamine, to read as follows:

11 "(b.1)(1) On and after July 1, 2005, products whose sole active ingredient is
12 pseudoephedrine shall only be offered for retail sale by a retail distributor which has on
13 its premises a pharmacy. Such products shall not be offered for retail sale by self-service
14 but shall be stored behind a counter or other barrier so that such products are not
15 accessible to the public and are only accessible for sale by a retail store employee who
16 has completed the Georgia Meth Watch employee training program conducted by or with
17 the approval of the Georgia Council on Substance Abuse. A purchaser of such product
18 shall produce a photo identification showing his or her date of birth and shall be required
19 to sign a written log showing his or her signature, printed name, current address, and the
20 date of the transaction. The retail store employee shall indicate in the log the type and
21 amount of product purchased and the purchaser shall verify such entry. Such log or
22 receipt shall be maintained by the retail distributor for a period of one year from the date
23 of the transaction.

24 (2) This subsection shall preempt all local ordinances or regulations governing the
25 possession by individuals and sale by a retail distributor of over the counter products
26 whose sole active ingredient is pseudoephedrine.

1 (3) Any person who violates paragraph (1) of this subsection shall be guilty of a
2 misdemeanor on the first offense and a misdemeanor of a high and aggravated nature on
3 a second and subsequent offense.

4 (4) The log required to be maintained pursuant to this subsection shall be made available
5 within five business days upon the request of a sheriff, chief of police, director of the
6 investigative division of the Georgia Bureau of Investigation, or an agent of the federal
7 Drug Enforcement Administration. Any person who violates this paragraph shall be
8 guilty of a misdemeanor."

9 **SECTION 2.**

10 All laws and parts of laws in conflict with this Act are repealed.