

The House Committee on Judiciary Non-civil offers the following substitute to SB 56:

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:

S. B. 56 (SUB)

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 either by the Georgia Bureau of Investigation or by a program, approved by the bureau,
34 that works in conjunction with other federal or state law enforcement agencies so that
35 such system is maintained under the joint program such as the Atlanta High Intensity
36 Drug Trafficking Area program, for the purpose of recording information relating to the
37 purchase of products containing ephedrine, pseudoephedrine, or phenylpropanolamine
38 and for monitoring such information for the prevention of illegal purchases of such
39 products.

40 35-3-51.

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

45 (b) Where the Georgia Bureau of Investigation has provided access to the StopMeth Log
46 by making the system available through the Internet, a pharmacy or retailer shall be
47 required to enter into the StopMeth Log information pertaining to each transaction
48 involving the sale of a product containing ephedrine, pseudoephedrine, or
49 phenylpropanolamine as required by this article. Such entry shall be made at the time of
50 the sale. Information to be entered on the StopMeth Log shall include the full name,
51 address, and date of birth of the purchaser, the date of purchase, the quantity purchased or
52 attempted to be purchased, and such other information as required by the Georgia Bureau
53 of Investigation; provided, however, that any system developed by the state to collect such
54 information shall be required to accept the information from pharmacies or retailers in the
55 form being utilized by such pharmacies or retailers and such pharmacies or retailers shall
56 not be required to incur any additional costs to change their reporting systems to provide
57 such information.

58 (c) A person purchasing, receiving, or otherwise acquiring or attempting to acquire a
59 product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall be 18 years
60 of age or older and shall be required to produce current, valid photographic identification

61 of such purchaser and sign a written or electronic log or receipt that documents the date of
62 the transaction, the full name, address, and date of birth of the person, and the quantity of
63 ephedrine, pseudoephedrine, or phenylpropanolamine purchased, received, or otherwise
64 acquired or attempted to be acquired. No person shall purchase or attempt to purchase an
65 amount of ephedrine, pseudoephedrine, or phenylpropanolamine in violation of state or
66 federal law.

67 (d) A person who violates any provision of this Code section shall upon conviction be
68 guilty of a misdemeanor. Each separate purchase or attempted purchase made in violation
69 of this statute shall constitute a separate offense. Each transaction where records are not
70 generated or maintained shall constitute a separate offense. An offense created by this
71 Code section shall not merge with any other charge or offense.

72 35-3-52.

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

77 (b) The StopMeth Log shall have the capability to calculate both state and federal
78 ephedrine, pseudoephedrine, or phenylpropanolamine purchase limitations and to match
79 similar identification information. Except as authorized by this article, the Georgia Bureau
80 of Investigation and other law enforcement entities or approved users and operators shall
81 not disclose any information entered, collected, recorded, transmitted, or maintained on the
82 StopMeth Log.

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

85 (1) Any local, state, or federal law enforcement official; and

86 (2) The Georgia Drugs and Narcotics Agency for the purpose of investigating
87 misconduct or a suspicious transaction committed by a pharmacy, an employee of a
88 pharmacy, or pharmacist.

89 (d) The Georgia Bureau of Investigation shall promulgate rules necessary to implement
90 the provisions of this article. The Georgia Bureau of Investigation shall prescribe the
91 manner in which a pharmacy or retailer shall enter the information required by the bureau
92 under this article. Records maintained within the StopMeth Log may be destroyed at such
93 time as the Georgia Bureau of Investigation determines is appropriate but not sooner than
94 two 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.