

HOUSE SUBSTITUTE TO SENATE BILL 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 amend Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia
7 Annotated, relating to prescription drugs, so as to limit a pharmacist from substituting a drug
8 as part of immunosuppressive therapy or a drug prescribed for the treatment of epilepsy;
9 to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

25 **SECTION 2.**

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

28 **"ARTICLE 2A**29 35-3-50.30 As used in this article, the term:

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

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

39 35-3-51.

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

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

52 (c) A person purchasing, receiving, or otherwise acquiring or attempting to acquire a
53 product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall be required
54 to produce current, valid photographic identification of such purchaser and sign a written
55 or electronic log or receipt that documents the date of the transaction, the full name,
56 address, and date of birth of the person, and the quantity of ephedrine, pseudoephedrine,
57 or phenylpropanolamine purchased, received, or otherwise acquired or attempted to be

58 acquired. No person shall purchase or attempt to purchase an amount of ephedrine,
59 pseudoephedrine, or phenylpropanolamine in violation of state or federal law.

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

65 35-3-52.

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

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

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

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

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

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

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

88 (d) The Georgia Bureau of Investigation shall promulgate rules necessary to implement
89 the provisions of this article and to ensure that the StopMeth Log enables a pharmacy or
90 retailer to monitor the sales of ephedrine, pseudoephedrine, or phenylpropanolamine
91 occurring at a pharmacy or retailer. The Georgia Bureau of Investigation shall prescribe
92 the manner in which a pharmacy or retailer shall enter the information required by the
93 bureau under this article. Records maintained within the StopMeth Log may be destroyed

94 at such time as the Georgia Bureau of Investigation determines is appropriate but not
95 sooner than three years from the date of the entry of such record."

96 **SECTION 2A.**

97 Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
98 prescription drugs, is amended by adding a new Code section to read as follows:

99 "26-4-81.1.

100 (a) A pharmacist shall not engage in drug product selection or substitution of any primary
101 immunosuppressant pharmaceutical that is prescribed as a part of immunosuppressive
102 therapy for a patient who has received an organ or tissue transplant without first notifying
103 the patient or his or her designee. The pharmacist shall notify the prescribing physician
104 prior to the substitution by means of phone, facsimile, or electronic transmission. The
105 prescribing physician shall indicate on the prescription the diagnosis 'for organ or tissue
106 transplant patient.'

107 (b) A pharmacist shall not engage in drug product selection or substitution of any drug
108 prescribed for the treatment of epilepsy or to treat and prevent seizures that is prescribed
109 as a part of the treatment for epilepsy or seizures. The pharmacist shall notify the
110 prescribing physician prior to the substitution by means of phone, facsimile, or electronic
111 transmission. The prescribing physician shall indicate on the prescription the diagnosis 'for
112 epilepsy' or 'for seizures.'"

113 **SECTION 3.**

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