

Real-Time Electronic Logbook for a Pharmacy to Record Purchases of Pseudoephedrine and Other Similar Substances

This Act directs the state crime center to develop and operate a real-time electronic logbook to enable pharmacies to record purchases of Ephedrine, Pseudoephedrine, and Phenylpropanolamine. The Act requires pharmacies to enter such purchases in the electronic logbook.

Submitted as:

Arkansas

[Act 508 of 2007](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Provide for a Real-Time
2 Electronic Logbook for a Pharmacy to Record Purchases of Ephedrine, Pseudoephedrine, and
3 Phenylpropanolamine.”
4

5 Section 2. [*Legislative Findings.*] The [General Assembly] finds that:

6 (a) [insert citation] requires sales involving products containing Ephedrine,
7 Pseudoephedrine, and Phenylpropanolamine be recorded into a written or electronic log at each
8 individual pharmacy;

9 (b) the state has experienced a significant decrease in the manufacture of
10 Methamphetamine;

11 (c) In order to assist law enforcement in its efforts to further combat Methamphetamine,
12 the state needs a centralized real-time electronic logbook to document transactions made at
13 pharmacies which involve the sale of products containing Ephedrine, Pseudoephedrine, and
14 Phenylpropanolamine.
15

16 Section 3. [*Pharmacy Duty to Maintain Ephedrine, Pseudoephedrine, or*
17 *Phenylpropanolamine Sales Log.*]

18 (a) (1) A pharmacy shall:

19 (A) maintain a written or electronic log or receipts of transactions involving
20 the sale of Ephedrine, Pseudoephedrine, or Phenylpropanolamine; and

21 (B) enter any transaction required to be maintained by this section into the
22 real-time electronic logbook maintained by the state [Crime Information Center] under [section 4
23 of this Act].

24 (2) A person buying, receiving, or otherwise acquiring Ephedrine,
25 Pseudoephedrine, or Phenylpropanolamine is required to:

26 (A) produce current and valid proof of identity; and

27 (B) sign a written or electronic log or receipt that documents the date of the
28 transaction, the name of the person, and the quantity of pseudoephedrine or ephedrine purchased,
29 received, or otherwise acquired.

30 (3) The requirements of subdivisions (a)(1) and (a)(2)(B) are satisfied by entering
31 the information required to be produced into the real-time electronic logbook maintained by the
32 state [Crime Information Center] under section 4 of this Act.

33
34 Section 4. [*Real-time Electronic Logbook.*]

35 (a) (1) the state [Crime Information Center] shall provide pharmacies in this state
36 access to a real-time electronic logbook for the purpose of entering into the real-time electronic
37 logbook any transaction required to be reported by this Act.

38 (2) The real-time electronic logbook shall have the capability to calculate both state
39 and federal Ephedrine, Pseudoephedrine, or Phenylpropanolamine purchase limitations.

40 (b) The [Crime Information Center] may contract with a private vendor to implement this
41 section.

42 (c) The [Crime Information Center] shall not charge a pharmacy any fee:

43 (1) to support the establishment or maintenance of the real-time logbook; or

44 (2) for any computer software required to be installed as part of the real-time
45 electronic logbook.

46
47 Section 5. [*Confidentiality of Information.*]

48 (a) Information entered into the real-time electronic logbook is confidential and is not be
49 subject to the [insert citation].

50 (b) Except as authorized under [insert citation], the [Crime Information Center] shall not
51 disclose any information entered, collected, recorded, transmitted, or maintained in the real-time
52 electronic logbook.

53
54 Section 6. [*Authorized Access to the Real-Time Electronic Logbook.*] The [Crime
55 Information Center] shall provide access to the real-time electronic logbook to the following:

56 (1) Any person authorized to prescribe or dispense products containing Ephedrine,
57 Pseudoephedrine, or Phenylpropanolamine for the purpose of providing medical care or
58 pharmaceutical care;

59 (2) A local, state, or federal law enforcement official or a local, state, or federal
60 prosecutor;

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

63 (4) The [State Board of Pharmacy] for the purpose of investigating a suspicious
64 transaction, as allowed under [insert citation].

65
66 Section 7. [*Promulgation of Rules.*] The [Crime Information Center], after consulting with
67 the [State Board of Pharmacy], shall promulgate rules necessary to:

68 (1) implement the provisions of this Act;

69 (2) ensure the real-time electronic logbook enables a pharmacy to monitor the
70 sales of ephedrine, pseudoephedrine, or phenylpropanolamine occurring at that pharmacy;

71 (3) allow a pharmacy to determine whether it will access information concerning
72 sales of ephedrine, pseudoephedrine, or phenylpropanolamine made at other pharmacies in this
73 state; and

74 (4) ensure that the real-time electronic logbook does not allow access to a
75 competitor's pricing information for Ephedrine, Pseudoephedrine, and Phenylpropanolamine.

76
77 Section 8. [*Destruction of Records.*] The [Crime Information Center] shall destroy any
78 transaction record maintained in the real-time electronic logbook within [two (2)] years from the

79 date of its entry unless the transaction record is being used in an ongoing criminal investigation or
80 criminal proceeding.

81

82 Section 9. [*Liability of Pharmacy.*] A pharmacy in this state is not liable civilly for a sale
83 of Ephedrine, Pseudoephedrine, or Phenylpropanolamine that occurs at another pharmacy in this
84 state.

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86 Section 10. [*Penalty for Unauthorized Disclosure and Unauthorized Access.*]

87 (a) A person commits an offense under this Act if he or she knowingly:

88 (1) releases or discloses to any unauthorized person any confidential information
89 collected and maintained under this Act; or

90 (2) obtains confidential information for a purpose not authorized by this Act.

91 (b) A violation of subsection (a) of this section is a [Class A misdemeanor].

92

93 Section 11. [*Severability.*] [Insert severability clause.]

94

95 Section 12. [*Repealer.*] [Insert repealer clause.]

96

97 Section 13. [*Effective Date.*] [Insert effective date.]