

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:

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"ARTICLE 2A27 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.