StateEphedrine and Pseudoephedrine Sales: Logbook Requirements

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Alabama

Code of Alabama
Title 20. Food, Drugs, and Cosmetics.
Chapter 2. Controlled Substances.
Article 9. . Precursor Chemicals.
§ 20-2-190. Penalties; sale of ephedrine, etc.; Alabama Drug Abuse Task Force.

…

(5)a. Each pharmacy selling an over-the-counter product in compliance with paragraph b. of this subdivision shall require the purchaser of the product or products to be at least 18 years of age, to provide a valid, unsuspended driver's license or nondriver identification card issued by this state, a valid, unsuspended driver's license or nondriver identification card issued by another state, a United States Uniformed Services Privilege and Identification Card, or a United States or foreign passport, and to sign a record of each transaction. A record of each transaction shall include the magnetic transfer or electronic entry of information data from the identification card into the system, as well as the type of identification card used, including the number, name, date of birth, and current, valid address of the purchaser, the date and time of the sale, the name of the product being sold, as well as the total quantity in grams, of ephedrine or pseudoephedrine being sold. The system required pursuant to this section shall be available to the state and to pharmacies accessing the system without cost. Effective January 1, 2011, provided a system is available to the state without cost to the state or pharmacies for accessing the system, before completing a sale of a product covered by this section, a pharmacy shall submit the required information to the electronic sales tracking system established under subdivision (1) of subsection (i). The seller shall not complete the sale if the system generates a stop sale alert except when the seller follows the procedure described under subsection (i) for overriding the stop sale alert when the seller has fear of bodily harm. Any seller who fails to comply with this subdivision shall be guilty of a Class A misdemeanor upon a first offense, and a Class C felony on a second or subsequent offense, except that sellers who exercise the override feature described under subdivision (3) of subsection (i) when a stop sale alert is generated shall not be subject to misdemeanor or felony charges. Absent negligence, wantonness, recklessness, or deliberate misconduct, any retailer maintaining the electronic sales tracking system in accordance with this subdivision shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection and shall be immune from liability to any third party unless the retailer has violated any provision of this subsection in relation to a claim brought for such violation. Any excessive or suspicious sales of such a product by any wholesaler, manufacturer, or repackager as defined in Section 34-23-1 shall be reported to the Alcohol Beverage Control Board and the Board of Pharmacy. Any person who fails to comply with this subdivision shall be guilty of a Class A misdemeanor upon a first offense, and a Class C felony upon a second or subsequent offense.

b. If a pharmacy selling an over-the-counter product in compliance with subdivision (3) experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with paragraph a. of this subdivision, the pharmacy shall maintain a written log or an alternative electronic recordkeeping mechanism that complies with all identification and documentation requirements of Act 2012-237, until the pharmacy is able to comply with paragraph a. of this subdivision.

(6) This subsection does not apply to products dispensed pursuant to a legitimate prescription.

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(8) A pharmacist who is the general owner or operator of an establishment where ephedrine or pseudoephedrine products are available for sale shall not be penalized pursuant to this section for conduct of an employee if the retailer documents that an employee training program was conducted by or approved by the Alabama Drug Abuse Task Force (ADATF), pursuant to subsection (h). As provided in subsection (h), the Alabama Board of Pharmacy shall develop or approve all training programs for those pharmacy employees referenced in subdivision (1) and submit such programs to the ADATF for approval. The ADATF must review any training programs submitted by the Alabama Board of Pharmacy at its next subsequent called or scheduled public meeting and within 7 days,

report its decision in writing to the Alabama Board of Pharmacy.

…

(i)(1) The Alabama Criminal Justice Information Center shall implement a real-time electronic sales tracking system to monitor the over-the-counter, nonprescription sale of products in this state containing any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers, provided that such system is available to the state without cost to the state or retailers for accessing the system. The electronic sales tracking system shall have the technological capability to receive ephedrine and pseudoephedrine sales data from retail establishments submitted pursuant to this subsection. The electronic sales tracking system shall be capable of bridging with existing and future operational systems used by retail at no cost to such retail establishment. The Alabama Criminal Justice Information Center may enter into a public-private partnership, through a memorandum of understanding or similar arrangement, to make the system available to retailers and law enforcement in the state.

(2) The information contained in this electronic sales tracking system shall be available to:

a. Any law enforcement agency or entity as authorized by the Alabama Criminal Justice Information Center;

b. Pursuant to a subpoena.

(3) This database established pursuant to this subsection shall be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits set forth in subdivision (4) of subsection (c). The system shall contain an override function for use by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm. Each instance in which the override function is utilized shall be logged by the system.

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Alaska

Alaska Statutes Annotated
Title 17. Food and Drugs
Chapter 30. Controlled Substances
Article 1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances
§ 17.30.090. Sale or purchase of certain listed chemicals

(a) A seller, retailer, or vendor may not sell for personal use and a person may not purchase for personal use ephedrine base, pseudoephedrine base, or phenylpropanolamine base, as those terms are used in P.L. 109-177, 120 Stat. 192, unless that sale or purchase complies with and meets the requirements of P.L. 109-177, 120 Stat. 192, with regard to amounts, identification required, storage, access and availability, and logbooks. A seller, retailer, or vendor shall maintain the logbook for the period required under P.L. 109- 177, 120 Stat. 192, and shall allow law enforcement officers access to the logbook. Each seller, retailer, and vendor shall provide training to the seller's, retailer's, or vendor's employees and agents in the requirements of this section. The Department of Public Safety shall provide assistance and information to sellers, retailers, and vendors to meet the requirements of this section.

…

(d) A seller, retailer, or vendor does not violate this section if the seller, retailer, or vendor proves by a preponderance of the evidence that the seller, retailer, or vendor

(1) exercised the degree of care of a reasonable employer to ensure compliance with (a)--(c) of this section; and

(2) determined that the employees and agents of the seller, retailer, or vendor had been notified of the

requirements of this section by

(A) securing each employee's or agent's written acknowledgment of notification of those requirements; or

(B) making another appropriate determination.

(e) A person who violates this section shall forfeit and pay to the state a civil penalty of not more than $10,000 for each violation.

Arizona

Arizona Revised Statutes Annotated
Title 32. Professions and Occupations
Chapter 18. Pharmacy
Article 3. Regulation
§ 32-1977. Sale of methamphetamine precursors; electronic sales tracking system; violation; classification; state preemption

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C. The retailer shall require a person purchasing a nonprescription product that contains pseudoephedrine or ephedrine to present valid government issued photo identification at the point of sale. The retailer shall record all of the following:

1. The name and address of the purchaser.

2. The name and quantity of product purchased.

3. The date and time of purchase.

4. Purchaser identification type and number.

D. Beginning January 1, 2013, before completing a sale pursuant to this section, a retailer must use an electronic sales tracking system and electronically submit the required information to the national precursor log exchange administered by the national association of drug diversion investigators if the system is available to retailers without a charge for access. For the purposes of this subsection, "available to retailers without a charge for access":

1. Includes:

(a) Access to the web-based electronic sales tracking software, including inputting and retrieving data free of charge.

(b) Training free of charge.

(c) Technical support to integrate to point of sale vendors without a charge, if necessary.

2. Does not include:

(a) Costs relating to required internet access.

(b) Optional hardware that a pharmacy may choose to purchase for workflow purposes.

(c) Other equipment.

E. If a retailer that sells a nonprescription product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirements of this section, the retailer must maintain a written log or an alternative electronic recordkeeping mechanism until the retailer is able to comply with the electronic sales tracking system requirements. A retailer that does not have internet access to the electronic sales tracking system is compliant with the requirements of this section if the retailer maintains a written log or an alternative electronic recordkeeping mechanism.

F. The national association of drug diversion investigators shall forward state transaction records in the national precursor log exchange to the board of pharmacy each week and provide real-time access to the national precursor log exchange information through the national precursor log exchange online portal to law enforcement in this state as authorized by the board of pharmacy.

G. The system prescribed in this section must be capable of generating a stop sale alert notification that completion of the sale would result in the retailer or purchaser violating the quantity limits prescribed in this section. The retailer may not complete the sale if the system generates a stop sale alert. The electronic sales tracking system prescribed in this section must contain an override function that may be used by dispensers of ephedrine or pseudoephedrine who have a reasonable fear of imminent bodily harm if they do not complete a sale. The system must log each instance that a retailer uses the override function.

H. A person who violates this section is guilty of a class 3 misdemeanor, punishable by fine only.

I. This section does not apply to a person who obtains the product pursuant to a valid prescription order.

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Arkansas

Arkansas Code Annotated
Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1104. Sales records--Written or electronic log--Proof of purchaser's identity

(a) A pharmacy shall:

(1) Maintain a written or electronic log or receipts of transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine; and

(2) Enter any transaction required to be maintained by this section into the real-time electronic logbook maintained by the Arkansas Crime Information Center under § 5-64-1106.

(b) A person purchasing, receiving, or otherwise acquiring ephedrine, pseudoephedrine, or phenylpropanolamine shall:

…

(2) Sign a written log or an electronic log or a receipt that documents the date of the transaction, the name of the person, and the quantity of ephedrine, pseudoephedrine, or phenylypropanolaminepurchased, received, or otherwise acquired.

(c) The requirements of subsection (a) of this section and subdivision (b)(2) of this section are satisfied by entering

the information required to be produced into the real-time electronic logbook maintained by the Arkansas Crime Information Center under § 5-64-1106.

Arkansas Code Annotated
Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1105. Definitions

As used in this subchapter:

(1) "Ephedrine", "pseudoephedrine", and "phenylpropanolamine" means any product containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, isomers, or salts of isomers, alone or in a mixture;

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Arkansas Code Annotated
Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1106. Real-time electronic logbook

(a)(1) Subject to available funding, on or before May 15, 2008, the Arkansas Crime Information Center shall provide pharmacies in this state access to a real-time electronic logbook for the purpose of entering into the real-time electronic logbook any transaction required to be reported by § 5-64-1104.

(2) The real-time electronic logbook shall have the capability to calculate both state and federal ephedrine, pseudoephedrine, orphenylpropanolamine purchase limitations.

(b) The center may contract with a private vendor to implement this section.

