

## Senate Bill 56

By: Senators Butler of the 55th, Seay of the 34th, Adelman of the 42nd, Brown of the 26th, Reed of the 35th 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 StopMeth Log 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 repeal conflicting laws; and for other  
7 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 able to 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. Georgia law enforcement officials need this critical tool to  
18 combat methamphetamine production. Other states have adopted similar measures, thereby  
19 encouraging methamphetamine producers to relocate to states, such as Georgia, that are  
20 unable to track their unlawful activities. Immediate action is needed by the General  
21 Assembly to protect Georgia's citizens, especially Georgia's children, from the increasing  
22 harm caused by methamphetamine producers.

23 **SECTION 2.**

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

26 "ARTICLE 2A

27 35-3-50.

28 As used in this article, the term:

29 (1) 'Pharmacy or retailer' shall mean any place or business authorized to make retail sales  
30 of products containing ephedrine, pseudoephedrine, or phenylpropanolamine to  
31 consumers.

32 (2) 'StopMeth Log' shall mean Georgia's real-time electronic logbook system maintained  
33 by the Georgia Bureau of Investigation for the purpose of recording information relating  
34 to the purchase of products containing ephedrine, pseudoephedrine, or  
35 phenylpropanolamine and for monitoring such information for the prevention of illegal  
36 purchases of such products.

37 35-3-51.

38 (a) To the extent funds are available, the Georgia Bureau of Investigation is authorized to  
39 establish the StopMeth Log and may utilize any federal, state, or other grant funds  
40 available or donations of funds or property for purposes relating to the initiation,  
41 implementation, and operation of the electronic log.

42 (b) Where the Georgia Bureau of Investigation has provided access to the StopMeth Log  
43 by making the system available through the Internet, a pharmacy or retailer shall be  
44 required to enter into the StopMeth Log information pertaining to each transaction  
45 involving the sale of a product containing ephedrine, pseudoephedrine, or  
46 phenylpropanolamine as required by this article. Information to be entered on the  
47 StopMeth Log shall include the full name, address, and date of birth of the purchaser, the  
48 date of purchase, the quantity purchased or attempted to be purchased, and such other  
49 information as required by the Georgia Bureau of Investigation.

50 (c) A person purchasing, receiving, or otherwise acquiring or attempting to acquire a  
51 product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall be 18 years  
52 of age or older and shall be required to produce current, valid photographic identification  
53 of such purchaser and sign a written or electronic log or receipt that documents the date of  
54 the transaction, the full name, address, and date of birth of the person, and the quantity of  
55 ephedrine, pseudoephedrine, or phenylpropanolamine purchased, received, or otherwise  
56 acquired or attempted to be acquired. No person shall purchase or attempt to purchase an  
57 amount of ephedrine, pseudoephedrine, or phenylpropanolamine in violation of state or  
58 federal law.

59 (d) A person who violates any provision of this Code section shall upon conviction be  
60 guilty of a misdemeanor. Each separate purchase or attempted purchase made in violation

61 of this statute shall constitute a separate offense. Each transaction where records are not  
62 generated or maintained shall constitute a separate offense. An offense created by this  
63 Code section shall not merge with any other charge or offense.

64 35-3-52.

65 (a) To the extent funds are available, the Georgia Bureau of Investigation shall make the  
66 StopMeth Log available through the Internet to pharmacies and retailers in this state. The  
67 Georgia Bureau of Investigation may conduct pilot projects or designate areas of operation  
68 which include less than all areas of this state.

69 (b) The StopMeth Log shall have the capability to calculate both state and federal  
70 ephedrine, pseudoephedrine, or phenylpropanolamine purchase limitations, to match  
71 similar identification information, and to alert pharmacies and retailers of potential illegal  
72 purchases. Except as authorized by this article, the Georgia Bureau of Investigation shall  
73 not disclose any information entered, collected, recorded, transmitted, or maintained on the  
74 StopMeth Log.

75 (c) The Georgia Bureau of Investigation shall provide Internet access to information  
76 maintained in the StopMeth Log to the following:

77 (1) Any person who is authorized to prescribe or dispense products containing ephedrine,  
78 pseudoephedrine, or phenylpropanolamine for the purpose of providing medical care or  
79 pharmaceutical care;

80 (2) Any local, state, or federal law enforcement official or a local, state, or federal  
81 prosecutor;

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

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

87 (d) The Georgia Bureau of Investigation shall promulgate rules necessary to implement  
88 the provisions of this article and to ensure that the StopMeth Log enables a pharmacy or  
89 retailer to monitor the sales of ephedrine, pseudoephedrine, or phenylpropanolamine  
90 occurring at a pharmacy or retailer. The Georgia Bureau of Investigation shall prescribe  
91 the manner in which a pharmacy or retailer shall enter the information required by the  
92 bureau under this article. Records maintained within the StopMeth Log may be destroyed  
93 at such time as the Georgia Bureau of Investigation determines is appropriate but not  
94 sooner than three years from the date of the entry of such record."

95

**SECTION 3.**

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