

Senate Bill 457

By: Senators Butler of the 55th, Brown of the 26th, Reed of the 35th, Henson of the 41st, Ramsey, Sr. of the 43rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 Georgia Bureau of Investigation, so as to establish the Georgia MethCheck data base for
3 electronically recording the identity of those individuals purchasing certain medications used
4 for the production of methamphetamine, including pseudoephedrine; to provide a statement
5 of purpose; to provide for definitions; to provide for a misdemeanor penalty for
6 noncompliance; to provide for related matters; to provide for an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The purpose of this Act is to reduce and prevent the operation of clandestine
11 methamphetamine laboratories and the contamination of private property by such
12 laboratories in Georgia. At this time, the state does not have a centralized real-time
13 electronic logbook that can record purchases of products containing ephedrine,
14 pseudoephedrine, and phenylpropanolamine. The failure to have such a centralized
15 electronic data base permits and encourages criminals to illegally purchase large quantities
16 of such products for the production of methamphetamine by going from store to store, and,
17 sometimes, from state to state. Law enforcement officials need this critical tool to combat
18 methamphetamine production in this state. The electronic documentation of purchases made
19 at pharmacies will stop the ever-increasing threat posed by the illegal production of
20 methamphetamine. Other states are adopting similar measures, thereby encouraging
21 methamphetamine producers to relocate to other states, such as Georgia, that are unable to
22 track their unlawful activities. Immediate action is needed by the General Assembly to
23 protect Georgia's children from the increasing harm caused by methamphetamine producers.

SECTION 2.

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by adding a new article immediately following Article 2 to read as follows:

"ARTICLE 2A

35-3-50.

As used in this article, the term:

(1) 'MethCheck' shall mean a real-time electronic logbook system maintained by the Georgia Crime Information Center for the purpose of recording information relating to the purchase of products containing ephedrine, pseudoephedrine, or phenylpropanolamine and for monitoring such information for the prevention of illegal purchases of such products.

(2) 'Pharmacy' shall mean:

(A) The profession, art, and science that deals with pharmacy care, drugs, or both, medicines, and medications, their nature, preparation, administration, dispensing, or effect; or

(B) Any place licensed in accordance with this Chapter 4 of Title 26 wherein the possessing, displaying, compounding, dispensing, or selling of drugs may be conducted, including any and all portions of the building or structure leased, used, or controlled by the licensee in the conduct of the business or profession licensed by the State Board of Pharmacy at the address for which the license was issued.

35-3-51.

(a) There is created under the authority and direction of the Georgia Bureau of Investigation the Georgia MethCheck for the recording and monitoring of the purchase of products containing ephedrine, pseudoephedrine, or phenylpropanolamine.

(b) A pharmacy shall maintain a written or electronic log or receipt of a transaction involving the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine. A pharmacy shall also enter into MethCheck such information pertaining to the transaction as required by this article and the Georgia Crime Information Center, including the name of the purchaser, the date of purchase, and the quantity purchased. No other retailer other than a pharmacy shall be authorized to make retail sales or distributions of ephedrine, pseudoephedrine, or phenylpropanolamine to a consumer.

(c) A person purchasing, receiving, or otherwise acquiring a product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall be 18 years of age or older and shall be

1 required to produce current, valid photographic identification and sign a written or
2 electronic log or receipt that documents the date of the transaction, the name of the person,
3 and the quantity of ephedrine, pseudoephedrine, or phenylpropanolamine purchased,
4 received, or otherwise acquired.

5 (d) Any person who violates any provision of this Code section shall upon conviction be
6 guilty of a misdemeanor. Each separate transaction for which required records are not
7 generated or maintained shall constitute a separate offense.

8

9 35-3-52.

10 (a) Subject to available funding, by July 1, 2009, the Georgia Crime Information Center
11 shall provide pharmacies in this state access to a real-time electronic logbook system, to
12 be designated Georgia's MethCheck, for the purpose of entering into the electronic data
13 base any transaction required to be reported by this article, including the sale and amount
14 purchased of any product containing ephedrine, pseudoephedrine, or phenylpropanolamine.

15 (b) MethCheck shall have the capability to calculate both state and federal ephedrine,
16 pseudoephedrine, or phenylpropanolamine purchase limitations, to match similar
17 identification information, and to alert pharmacies of potential illegal purchases. Except
18 as authorized by this article, the Georgia Crime Information Center shall not disclose any
19 information entered, collected, recorded, transmitted, or maintained on Georgia's
20 MethCheck system.

21 (c) The Georgia Crime Information Center shall provide access to information maintained
22 in MethCheck to the following:

23 (1) Any person authorized to prescribe or dispense products containing ephedrine,
24 pseudoephedrine, or phenylpropanolamine for the purpose of providing medical care or
25 pharmaceutical care;

26 (2) Any local, state, or federal law enforcement official or a local, state, or federal
27 prosecutor;

28 (3) A local, state, or federal official who requests access for the purpose of facilitating
29 a product recall necessary for the protection of the public health and safety; and

30 (4) The State Board of Pharmacy for the purpose of investigating misconduct or a
31 suspicious transaction committed by a pharmacy, an employee of a pharmacy, or
32 pharmacist.

33 (d) The Georgia Crime Information Center shall promulgate rules necessary to implement
34 the provisions of this article and to ensure that Georgia's MethCheck enables a pharmacy
35 to monitor the sales of ephedrine, pseudoephedrine, or phenylpropanolamine occurring at
36 the pharmacy, and to allow access to information relating to the sale of ephedrine,
37 pseudoephedrine, or phenylpropanolamine as permitted by this article. The Georgia Crime

1 Information Center shall prescribe the manner in which a pharmacy shall enter the
2 information required by the center under this article. Records maintained within
3 MethCheck may be destroyed at such time as the Georgia Crime Information Center
4 determines is appropriate but not sooner than three years from the date of the entry of such
5 record."

6 **SECTION 3.**

7 This Act shall become effective on July 1, 2008.

8 **SECTION 4.**

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