(c) The center shall not charge a pharmacy any fee:

(1) To support the establishment or maintenance of the real-time electronic logbook; or

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

Arkansas Code Annotated
Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1107. Confidentiality of information

(a) Information entered into the real-time electronic logbook is confidential and is not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

(b) Except as authorized under § 5-64-1108 or otherwise by law, the Arkansas Crime Information Center shall not disclose any information entered, collected, recorded, transmitted, or maintained in the real-time electronic logbook.

Arkansas Code Annotated

Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1108. Authorized access to the real-time electronic logbook

The Arkansas Crime Information Center shall provide access to the real-time electronic logbook to the following:

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

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

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

(4) The Arkansas State Board of Pharmacy for the purpose of investigating a suspicious transaction, as allowed under § 5-64-1006.

Arkansas Code Annotated
Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1109. Promulgation of rules

The Arkansas Crime Information Center, after consulting with the Arkansas State Board of Pharmacy, shall promulgate rules necessary to:

(1) Implement the provisions of §§ 5-64-1104(a)(2) and 5-64-1106 -- 5-64-1112;

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

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

(4) Ensure that the real-time electronic logbook does not allow access to a competitor's pricing information for ephedrine, pseudoephedrine, and phenylpropanalomine.

Arkansas Code Annotated
Title 5. Criminal Offenses
Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1110. Destruction of records

The Arkansas Crime Information Center shall destroy any transaction record maintained in the real-time electronic logbook within two (2) years from the date of its entry unless the transaction record is being used in an ongoing criminal investigation or criminal proceeding.

Arkansas Code Annotated
Title 5. Criminal Offenses

Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
Chapter 64. Controlled Substances
Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1112. Penalty for unauthorized disclosure and unauthorized access

(a) A person commits an offense if he or she knowingly:

(1) Releases or discloses to any unauthorized person any confidential information collected and maintained under § 5-64-1107 or § 5-64-1108; or

(2) Obtains confidential information for a purpose not authorized by § 5-64-1107 or § 5-64-1108.

Arkansas Administrative Code
Title 070. Board of Pharmacy
Division 00.
Rule 7. Drug Products/Prescriptions
07-04. Controlled Substances
070.00.7-07-04-0008. Schedule V--Ephedrine, Pseudoephedrine or Phenylpropranolamine

…

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

(b) A pharmacist may not dispense and a pharmacy technician or intern may not sell or transfer ephedrine, pseudoephedrine, or phenylpropanolamine unless the patient has provided a driver's license or non-driver's identification card issued by the Arkansas Department of Finance and Administration or an identification card issued by the United States Department of Defense to active duty military personnel that contains a photograph of the person, the person's date of birth, and a functioning magnetic stripe or bar code. In addition to documenting the professional determination required by Regulation 07-04-0006(a), a sale of ephedrine, pseudoephedrine, or phenylpropanolamine must also be approved by scanning the license or identification card into the real-time electronic logbook using the magnetic stripe or bar code.

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Delaware

Delaware Code Annotated
Title 16. Health and Safety
Part IV. Food and Drugs
Chapter 47. Uniform Controlled Substances Act
Subchapter III. Regulation of Manufacture, Distribution and Dispensing of Controlled Substances
§ 4740. Sale of pseudoephedrine or ephedrine

(a) If any material, compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers is dispensed, offered for sale, sold or distributed:

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(2) A licensed pharmacist, sales clerk, or pharmacy technician shall require that any person purchasing, receiving, or otherwise acquiring any such substance shall be age 18 or older, produce a photo identification showing the date of birth of the person, and sign a written log or receipt showing the date of the transaction, name of the person, and the amount of such substance. The written log or receipt shall be retained for at least 12 months.

…

(b) A violation of this section is a class A misdemeanor.

Florida

Florida Statutes Annotated
Title XLVI. Crimes (Chapters 775-899)
Chapter 893. Drug Abuse Prevention and Control
893.1495. Retail sale of ephedrine and related compounds

(1) For purposes of this section, the term "ephedrine or related compounds" means ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

…

(5)(a) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds must:

…

(5)(a) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds must:

…

3. Sign his or her name on a record of the purchase, either on paper or on an electronic signature capture device.

(b) The Department of Law Enforcement shall approve an electronic recordkeeping system for the purpose of recording and monitoring the real-time purchase of products containing ephedrine or related compounds and for the purpose of monitoring this information in order to prevent or investigate illegal purchases of these products. The approved electronic recordkeeping system shall be provided to a pharmacy or retailer without any additional cost or expense. A pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30-day period. The electronic recordkeeping system shall record the following:

1. The date and time of the transaction.

2. The name, date of birth, address, and photo identification number of the purchaser, as well as the type of identification and the government of issuance.

3. The number of packages purchased, the total grams per package, and the name of the compound, mixture, or preparation containing ephedrine or related compounds.

4. The signature of the purchaser, or a unique number relating the transaction to a paper signature maintained at the retail premises.

(c) The electronic recordkeeping system shall provide for:

1. Real-time tracking of nonprescription over-the-counter sales under this section.

2. The blocking of nonprescription over-the-counter sales in excess of those allowed by the laws of this state or federal law.

(6) A nonprescription compound, mixture, or preparation containing any quantity of ephedrine or related compounds may not be sold over the counter unless reported to an electronic recordkeeping system approved by the Department of Law Enforcement. This subsection does not apply if the pharmacy or retailer has received an exemption from the Department of Law Enforcement under paragraph (5)(b).

(7) Prior to completing a transaction, a pharmacy or retailer distributing products containing ephedrine or related compounds to consumers in this state shall submit all required data into an electronic recordkeeping system approved by the Department of Law Enforcement at the point of sale or through an interface with the electronic recordkeeping system, unless granted an exemption by the Department of Law Enforcement pursuant to paragraph (5)(b).

(8) The data submitted to the electronic recordkeeping system must be retained within the system for no less than 2 years following the date of entry.

(9) The requirements of this section relating to the marketing, sale, or distribution of products containing ephedrine or related compounds supersede any local ordinance or regulation passed by a county, municipality, or other local governmental authority.

(10) This section does not apply to:

(a) Licensed manufacturers manufacturing and lawfully distributing products in the channels of commerce.

(b) Wholesalers lawfully distributing products in the channels of commerce.

(c) Health care facilities licensed under chapter 395.

(d) Licensed long-term care facilities.

(e) Government-operated health departments.

(f) Physicians' offices.

(g) Publicly operated prisons, jails, or juvenile correctional facilities or private adult or juvenile correctional facilities under contract with the state.

(h) Public or private educational institutions maintaining health care programs.

(i) Government-operated or industry-operated medical facilities serving employees of the government or industry operating them.

(11) Any individual who violates subsection (2), subsection (3), or subsection (4) commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.083.

(b) For a second offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) For a third or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) Information contained within the electronic recordkeeping system shall be disclosed in a manner authorized by state or federal law. Any retailer or entity that collects information on behalf of a retailer as required by the Combat

Methamphetamine Epidemic Act of 2005 and this section may not access or use that information, except for law enforcement purposes pursuant to state or federal law or to facilitate a product recall for public health and safety.

(13) A person who sells any product containing ephedrine or related compounds who in good faith releases information under this section to federal, state, or local law enforcement officers, or any person acting on behalf of such an officer, is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

(14) The Department of Law Enforcement shall contract or enter into a memorandum of understanding, as applicable, with a private third-party administrator to implement the electronic recordkeeping system required by this section.

(15) The Department of Law Enforcement shall adopt rules necessary to implement this section.

Florida Administrative Code
Title 11. Department of Law Enforcement
Subtitle 11D. Division of Local Law Enforcement Assistance
Chapter 11D-2. Division of Local Law Enforcement Assistance

11D-2.005. Methamphetamine Precursor Electronic Monitoring System.

(1) A pharmacy or retailer conducting business within the state of Florida who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall be required to participate in the Methamphetamine Precursor Electronic Monitoring System.

(2) Definitions:

(a) "Department" means the Florida Department of Law Enforcement (FDLE).

(b) "Exemption" refers to the two part criteria outlined in Section 893.1495(5)(b), F.S., which states; "a pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period."

(c) "National Precursor Log Exchange" (NPLEx) refers to the FDLE approved Methamphetamine Precursor Electronic Monitoring System.

(d) "Retailer" refers to any person, entity, or business including a pharmacy, within the state of Florida, who engages in the sale of nonprescription compounds, mixtures, or preparations containing ephedrine or related compounds, ephedrine or related products that does not meet the criteria in Sections 893.1495(5)(b) or 893.1495(10), F.S.

(3) Each retailer who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall contact the Department to enroll in NPLEx. Requests for information, enrollment, and training can be accomplished online at http://www.fdle.state.fl.us (look for Meth Monitoring System), by email to MethLaw@fdle.state.fl.us or by telephone, contact the NPLEx administrator at (850)410-8300, or in writing to FDLE NPLEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(4) Exemptions. The Department shall grant an exemption from electronic reporting to a retailer, upon request, if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period.

(a) The “technology necessary to access NPLEx” requires a computer with an Internet connection that is available in any sales area within the retailer location.

(b) The “30 day period” for the purpose of determining an exemption shall be calculated from the 1st day of each calendar month.

(c) The retailer's request for an exemption shall be made by completing FDLE Exemption form, FDLE I&FS-012, created 08/16/2010, and hereby incorporated by reference. The form is available online or can be obtained by contacting the Department. See paragraph (3) above for contact information.

(d) The Exemption form must be completed in its entirety, signed by the retailer or retail manager claiming the exemption, and notarized by a notary public.

(e) The Department will review the request for exemption, and will grant or deny the request within 14 business days.

1. If the retailer disagrees with the Department's decision, the retailer may request, in writing, reconsideration of the denial for exemption based upon mistake of fact or law.

2. The request must state the basis for reconsideration and provide any documentation that is available to support the request.

3. The Department will provide a written response to the request for reconsideration.

(f) A retailer must maintain the exemption letter within its place of business, and make it available upon request by any law enforcement officer.

