

## 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.



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.