(g) A retailer granted an exemption in this section must notify the Department, in writing, and within 5 days of the completion of the reporting period, of any change in its exemption status regarding the sales volume of ephedrine or related compounds within the 30 day reporting period, or of obtaining the technology to access NPLEx.

(5) The Department will provide an FDLE NPLEx Administrator:

(a) Who will be responsible for reviewing, approving or denying and responding to requests for exemption from participation in NPLEx, and

(b) Who will be responsible for communication between the Department and the 3rd party administrator selected to administer NPLEx on all matters to include but not be limited to; compliance with system requirements, system enhancements, and ensuring the availability of system training for retailers and law enforcement who need access to the system.

Contact information is provided in subsection (3) above.

(6) Retailer's Duty to Maintain Logbook.

(a) Should a transaction occur during a period in which NPLEx is inoperable due to states of declared emergency, natural disaster, or other acts of God, the retailer must:

(b) Maintain a written log capturing all required information and enter the transaction data into NPLEx within seventy-two (72) hours of the system becoming operational.

(c) Should a retailer be granted an exemption from participation in NPLEx, it is still the duty of any retailer within the state of Florida to maintain a logbook in compliance with the federal Combat Methamphetamine Epidemic Act of 2005, as specified in Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), and Section 893.1495, F.S. (2009).

(7) Law Enforcement Access to NPLEx.

(a) Information contained within NPLEx is available to law enforcement officers, designated by their agency, for law enforcement purposes, pursuant to Section 893.1495, F.S. (2009).

(b) A law enforcement agency may request access to NPLEx. Requests for information, participation, and training can be accomplished online at http://www.fdle.state.fl.us (look for Meth Monitoring System), by email to MethLaw@fdle.state.fl.us or by telephone, contact the NPLEx administrator at (850)410-8300, or in writing to FDLE NPLEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(c) Each law enforcement agency requesting access to the system will identify a single point of contact to be referred to as an "Agency Account Manager," who will be responsible for communicating new account requests and closing of account requests for its law enforcement officers.

Georgia

Georgia Administrative Code
Title 480. Georgia State Board of Pharmacy
Chapter 480-19. Exempt Over-The-Counter (Otc) Schedule V Controlled Substances
480-19-.03. Over-the-counter (OTC) Sales of Exempt Schedule V Controlled Substance Drug Products containing Pseudoephedrine

…

(b) A registered pharmacist or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may sell, dispense or otherwise dispose of without prescription not more than 3.6 grams every 24 hours, or a maximum of 9 grams every 30 days, to each customer of a pseudoephedrine containing drug product, but only:

1) After applying reasonable means or effort to determine that such is to be used for legitimate medical purposes, following the proper record keeping procedures, and ensuring the required information has been properly recorded in a logbook which contains either a written or electronic list of sales.

2) For hand-written logbooks used to record patient information before the sale of an exempt Schedule V pseudoephedrine containing drug product can take place:

(A) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist, must approve all such sales or transactions. Approval means verifying the patient's identification and ensuring the patient has a valid reason for obtaining the pseudoephedrine. After approval, the registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may direct designated pharmacy personnel, to complete any sales transactions to a patient by writing in the logbook at a minimum the name of the pseudoephedrine containing drug product, strength, and quantity sold along with the name of the patient, their date of birth, address, zip code, data and time of sale; The pharmacy may require additional patient information for the logbook as long as the required information is obtained.

(B) The patient must sign the logbook to acknowledge the sale and receipt of the pseudoephedrine containing

drug product.

(C) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may personally, or may direct designated pharmacy to, ask the patient to produce a photo identification issued by a state or the federal government to use in verifying that the patient's name on the photo identification matches the name the patient wrote in the logbook; No exempt Schedule V pseudoephedrine containing drug product can be sold to a patient unless they present appropriate identification

(D) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must or may direct designated pharmacy personnel to verify that the date and time of the sale and other information that has been entered in the logbook is correct by use of the patient's photo identification, and initial the logbook verifying the information for the sale as being correct.

3) For electronic logbooks used to record patient information for the sale of an exempt Schedule V pseudoephedrine containing drug product:

(A) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist, must approve all such sales or transactions. Approval means verifying the patient's identification and ensuring the patient has a valid reason for obtaining the pseudoephedrine. After approval, the registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may direct designated pharmacy personnel, to complete any sales transactions to a patient by entering, at a minimum, the name of the pseudoephedrine containing drug product, strength, and quantity sold; the patient's name, date of birth, address, and zip code, or entering this information may be accomplished through a point of sales system and bar code reader. The pharmacy may require additional patient information for the logbook as long as the required information is obtained.

(B) The computer for the electronic logbook can automatically enter the date and time of the sale,

(C) The patient's signature on the logbook must be captured using an electronic signature system of a type similar to or one used for credit card purchases

(D) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may personally, or may direct designated pharmacy personnel to, must ask the patient to produce a photo identification issued by a state or the federal government to use in verifying that the patient's name on the photo identification matches the name the patient wrote in the logbook; No exempt Schedule V pseudoephedrine containing drug product can be sold to a patient unless they present appropriate photo identification

(E) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must, or may direct designated pharmacy personnel to, enter their name or pharmacist, pharmacy intern license number, or pharmacy personnel's identification in the logbook to indicate the information for the sale is correct.

…

(d) All logbooks must be retained for a minimum period of 2 years from the date of the last recorded sale.

(e) Logbooks must be kept in a secure location in the pharmacy and information contained in a logbook can be shared:

(A) To comply with state or federal laws and rules;

(B) For a product recall

(C) With local, state, and federal law enforcement officers, to allow logbook information to be inspected, copied.

(f) Nothing in this rule would prohibit pharmacies, or 3rd party information technology company acting on behalf of a pharmacy, to report or transmit sales data for exempt Schedule V controlled substance drug products containing pseudoephedrine to the state operated central registry, also known as the Georgia Methamphetamine Information System (GMIS). Without approval from GDNA, such data cannot be reported to any other central record keeping system. These sales may be reported to the registry either electronically, by means of transmitting a faxed copy of a handwritten logbook, or by sending copies of handwritten logbooks to the GDNA designated collection location for the registry via the U.S. mail or other similar means.

(g) Nothing in this rule requires a pharmacy to maintain a logbook that is separate and apart from the logbook required under the U.S. Combat Methamphetamine Epidemic Act of 2005, 21 U.S.C 830 and 844, other than drug products containing pseudoephedrine must be stored in the prescription department area of a pharmacy and the sales are made by a registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist.

Georgia Administrative Code
Title 480. Georgia State Board of Pharmacy
Chapter 480-19. Exempt Over-The-Counter (Otc) Schedule V Controlled Substances
480-19-.04. Record keeping for Over-the-counter (OTC) Sales of Exempt Schedule V Controlled Substance Drug Products containing Pseudoephedrine

(a) A record created this rule must be maintained in the pharmacy at which the transaction occurred, except that records may be kept either at a single, central location for the pharmacy or by a third party information technology company on behalf of the pharmacy only if the pharmacy has notified the GDNA of its intention to do so and received GDNA approval.

(1) Written notification must be submitted by registered or certified mail, return receipt requested, to the Director, Georgia Drugs and Narcotics Agency, 40 Pryor Street, SW, Suite 2000, Atlanta, Georgia 30303.

(2) This notification must include telephone and address contact information as well as a telephone number and email address for a point of contact person who is responsible for providing requested record for either the pharmacy's central record keeping location or any third party information technology company.

(3) The Director of the Georgia Drugs and Narcotics Agency shall issue written approval of any central record keeping location or third party information technology company prior to records being maintained in such a manner.

(b) The records required to be kept under this rule must be readily retrievable and available for inspection and copying by GDNA or other law enforcement officers as requested as provided for under the provisions of 21 U.S.C. 880, and the U.S. Combat Methamphetamine Epidemic Act of 2005.

(1) A record developed and maintained to comply with federal law may be used to meet the requirements of this rule if the record includes the information specified by this rule.

(2) Readily retrievable shall mean records must be produced by the pharmacy or the harmacy's[FN1] third party information technology company in less than 6 hours for all electronically maintained records or 24 hours for any handwritten records.

(c) If a pharmacy fails to produce records or produce records in the required time is considered a violation of

O.C.G.A. Sections 16-13-37,16-13-39, and 16-13-42.

Hawaii

Hawai'i Revised Statutes Annotated
Division 1. Government
Title 19. Health
Chapter 329. Uniform Controlled Substances Act
Part VI. Regulated Chemicals for the Manufacture of Controlled Substances
§ 329-61. Substances subject to reporting

(a) List 1 chemicals. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this State or for use in this State shall submit a report to the department of all those transactions:

…

(4) Ephedrine**,** its salts, optical isomers, and salts of optical isomers;

(5) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;

…

Hawai'i Revised Statutes Annotated
Division 1. Government
Title 19. Health
Chapter 329. Uniform Controlled Substances Act
Part VI. Regulated Chemicals for the Manufacture of Controlled Substances
§ 329-63. Person required to keep records and file reports

…

(b) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, receives, or brings in from outside the State, or otherwise furnishes a substance specified in section 329-61, for use by a person in this State shall report to the administrator the following:

…

(5) All single entity ephedrine transactions.

(c) The department of public safety shall provide a common reporting form for the substances in section 329-61 that contains at least the following information:

(1) Name of the substance;

(2) Quantity of the substance sold, transferred, or furnished;

(3) The date the substance was sold, transferred, or furnished;

(4) The name and address of the person buying or receiving the substance; and

(5) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing such substance.

(d) Each report submitted pursuant to subsection (b) of this section, whenever possible, shall be made orally to the department at the earliest practicable opportunity after the regulated person becomes aware of the circumstances

involved and as much in advance of the conclusion of the transaction as possible. A written report shall also be submitted to the department following an oral report.

Hawai'i Revised Statutes Annotated
Division 1. Government
Title 19. Health
Chapter 329. Uniform Controlled Substances Act
Part VI. Regulated Chemicals for the Manufacture of Controlled Substances
§ 329-64. Exceptions

(a) The requirements imposed by sections 329-62 and 329-63(a) of this part shall not apply to any of the following:

…

(4) Any sale, transfer, furnishing, or receipt of any drug that contains pseudoephedrine or norpseudoephedrine that is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug, and Cosmetic Act (21 United States Code section 301 et seq.) or regulations adopted thereunder as long as it complies with the requirements of sections 329-73, 329-74, and 329-75.

Hawai‘i Revised Statutes Annotated
Division 1. Government
Title 19. Health
Chapter 329. Uniform Controlled Substances Act
Part VI. Regulated Chemicals for the Manufacture of Controlled Substances
§ 329-75. Sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers

(a) Notwithstanding any other law to the contrary, a pharmacy or retailer may sell or distribute to a person without a prescription products containing not more than 3.6 grams per day or not more than nine grams per thirty-day period of pseudoephedrine, without regard to the number of transactions; provided that the pharmacy or retailer shall comply with the following conditions:

…

(3) The pharmacy or retailer shall maintain a written or electronic log of required information for each sale of a nonprescription product containing pseudoephedrine, including:

(A) The date and time of any transaction under paragraph (2);

(B) The name, address, and date of birth of the person purchasing or obtaining the substance;

(C) The type of identification provided by the person purchasing or obtaining the substance and identification number;

(D) The agency issuing the identification used; and

(E) The name of the compound, mixture, or preparation, and the amount; and

(4) The pharmacy or retailer shall require every person purchasing or obtaining the substance to sign a written or electronic log attesting to the validity of the information.

The information shall be retained by the pharmacy or retailer for a period of two years. The written or electronic log shall be capable of being checked for compliance against all state and federal laws, including interfacing with other states to ensure comprehensive compliance, and shall be subject to random and warrantless

inspection by county or state law enforcement officers.

(b) Beginning January 1, 2013, before completing a sale of an over-the-counter product containing pseudoephedrine, a pharmacy or retailer shall electronically submit the information required pursuant to subsection (a) to the National Precursor Log Exchange administered by the National Association of Drug Diversion Investigators; provided that the National Precursor Log Exchange is available to pharmacies or retailers in the State without a charge for accessing the system. The pharmacy or retailer shall not complete the sale if the system generates a stop sale alert. Except in the case of negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy or retailer using the electronic sales tracking system in accordance with this subsection shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection and shall be immune from liability to any third party, unless the pharmacy or retailer has violated this subsection, in relation to a claim brought for such violation.

(c) If a pharmacy or retailer selling an over-the-counter product containing pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement under this section, the pharmacy or retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until such time as the pharmacy or retailer is able to comply with the electronic sales tracking requirement.

(d) A pharmacy or retailer selling an over-the-counter product containing pseudoephedrine may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the administrator stating the reasons therefore. The administrator may grant an exemption for good cause shown, but in no event shall the exemption exceed one hundred eighty days. Any pharmacy or retailer that receives an exemption shall maintain a hard copy log and shall require the person purchasing or obtaining the substance to provide the information required under this section before completion of any sale. The log shall be maintained as a record of each sale for inspection by any law enforcement officer or inspector of the board of pharmacy during normal business hours.

(e) The National Association of Drug Diversion Investigators shall forward Hawaii transaction records in the National Precursor Log Exchange to the narcotics enforcement division of the department of public safety weekly and provide real-time access to National Precursor Log Exchange information through the National Precursor Log Exchange online portal to law enforcement in the State as authorized by the narcotics enforcement division; provided that the narcotics enforcement division executes a memorandum of understanding with the National Association of Drug Diversion Investigators governing access to the information; provided further that the department of public safety narcotics enforcement division shall establish the electronic tracking system in conjunction with the State's existing narcotics tracking system beginning no later than January 1, 2015.

(f) This system shall be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the pharmacy or retailer, or person purchasing or obtaining the substance, violating the quantity limits set forth in this section. The system shall contain an override function that may be used by a pharmacy or retailer selling pseudoephedrine who has a reasonable fear that imminent bodily harm will result if the sale is not completed. Each instance where the override function is used shall be logged by the system.

(g) No person shall knowingly purchase, receive, or otherwise acquire products containing more than 3.6 grams per day or more than nine grams per thirty-day period of pseudoephedrine, except that this limit shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription.

(h) Any person who violates subsections (b) through (g) is guilty of a class C felony.

(i) The department, by rule, may exempt other products from this section, if the administrator finds that the products are not used in the illegal manufacture of methamphetamine or other controlled substances. A manufacturer of a drug product may apply for removal of the product from this section if the product is determined by the administrator to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

…

(k) Intentional or knowing failure of a retailer or pharmacy to transmit any information as required by this section shall be a misdemeanor and shall result in the immediate suspension of that retailer's ability to sell any product, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts, optical isomers, or salts of optical isomers as the only active ingredient or in combination with other active ingredients until authorized by the administrator.

Hawaii Administrative Code
Title 23. Department of Public Safety
Subtitle 3. Law Enforcement
Chapter 201. Regulated Chemicals for the Manufacture of Controlled Substances
§ 23-201-2. Definitions.

As used in this chapter:

…

"Department" means the department of public safety.

"Director" means the director of the department of public safety or the director's duly authorized agent.

"Ephedrine" the term shall include any synthetic compound, salt, derivative, mixture, or preparation extracted from the plant (genus) ephedra that contains the substance Ephedrine.

"Permit" means the regulated chemical certificate of registration issued by the department.

"Permittee" means any person who has a permit to distribute, sell, transfer, or furnish for use, by any person in this state, who brings in or receives from a source outside the State any substance specified in section 329-61, Hawaii Revised Statutes.

"Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate trust, partnership, association, or any other legal entity.

"Proper identification" means:

(1) A valid motor vehicle operator's license, or other official state-issued identification which contains a photograph of the purchaser, the residential or mailing address of the purchaser other than a post office box number, or the tax map key number if no other address is available, the motor vehicle number of any motor vehicle owned or operated by the purchaser; or

(2) A letter of authorization from the business for which any substance specified in section 329-61, Hawaii Revised Statutes, is being furnished, which includes the general excise license number, address and phone number of the business.

"Safe harbor packaging" means a product that is, if not a liquid, sold in packages of not more than three grams of the base ingredient and is packaged in blister packs of not more than two tablets per blister; or, if a liquid, sold in package sizes of not more than three grams of the base ingredient.

"Substance" means any precursor specified in section 329-61, Hawaii Revised Statutes.

Hawaii Administrative Code
Title 23. Department of Public Safety
Subtitle 3. Law Enforcement

Chapter 201. Regulated Chemicals for the Manufacture of Controlled Substances
§ 23-201-10. Identification and use required for transactions.

Prior to distributing, selling, transferring, or otherwise furnishing any substance specified in section 329-61, Hawaii Revised Statutes, to a person in this State every permittee shall require proper identification from the purchaser, a full description of how the substance is to be used, and the signature of the purchaser. The person selling, transferring, or otherwise furnishing any substance specified in section 329-61, Hawaii Revised Statutes, shall sign as a witness to the signature and identification of the purchaser.

Hawaii Administrative Code
Title 23. Department of Public Safety
Subtitle 3. Law Enforcement
Chapter 201. Regulated Chemicals for the Manufacture of Controlled Substances
§ 23-201-11. Reporting transactions.

(a) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, receives, or brings in from outside the State, or otherwise furnishes a substance specified in section 329-61, Hawaii Revised Statutes, for use in this State shall report to the administrator the following:

…

(5) All single entity ephedrine transactions.

(c) The department of public safety shall provide a common reporting form for the substances in section 329-61, Hawaii Revised Statutes, that contains at least the following information:

(1) Name of the substance;

(2) Quantity of the substance sold, transferred, or furnished;

(3) The date the substance was sold, transferred, or furnished;

(4) The name and address of the person buying or receiving the substance; and

(5) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing such substance.

…

(f) Each report submitted to the department shall, whenever possible, be made orally to the department at the earliest practicable opportunity after the regulated person becomes aware of the circumstances involved and as much in advance of the conclusion of the transaction as possible. A written report shall also be submitted to the department following an oral report within seven calendar days.

Hawaii Administrative Code
Title 23. Department of Public Safety
Subtitle 3. Law Enforcement
Chapter 201. Regulated Chemicals for the Manufacture of Controlled Substances
§ 23-201-12. Persons exempted from transaction reports.

Any person as specified in section 329-64, Hawaii Revised Statutes, is exempt from reporting transactions except as specified in section 23-201-11.

Hawaii Administrative Code
Title 23. Department of Public Safety
Subtitle 3. Law Enforcement
Chapter 201. Regulated Chemicals for the Manufacture of Controlled Substances
§ 23-201-15. Confidentiality of information and records.

(a) All information and records required pursuant to part VI of chapter 329, Hawaii Revised Statutes, shall be kept confidential. Disclosure of information and records to authorized state and federal agencies is permissible.

(b) Any person denied access to the information and records may appeal the denial in accordance with chapter 92F, Hawaii Revised Statutes.

Hawaii Administrative Code
Title 23. Department of Public Safety
Subtitle 3. Law Enforcement
Chapter 201. Regulated Chemicals for the Manufacture of Controlled Substances
§ 23-201-16. Offenses and penalties.

Every person violating any provision of this chapter shall be subject to the provisions as set forth in sections 329-62, 329-65, 329-67 and 329-68, Hawaii Revised Statutes.

Idaho

Idaho Code Annotated
Title 37. Food, Drugs, and Oil
Chapter 33. Retail Sales of Pseudoephedrine Products
§ 37-3301. Definitions

As used in this chapter:

(1) "Pseudoephedrine product" means any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

(2) "Retailer" means any person, other than a wholesaler, who sells or offers for sale or distributes at retail pseudoephedrine products, irrespective of the quantity or amount or the amount of sales of such pseudoephedrine products.

Idaho Code Annotated
Title 37. Food, Drugs, and Oil
Chapter 33. Retail Sales of Pseudoephedrine Products
§ 37-3303. Limitations on sales and purchases

…

(4)(a) A retailer shall, before completing a sale under the provisions of this section, submit the required information to the electronic sales tracking system established under section 37-3303A, Idaho Code, as long as such a system is available without charge to the retailer for accessing the system. The retailer may not complete the sale if the system generates a stop sale alert, except as permitted in section 37-3303A, Idaho Code.

(b) If a retailer selling a nonprescription pseudoephedrine product experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, he or she shall make available for inspection by any law enforcement officer or board inspector during normal business hours the logbook required by the federal combat methamphetamine epidemic act of 2005 until such time as he or she is able to comply with the electronic sales tracking requirement.

(c) A retailer selling a nonprescription pseudoephedrine product may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the board of pharmacy stating the reasons for the exemption. The board may grant an exemption for good cause shown, but in no event shall a granted exemption exceed one hundred eighty (180) days. The board may grant multiple exemptions for any retailer if the good cause shown indicates significant hardship for compliance with this section. A retailer that receives an exemption shall make available for inspection by any law enforcement officer or board inspector during normal business hours the logbook required by the federal combat methamphetamine epidemic act of 2005. For purposes of this subsection, "good cause" includes, but is not limited to, situations where the installation of the necessary equipment to access the system is unavailable or cost prohibitive to the retailer.

(d) A retailer may withdraw from participating in the electronic sales tracking system if the system is no longer being furnished without charge for accessing the system. A retailer who withdraws from the electronic sales tracking system is subject to the same requirements as a retailer who has been granted an exemption under subsection (c) of this section.

(e) For the purposes of subsection (4) of this section and section 37-3303A, Idaho Code:

(i) "Charge for accessing the system" means charges relating to:

1. Access to the web-based electronic sales tracking software;

2. Training; and

3. Technical support to integrate to point of sale vendors, if necessary.

(ii) "Charge for accessing the system" does not include:

1. Charges relating to required internet access;

2. Optional hardware that a pharmacy may choose to purchase for work flow purposes; or

3. Other equipment.

Idaho Code Annotated
Title 37. Food, Drugs, and Oil
Chapter 33. Retail Sales of Pseudoephedrine Products
§ 37-3303A. Electronic tracking system

(1) The board of pharmacy shall implement a real-time electronic sales tracking system to monitor the nonprescription sale of pseudoephedrine products in this state provided that such system is available to the state without charge for accessing the system to the state or retailers. If a real-time electronic sales tracking system is not available to the state without charge for accessing the system to the state or retailers, the board of pharmacy shall not be required to create such a system.

(2) The records submitted to the tracking system shall include the following:

(a) The purchaser's name and address;

(b) The purchaser's signature, either on a written form or stored electronically in the tracking system, attesting to the validity of all information provided;

(c) The type of photographic identification presented pursuant to section 37-3303, Idaho Code;

(d) The number and issuing government entity of the photographic identification presented;

(e) The date and time of sale; and

(f) The name and quantity of the product sold.

(3) The records submitted to the tracking system are for the confidential use of the retailer who submitted such records, except that:

(a) The records must be produced in court when lawfully required;

(b) The records must be open for inspection by the board of pharmacy; and

(c) The records must be available to any general or limited authority Idaho peace officer to enforce the provisions of this chapter or to federal law enforcement officers.

(4) The electronic sales tracking system shall be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits in section 37-3303, Idaho Code. The system shall contain an override function for use by a dispenser of pseudoephedrine products. Each instance in which the override function is utilized shall be logged by the system.

(5) The board of pharmacy shall have the authority to adopt rules necessary to implement and enforce the provisions of this section and section 37-3303, Idaho Code.

(6) A retailer participating in the electronic sales tracking system:

(a) Is not liable for civil damages resulting from any act or omission in carrying out the requirements of this section or section 37-3303, Idaho Code, other than an act or omission constituting gross negligence or willful or wanton misconduct; and

(b) Is not liable for civil damages resulting from a data breach that was proximately caused by a failure on the part of the electronic sales tracking system to take reasonable care through the use of industry standard levels of encryption to guard against unauthorized access to account information that is in the possession or control of the system.

Idaho Code Annotated
Title 37. Food, Drugs, and Oil
Chapter 33. Retail Sales of Pseudoephedrine Products
§ 37-3304. Penalties

A person who knowingly violates any provision of this chapter shall be guilty of a misdemeanor.

Idaho Code Annotated
Title 37. Food, Drugs, and Oil
Chapter 33. Retail Sales of Pseudoephedrine Products
§ 37-3306. Application

The provisions of this chapter shall not apply to a pseudoephedrine product dispensed pursuant to a valid prescription unless otherwise provided by law.

Illinois

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 648. Methamphetamine Precursor Control Act
648/10. Definitions

§ 10. Definitions. In this Act:

…

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Covered pharmacy" means any pharmacy that distributes any amount of targeted methamphetamine precursor that is physically located in Illinois.

…

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

…

"Electronic transactiaon record" means, with respect to the distribution of a targeted methamphetamine precursor by a pharmacy to a recipient under Section 25 of this Act, an electronic record that includes: the name and address of the recipient; date and time of the transaction; brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; identification type and identification number of the identification presented by the recipient; and the name and address of the pharmacy.

"Identification information" means identification type and identification number.

"Identification number" means the number that appears on the identification furnished by the recipient of a targeted methamphetamine precursor.

"Identification type" means the type of identification furnished by the recipient of a targeted methamphetamine precursor such as, by way of example only, an Illinois driver's license or United States passport.

…

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

…

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

"Recipient" means a person purchasing, receiving, or otherwise acquiring a targeted methamphetamine precursor from a pharmacy in Illinois, as described in Section 25 of this Act.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent, other than a pharmacist or pharmacy technician who at any time (a) operates a cash register at which convenience packages may be sold, (b) stocks shelves containing convenience packages, or (c) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a recipient at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 648. Methamphetamine Precursor Control Act
648/20. Restrictions on purchase, receipt, or acquisition

§ 20. Restrictions on purchase, receipt, or acquisition.

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

…

(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

…

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 648. Methamphetamine Precursor Control Act
648/25. Pharmacies

§ 25. Pharmacies.

…

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

…

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 4 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs shall be kept in an electronic format as required by the Methamphetamine Precursor Tracking Act.

…

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 648. Methamphetamine Precursor Control Act
648/30. Retail distributors; general requirements

§ 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

…

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

…

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

…

Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 720. Criminal Offenses
Offenses Against the Public
Act 648. Methamphetamine Precursor Control Act
648/40. Penalties

§ 40. Penalties.

…

(b) Violations of Section 15, 20, 25, 30, or 35 of this Act, other than violations of subsection (b) of Section 20 of this Act.

(1) Any pharmacy or retail distributor that violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a petty offense and subject to a fine of $500 for a first offense; and $1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of $5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(2) An employee or agent of a pharmacy or retail distributor who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(3) Any other person who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

…

(e) Any person who, in order to acquire a targeted methamphetamine precursor, knowingly uses or provides the driver's license or government-issued identification of another person, or who knowingly uses or provides a fictitious or unlawfully altered driver's license or government-issued identification, or who otherwise knowingly provides false information, is guilty of a Class 4 felony for a first offense, a Class 3 felony for a second offense, and a Class 2 felony for a third or subsequent offense.

For purposes of this subsection (e), the terms “fictitious driver's license”, “unlawfully altered driver's license”, and “false information” have the meanings ascribed to them in Section 6-301.1 of the Illinois Vehicle Code.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/1. Short title

§ 1. Short title. This Act may be cited as the Methamphetamine Precursor Tracking Act.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/5. Purposes

§ 5. Purposes. The purposes of this Act are to establish a program to track purchases of targeted methamphetamine precursors at covered pharmacies in Illinois; to track purchases of targeted methamphetamine precursors for the

likely purpose of manufacturing methamphetamine; to starve methamphetamine manufacturers of the methamphetamine precursors they need to make methamphetamine; to locate and shut down methamphetamine laboratories; and ultimately to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois and beyond.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/10. Definitions

§ 10. Definitions. In this Act:

"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Authorized representative" means an employee or agent of a qualified outside entity who has been authorized in writing by his or her agency or office to receive confidential information from the central repository.

"Central Repository" means the entity chosen by the Illinois State Police to handle electronic transaction records as described in this Act.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid filled capsule form.

"Covered pharmacy" means any pharmacy that distributes any amount of targeted methamphetamine precursor that is physically located in Illinois.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Electronic transaction record" means, with respect to the distribution of a targeted methamphetamine precursor by a pharmacy to a recipient under Section 25 of the Methamphetamine Precursor Control Act, an electronic record that includes: the name and address of the recipient; date and time of the transaction; brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; identification type and identification number of the identification presented by the recipient; and the name and address of the pharmacy.

"Identification information" means identification type and identification number.

"Identification number" means the number that appears on the identification furnished by the recipient of a targeted methamphetamine precursor.

"Identification type" means the type of identification furnished by the recipient of a targeted methamphetamine precursor such as, by way of example only, an Illinois driver's license or United States passport.

"List I chemical" has the meaning provided in 21 U.S.C. 802.

“Methamphetamine precursor” has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

“Package” means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

“Pharmacist” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Pharmacy” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Practitioner” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Prescriber” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Prescription” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Qualified outside entity” means a law enforcement agency or prosecutor's office with authority to identify, investigate, or prosecute violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

“Readily retrievable” has the meaning provided in 21 C.F.R. part 1300.

“Recipient” means a person purchasing, receiving, or otherwise acquiring a targeted methamphetamine precursor from a pharmacy in Illinois, as described in Section 25 of the Methamphetamine Precursor Control Act.

“Retail distributor” means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

“Sales employee” means any employee or agent, other than a pharmacist or pharmacy technician who at any time (1) operates a cash register at which convenience packages may be sold, (2) stocks shelves containing convenience packages, or (3) trains or supervises any other employee or agent who engages in any of the preceding activities.

“Single retail transaction” means a sale by a retail distributor to a recipient at a specific time.

“Targeted methamphetamine precursor” means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

“Targeted package” means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

“Ultimate user” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/15. General provisions

§ 15. General provisions.

(a) Structure. There is established a statewide precursor tracking program coordinated and administered by the Illinois State Police to track purchases of targeted methamphetamine precursors across multiple locations for the purposes stated in Section 5 of this Act. Every covered pharmacy must comply with this Act. The tracking program created by this Act shall be the sole methamphetamine precursor tracking program in Illinois.

(b) Transmission of electronic transaction records. Unless otherwise provided in this Act, each time a covered pharmacy distributes a targeted methamphetamine precursor to a recipient, the pharmacy shall transmit an electronic transaction record to the Central Repository.

(c) Notification. The Illinois Department of Financial and Professional Regulation shall notify pharmacies seeking licensure in Illinois of their obligation to comply with the requirements of this Act.

(d) Electronic transmission. Starting on the effective date of this Act and continuing thereafter, covered pharmacies shall transmit all electronic transaction records as required by this Act.

(e) Funding. Funding for the tracking program shall be provided by the Illinois State Police drawing upon federal and State grant money and other available sources.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/20. Secure website

§ 20. Secure website.

(a) The Illinois State Police shall establish a secure website for the transmission of electronic transaction records and make it available free of charge to covered pharmacies.

(b) The secure website shall enable covered pharmacies to transmit to the Central Repository an electronic transaction record each time the pharmacy distributes a targeted methamphetamine precursor to a recipient.

(c) If the secure website becomes unavailable to a covered pharmacy, the covered pharmacy may, during the period in which the secure website is not available, continue to distribute targeted methamphetamine precursor without using the secure website if, during this period, the covered pharmacy maintains and transmits handwritten logs as described in Sections 20 and 25 of the Methamphetamine Precursor Control Act.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/25. Confidentiality of records

§ 25. Confidentiality of records.

(a) The Central Repository may delete each electronic transaction record and handwritten log entry 48 months after the date of the transaction it describes.

(b) The Illinois State Police and Central Repository shall carry out a program to protect the confidentiality of electronic transaction records created pursuant to this Act and shall ensure that this information remains completely confidential except as specifically provided in subsections (c) through (f) of this Section.

(c) Any employee or agent of the Central Repository may have access to electronic transaction records and handwritten log entries solely for the purpose of receiving, processing, storing or analyzing this information.

(d) The Illinois State Police may grant qualified outside agencies access to electronic transaction records or handwritten log entries for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(e) The Illinois State Police may release electronic transaction records or handwritten log entries to the authorized representative of a qualified outside entity only if the Illinois State Police verifies that the entity receiving electronic transaction records or handwritten log entries is a qualified outside entity as defined in this Act and that outside entity agrees or has previously agreed in writing that it will use electronic transaction records and handwritten log entries solely for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(f) The Illinois State Police may release to the recipient any electronic transaction records clearly relating to that recipient, upon sufficient proof of identity.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/30. Violations

§ 30. Violations.

(a) Any covered pharmacy or retail distributor that violates this Act is guilty of a petty offense and subject to a fine of $500 for a first offense; $1,000 for a second offense occurring at the same retail location as and within 3 years of the offense; and $5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(b) An employee or agent of a covered pharmacy who violates this Act is guilty of a Class A misdemeanor for a first offense; a Class 4 felony for a second offense; and a Class 1 felony for a third or subsequent offense.

Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 720. Criminal Offenses
Offenses Against the Public
Act 649. Methamphetamine Precursor Tracking Act
649/35. Immunity from civil liability

§ 35. Immunity from civil liability. In the event that any agent or employee of a covered pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct. A covered pharmacy that uses the electronic sales tracking system in accordance with this Act is immune from civil liability for any act or omission committed in carrying out the duties required by this Section, unless the act or omission was due to deliberate or willful and wanton misconduct. A covered pharmacy is not liable for damages resulting from a data breach that was proximately caused by a failure on the part of the electronic sales tracking system.

Indiana

Annotated Indiana Code

Title 5. State and Local Administration
Article 2. Law Enforcement
Chapter 6. Indiana Criminal Justice Institute
5-2-6-20 Indiana criminal justice institute; creation and operation of methamphetamine precursor data base pilot project; access to records; expiration of section

Sec. 20. (a) The institute shall:

(1) attempt to obtain federal funds to establish and operate a methamphetamine precursor data base pilot project under this section; and

(2) if the institute obtains sufficient federal funds under subdivision (1), operate and maintain the pilot project.

(b) A pilot project established under this section must connect persons who:

(1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine, or both; and

(2) record drug sales information in an electronic log under IC 35-48-4- 14.7(c);

to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Drug sales information may be transferred to the central data base from not more than six (6) counties under a pilot project established under this section.

(c) Only a law enforcement officer who has the right to inspect and copy a log or the records from the completion of a log under IC 35-48-4-14.7(c) may have access to information stored in the central data base described in subsection (b). A person may not sell or release information in the central data base for a commercial purpose.

(d) Information stored in a central data base established under this section must be retained until June 30, 2012.

(e) This section expires June 30, 2012.

Annotated Indiana Code
Title 10. Public Safety
Article 13. State Police Data and Information Programs
Chapter 3. Criminal History Information
10-13-3-40 Use of appropriations

Sec. 40. (a) The department may use the appropriations described in subsection (b) for either or both of the following purposes:

(1) Operating and maintaining the central repository for criminal history data.

(2) Establishing, operating, or maintaining an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7.

(b) If the amount of money that is deposited in the state general fund during a state fiscal year from handgun license fees (as described in IC 35-47-2-4) exceeds one million one hundred thousand dollars ($1,100,000), the excess is appropriated from the state general fund to the department for the purposes described in subsection (a). An appropriation under this section is subject to allotment by the budget agency.

Annotated Indiana Code
Title 34. Civil Procedure
Article 30. Immunity from Civil Liability

Chapter 2. Statutes Outside Civil Procedure Title That Confer Immunity
34-30-2-152.3 Sale of product containing ephedrine or pseudoephedrine

Sec. 152.3. IC 35-48-4-14.7 (Concerning a retailer who discloses information concerning the sale of a product containing ephedrine or pseudoephedrine).

Annotated Indiana Code
Title 35. Criminal Law and Procedure
Article 48. Controlled Substances
Chapter 4. Offenses Relating to Controlled Substances
35-48-4-14.7 Restrictions on sale and purchase of ephedrine or pseudoephedrine; reporting of suspicious activities or theft

Sec. 14.7. (a) This section does not apply to the following:

(1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.

(2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

(b) The following definitions apply throughout this section:

…

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Retailer" means a grocery store, general merchandise store, drug store, or other similar establishment where ephedrine or pseudoephedrine products are available for sale.

…

(c) This subsection does not apply to a convenience package. A retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the retailer complies with the following conditions:

…

(3) The retailer requires:

…

(B) the purchaser to sign a written or electronic log attesting to the validity of the information; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

(4) The retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

(A) the name and address of each purchaser;

(B) the type of identification presented;

(C) the governmental entity that issued the identification;

(D) the identification number; and

(E) theephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.

(5) Beginning January 1, 2012, a retailer shall, except as provided in subdivision (6), before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI), if the NPLEx system is available to retailers in the state without a charge for accessing the system. The retailer may not complete the sale if the system generates a stop sale alert.

(6) If a retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the retailer is able to comply with the electronic sales tracking requirement.

…

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) A retailer who uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to negligence, recklessness, or deliberate or wanton misconduct. A retailer is immune from liability to a third party unless the retailer has violated a provision of this section and the third party brings an action based on the retailer's violation of this section.

(k) The following requirements apply to the NPLEx:

(1) Information contained in the NPLEx may be shared only with law enforcement officials.

(2) A law enforcement official may access Indiana transaction information maintained in the NPLEx for investigative purposes.

(3) NADDI may not modify sales transaction data that is shared with law enforcement officials.

(4) At least one (1) time per week, NADDI shall forward Indiana data contained in the NPLEx, including data concerning a transaction that could not be completed due to the issuance of a stop sale alert, to the state police department.

Iowa

Iowa Code Annotated
Title IV. Public Health [Chs. 123-158]
Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]
Chapter 124. Controlled Substances
Division II. Standards and Schedules
124.212. Schedule V--substances included

…

4. Precursors to amphetamine and methamphetamine. Unless specifically excepted in paragraph "d" or "e" or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine. A person shall present a government-issued photo identification card when purchasing a pseudoephedrine product from a pharmacy. A person shall not purchase a quantity of pseudoephedrine in violation of section 124.213 from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity. A pseudoephedrine product not excepted from this schedule shall be sold by a pharmacy as provided in section 124.212A.

d. Any product that contains three hundred sixty milligrams or less of pseudoephedrine, its salts, optical isomers, and salts of its optical isomers, which is in liquid, liquid capsule, or liquid-filled gel capsule form, is excepted from this schedule and may be warehoused, distributed, and sold over the counter pursuant to section 126.23A.

e. A pseudoephedrine product warehoused by a distributor located in this state which is warehoused for export to a retailer outside this state is excepted from this schedule. A distributor warehousing and exporting a pseudoephedrine product shall register with the board and comply with any rules adopted by the board and relating to the diversion of pseudoephedrine products from legitimate commerce.

…

Iowa Code Annotated
Title IV. Public Health [Chs. 123-158]
Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]
Chapter 124. Controlled Substances
Division II. Standards and Schedules
124.212A. Pharmacy pseudoephedrine sale--restrictions--records--contingent applicability

A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall do the following:

…

3. Provide an electronic logbook for purchasers of pseudoephedrine products to sign.

4. Require the purchaser to sign the electronic logbook. If the electronic logbook is not available, require a signature that is associated with a transaction number.

5. Enter the purchaser's name, address, date of purchase, time of purchase, name of the pseudoephedrine product purchased, and the quantity sold in the electronic logbook. If the electronic logbook is unavailable, an alternative record shall be kept that complies with the rules adopted by both the office and the board.

6. Determine that the signature in the electronic logbook corresponds with the name on the government-issued photo identification card.

7. Provide notice that a purchaser entering a false statement or misrepresentation in the electronic logbook may subject the purchaser to criminal penalties under 18 U.S.C. § 1001.

8. Keep electronic logbook records and any other records obtained from pseudoephedrine purchases if the electronic logbook is unavailable for twenty-four months from the date of the last entry.

9. Disclose electronic logbook information and any other pseudoephedrine purchase records as provided by state and federal law.

10. Comply with training requirements pursuant to federal law.

Iowa Code Annotated
Title IV. Public Health [Chs. 123-158]
Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]
Chapter 124. Controlled Substances
Division II. Standards and Schedules
124.212B. Pseudoephedrine sales--tracking--penalty

1. The office shall establish a real-time electronic repository to monitor and control the sale of schedule V products containing any detectable amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine. A pharmacy dispensing such products shall report all such sales electronically to a central repository under the control of the office.

2. The information collected in the central repository is confidential unless otherwise ordered by a court, or released by the lawful custodian of the records pursuant to state or federal law.

3. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be provided access to the stored information in the electronic central repository. However, a pharmacy, an employee of a pharmacy, or a licensed pharmacist shall be provided access to the stored information for the limited purpose of determining what sales have been made by the pharmacy. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to view the stored information.

4. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to seek information from the central repository if the real-time electronic logbook becomes unavailable for use.

5. If the electronic logbook is unavailable for use, a paper record for each sale shall be maintained including the purchaser's signature. Any paper record maintained by the pharmacy shall be provided to the office for inclusion in

the electronic real-time central repository as soon as practicable.

6. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be liable, if acting reasonably and in good faith, to any person for any claim which may arise when reporting sales of products enumerated in subsection 1 to the central repository.

7. A person who discloses information stored in the central repository in violation of this section commits a simple misdemeanor.

8. Both the office and the board shall adopt rules to administer this section.

9. The office shall report to the board on an annual basis, beginning January 1, 2010, regarding the repository, including the effectiveness of the repository in discovering unlawful sales of pseudoephedrine products.

Iowa Code Annotated
Title IV. Public Health [Chs. 123-158]
Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]
Chapter 124. Controlled Substances
Division II. Standards and Schedules
124.212C. Pseudoephedrine advisory council--electronic monitoring

1. The office shall establish a pseudoephedrine advisory council to provide input and advise the office regarding the implementation and maintenance of the statewide real-time central repository established under section 124.212B to monitor sales of pseudoephedrine. The office shall specify the duties, responsibilities, and other related matters of the advisory council.

2. a. The council shall consist of four licensed pharmacists. The office shall solicit recommendations for membership on the council from the Iowa pharmacy association and Iowa retail federation, and shall appoint members from the recommendations. The council shall include a member from an independent pharmacy, a member from a regional chain pharmacy, and a member from a national chain pharmacy. The license of any member must be current and not subject to disciplinary sanctions.

b. The council shall also consist of four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

3. The council may make recommendations regarding the implementation and maintenance of the statewide real-time central repository monitoring system under section 124.212B.

4. The council shall do the following:

a. Assist the office in implementing and maintaining the statewide real-time central repository monitoring system.

b. Assist the office in developing utilization guidance related to the statewide real-time central repository monitoring system and disseminating such guidance.

c. Assist the office in developing guidelines to ensure patient confidentiality and the integrity of the relationship established by the patient and the patient's health care provider.

5. All members of the council shall receive actual and necessary expenses incurred in the performance of their duties.

Iowa Code Annotated
Title IV. Public Health [Chs. 123-158]
Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]
Chapter 126. Drugs, Devices, and Cosmetics
126.23A. Pseudoephedrine retail restrictions

…

b. A retailer or an employee of a retailer shall do the following:

…

(3) Require the purchaser to sign a logbook and to also require the purchaser to legibly print the purchaser's name and address in the logbook.

(4) Print the name of the pseudoephedrine product purchased and quantity sold next to the name of each purchaser in the logbook.

(5) Determine the signature in the logbook corresponds with the name on the government-issued photo identification card.

(6) Keep the logbook twenty-four months from the date of the last entry.

(7) Provide notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a twenty-four-hour period or of more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.

(8) Provide notification affixed to the logbook stating that a purchaser entering a false statement or misrepresentation in the logbook may subject the purchaser to criminal penalties under 18 U.S.C. § 1001.

(9) Disclose logbook information as provided by state and federal law.

(10) Comply with training requirements pursuant to federal law.

…

3. A purchaser shall sign the logbook and also legibly print the purchaser's name and address in the logbook.

4. Enforcement of this section shall be implemented uniformly throughout the state. A political subdivision of the state shall not adopt an ordinance regulating the display or sale of products containing pseudoephedrine. An ordinance adopted in violation of this section is void and unenforceable and any enforcement activity of an ordinance in violation of this section is void.

5. The logbook may be kept in an electronic format upon approval by the department of public safety.

6. A pharmacy that sells a product that contains three hundred sixty milligrams or less of pseudoephedrine on a retail basis shall comply with the provisions of this section with respect to the sale of such product. However, a pharmacy is exempted from the provisions of this section when selling a pseudoephedrine product pursuant to section 124.212.

7. A retailer or an employee of a retailer that reports to any law enforcement agency any alleged criminal activity related to the purchase or sale of pseudoephedrine or who refuses to sell a pseudoephedrine product to a person is immune from civil liability for that conduct, except in cases of willful misconduct.

8. If a retailer or an employee of a retailer violates any provision of this section, a city or county may assess a civil penalty against the retailer upon hearing and notice as provided in section 126.23B.

9. An employee of a retailer who commits a violation of subsection 1 or a purchaser who commits a violation of subsection 2 commits a simple misdemeanor punishable by a scheduled fine under section 805.8C, subsection 6.

10. As used in this section, "retailer" means a person or business entity engaged in this state in the business of selling products on a retail basis. An "employee of a retailer" means any employee, contract employee, or agent of the retailer.

Iowa Code Annotated
Title XVI. Criminal Law and Procedure [Chs. 687-915]
Subtitle 2. Criminal Procedure [Chs. 748-899]
Chapter 805. Citations in Lieu of Arrest
Traffic and Scheduled Violations
805.8C. Miscellaneous scheduled violations

<[Text subject to final changes by the Iowa Code Editor for Code 2013.]>

…

6. Pseudoephedrine sales violations. For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, paragraph "a", by a purchaser, the scheduled fine is as follows:

a. If the violation is a first offense, the scheduled fine is two hundred dollars.

b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

…

Iowa Administrative Code
Agency 657 Pharmacy Board
Chapter 10 Controlled Substances
657-10.32(124,155A) Dispensing products containing ephedrine, pseudoephedrine, or phenylpropanolamine without a prescription.

A product containing ephedrine, pseudoephedrine, or phenylpropanolamine, which substance is a Schedule V controlled substance and is not listed in another controlled substance schedule, may be dispensed or administered without a prescription by a pharmacist to a purchaser at retail pursuant to the conditions of this rule.

…

10.32(6)*Record.* Purchase records shall be recorded in the real-time electronic pseudoephedrine tracking system (PTS) established and administered by the governor's office of drug control policy pursuant to 657--Chapter 100. If the real-time electronic repository is unavailable for use, the purchase record shall be recorded in an alternate format and submitted to the PTS as provided in 657--subrule 100.3(4).

a. Alternate record contents. The alternate record shall contain the following:

(1) The name, address, and signature of the purchaser.

(2) The name and quantity of the product purchased, including the total milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine contained in the product.

(3) The date and time of the purchase.

(4) The name or unique identification of the pharmacist or pharmacist-intern who approved the dispensing of the product.

b. Alternate record format. The record shall be maintained using one of the following options:

(1) A hard-copy record.

(2) A record in the pharmacy's electronic prescription dispensing record-keeping system that is capable of producing a hard-copy printout of a record.

(3) A record in an electronic data collection system that captures each of the data elements required by this subrule and that is capable of producing a hard-copy printout of a record.

c. PTS records retrieval. Pursuant to 657--subrule 100.4(6), the pharmacy shall be able to produce a hard-copy printout of transactions recorded in the PTS by the pharmacy for one or more specific products for a specified period of time upon request by the board or its representative or to such other persons or governmental agencies authorized by law to receive such information.

10.32(7)*Notice required.* The pharmacy shall ensure that the following notice is provided to purchasers of ephedrine, pseudoephedrine, or phenylpropanolamine products and that the notice is displayed with or on the electronic signature device or is displayed in the dispensing area and visible to the public:

"WARNING: Section 1001 of Title 18, United States Code, states that whoever, with respect to the logbook, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined not more than $250,000 if an individual or $500,000 if an organization, imprisoned not more than five years, or both."

Iowa Administrative Code
Agency 657 Pharmacy Board
Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System
657-100.1(124) Purpose and scope.

2009 Iowa Code Supplement section 124.212B directs the governor's office of drug control policy to establish a real-time electronic repository to monitor and control the sale of Schedule V products that are not listed in another controlled substance schedule and that contain any detectible amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine. All pharmacies dispensing such products without a prescription shall electronically report all such sales to the repository. The real-time electronic repository shall be under the control of and administered by the governor's office of drug control policy. Both the governor's office of drug control policy and the board of pharmacy are directed to adopt rules relating to the real-time electronic repository and have jointly adopted these rules. These rules establish the pseudoephedrine tracking system (PTS).

Iowa Administrative Code
Agency 657 Pharmacy Board
Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System
657-100.2(124) Definitions.

As used in this chapter:

"Attempted purchase" means a proposed transaction for the dispensing of a product that is entered by a dispenser into the electronic pseudoephedrine tracking system, which transaction is not completed because the system recommends that the transaction be denied pursuant to the quantity limits established in 2009 Iowa Code Supplement section 124.213.

"Board" means the board of pharmacy.

"Council" means the pseudoephedrine advisory council established pursuant to Iowa Code section 124.212C.

"Dispenser" means a licensed Iowa pharmacist or a registered pharmacist-intern under the direct supervision of a pharmacist preceptor.

"Law enforcement officer" means all of the following:

1. State police officer.

2. City or county police officer.

3. Sheriff or deputy sheriff.

4. State or public university safety and security officer.

5. Department of natural resources officer.

6. Certified or full-time peace officer of this or another state.

7. Federal peace officer.

8. Criminal analyst assigned to a law enforcement agency.

"Office" means the governor's office of drug control policy.

"Product" means a Schedule V drug product that is not listed in another controlled substance schedule and that contains any detectible amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine.

"Pseudoephedrine tracking system" or *"PTS"* means the real-time electronic repository established to monitor and control the sale of products and administered by the governor's office of drug control policy.

"Purchaser" means an individual 18 years of age or older who purchases or attempts to purchase a product.

Iowa Administrative Code
Agency 657 Pharmacy Board
Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System
657-100.3(124) Electronic pseudoephedrine tracking system (PTS).

Unless granted an exemption by the office pursuant to these rules, all pharmacies dispensing products as defined in rule 657-100.2(124) without a prescription are required to participate in the PTS pursuant to 2009 Iowa Code Supplement section 124.212B. The office has established a council to provide input and advise the office regarding the implementation, maintenance, and administration of the PTS. The council also assists the office in developing guidelines to ensure patient confidentiality and the integrity of the relationship established by the patient and the patient's health care provider.

100.3(1)*Reporting elements.* The record of a completed purchase or attempted purchase of a product without a prescription shall contain the following:

a. The name and address of the purchaser.

b. A current government-issued photo identification number.

c. The electronic signature of the purchaser. If a pharmacy is not able to secure or record an electronic signature, a hard-copy signature logbook shall be utilized and maintained by the pharmacy. Each record in the logbook shall include the purchaser's signature and shall identify the purchase by transaction number.

d. Date and time of purchase.

e. The name and quantity of the product purchased, including the total milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine contained in the product.

f. The name or unique identification of the pharmacist or pharmacist-intern who approved the dispensing of the product.

…

100.3(3)*Denial of transactions and overrides.*

a. If an individual attempts to purchase a product in violation of these rules, the PTS shall:

(1) Notify the dispenser at the time of sale; and

(2) Recommend that the dispenser deny the transaction.

b. The PTS shall provide an override feature for use by a dispenser to allow completion of the sale. For security purposes and to ensure the integrity of the PTS, use of the override feature shall be restricted to authorized dispensers and may not be delegated to a pharmacy technician or a pharmacy support person. A dispenser utilizing the override feature shall document the reason that, in the professional judgment of the dispenser, it is necessary to override the recommendation of the PTS to deny the transaction.

100.3(4)*Availability of electronic PTS.* If the electronic PTS is unavailable for use:

a. A written record of each purchase shall be maintained pursuant to 657--subrule 10.32(6).

b. The information shall be provided to the office for inclusion in the PTS within 72 hours after the PTS becomes operational.

c. A PTS administrator shall enter the information from the written record into the PTS within 72 hours of receipt.
Iowa Administrative Code

Agency 657 Pharmacy Board
Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System
657-100.4(124) Access to database information and confidentiality.

Information collected in the PTS is confidential unless otherwise ordered by a court or released by the office pursuant to state or federal law. Information may not be released except as provided by this rule.

100.4(1)*PTS administrators.* PTS administrators shall be provided access to the PTS for the purpose of searching and retrieving reports only by articulating reasonable suspicion or providing a case number or reference number for an ongoing investigation. PTS administrators shall also be provided information on purchasers directly from the PTS. This information may be sent directly to law enforcement officers pursuant to paragraph 100.4(2)*"e"* for purposes of investigation.

100.4(2)*Law enforcement release.* PTS reports may be provided to a law enforcement officer whose duty is to enforce the drug laws of this state, another state, or the United States pursuant to this subrule.

a. A law enforcement officer shall register with the PTS prior to requesting reports. To ensure the identity of the officer and to maintain confidentiality of PTS information, the officer's identity shall be verified and registration shall be approved by the office.

b. A law enforcement officer may request information or data from the PTS by providing to a PTS administrator a case or reference number for an ongoing investigation and by articulating reasonable suspicion.

c. At the discretion of the office, law enforcement officers may be given direct access to data from the PTS pursuant to the federal Combat Methamphetamine Epidemic Act.

d. If a law enforcement officer requests PTS information on purchases or attempted purchases in excess of the monthly limit established in 657--subrule 10.32(3) or subrule 100.3(2), a subpoena or other court order is required.

e. Data collected on purchases in excess of limits established pursuant to the federal Combat Methamphetamine Epidemic Act may be released to law enforcement officers by PTS administrators without a court order or articulating reasonable suspicion.

100.4(3)*Statistical data.* The PTS administrator, following establishment of confidentiality, may provide summary, statistical, or aggregate data to public or private entities for statistical, research, or educational purposes. Prior to release of any such data, the administrator shall remove any information that could be used to identify an individual patient, dispenser, or other person who is the subject of or identified in the PTS information or data.

100.4(4)*Patients.* A patient may request and receive information regarding products reported to have been purchased by the patient.

a. A patient may submit a signed, written request for records of the patient's purchases and attempted purchases during a specified period of time. The request shall identify the patient by name, including any aliases used by the patient, and shall include the patient's date of birth and gender. The request shall also include any address where the patient resided during the time period of the request and the patient's current address and daytime telephone number. A patient may personally deliver the request to the PTS administrator or authorized staff member of the office located at Wallace State Office Building, 502 E. 9th Street, First Floor, Des Moines, Iowa 50319. The patient shall be required to present current government-issued photo identification at the time of delivery of the request. A copy of the patient's identification shall be maintained in the records of the PTS.

b. A patient who is unable to personally deliver the request to the office may submit a request via mail or commercial delivery service. The request shall comply with all provisions of paragraph *"a"* above, and the

signature of the requesting patient shall be witnessed and the patient's identity shall be attested to by a currently registered notary public. In addition to the notary's signature and assurance of the patient's identity, the notary shall certify a copy of the patient's current government-issued photo identification, and that certified copy shall be submitted with the written request. The request shall be submitted to the governor's office of drug control policy at the address identified in paragraph 100.4(4)*"a."*

100.4(5)*Regulatory officers.* Regulatory agencies that supervise or regulate a health care practitioner shall be able to access information from the PTS only pursuant to an order, subpoena, or other means of legal compulsion relating to a specific investigation of a specific individual and supported by a determination of probable cause. A director of a regulatory agency with jurisdiction over a practitioner, or the director's designee, who seeks access to PTS information for an investigation shall submit to the PTS administrator in a format established by the office a written request via mail, facsimile, or personal delivery. The request shall be signed by the director or the director's designee and shall be accompanied by an order, subpoena, or other form of legal compulsion establishing that the request is supported by a determination of probable cause.

100.4(6)*Pharmacy administrators.* A pharmacy, an authorized employee of a pharmacy, or a licensed pharmacist shall be provided access to the stored PTS information only for the limited purpose of determining the sales made by the pharmacy. A pharmacy shall be able to print the pharmacy's sales records for any product during any specified period of time upon the request of the board or an agent of the board.

100.4(7)*Court orders and subpoenas.* The PTS administrator shall provide database information in response to a court order or a county attorney subpoena or other subpoena issued by a court upon a determination of probable cause.

Iowa Administrative Code
Agency 657 Pharmacy Board
Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System
657-100.5(124) Violations.

Violations of provisions of these rules or 2009 Iowa Code Supplement section 124.212A, 124.212B, or 124.213 may subject the violator to criminal prosecution.

Iowa Administrative Code
Agency 661 Public Safety Department
Chapter 174 Retail Sales of Pseudoephedrine
661-174.1(81GA,SF169) Electronic logbooks.

A logbook of retail sales of products containing pseudoephedrine, as required in 2005 Iowa Acts, Senate File 169, may be recorded in any electronic format, provided that the retailer maintaining the logbook provides to any peace officer a printed copy of the information required to be maintained in the same manner as would be provided if the logbook were maintained on paper.

NOTE 1: Information required to be recorded in the logbook includes the legible signature of the purchaser and the printed name and address of the purchaser.

NOTE 2: This rule applies only to the content of the information provided to a peace officer from a logbook, not to the conditions or circumstances under which information from a logbook is provided to a peace officer.

Iowa Administrative Code
Agency 661 Public Safety Department
Chapter 174 Retail Sales of Pseudoephedrine
661-174.2(81GA,SF169) Reporting of civil penalties.

Within 30 days of the assessment of a civil penalty upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of the provisions of 2005 Iowa Acts, Senate File 169, the city or county which has enforced the civil penalty shall report the following information to the Director, Iowa Division of Narcotics Enforcement, Wallace State Office Building, East 9th and Grand, Des Moines, Iowa 50319:

1. Name and address of the retailer.

2. Name and birth date of the employee, if the civil penalty was assessed against an employee. If the assessment was against more than one employee, the name and birth date of each employee subject to the assessment shall be reported.

3. Date of the violation.

4. Description of the violation.

5. Amount of the civil penalty assessed.

Kansas

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,101. Statewide electronic logging system for sale of methamphetamine precursor act; definitions

As used in the statewide electronic logging system for sale of methamphetamine precursor act, unless the context otherwise requires:

(a) "Board" means the state board of pharmacy.

(b) "Methamphetamine precursor" means any compound, mixture or preparation containing pseudoephedrine, ephedrine or phenylpropanolamine, or any of their salts or optical isomers, or salts of optical isomers, but does not include products that have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts for precursors, and does not include animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

(c) "Pharmacy" means premises, laboratory, area or other place, including in-state and out-of-state facilities that are required to be registered under K.S.A. 65-1643 or 65-1657, and amendments thereto: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,102. Same; maintenance of program by the board of pharmacy; rules and regulations; waiver and liability

(a) The board shall establish and maintain a program for a statewide electronic logging system for sale of methamphetamine precursors.

(b) Each pharmacy shall maintain an electronic methamphetamine precursor recording log documenting the sale of methamphetamine precursors. The board shall promulgate rules and regulations specifying a standardized format for the log and the information that each pharmacy shall submit to the board, which shall include, but not be limited to:

(1) The name and address of the person purchasing, receiving or otherwise acquiring the methamphetamine precursor;

(2) thename of the product and quantity purchased;

(3) the date and time of the purchase; and

(4) the name, or initials, of the licensed pharmacist, registered pharmacy technician or pharmacy intern or clerk supervised by a licensed pharmacist who sold the product.

(c) Notwithstanding the requirements of this section, each pharmacy shall maintain the purchaser's signature in accordance with subsection (k) of K.S.A. 65-1643, and amendments thereto.

(d) Each pharmacy that is capable shall submit the information from the log in real time in accordance with transmission methods specified in rules and regulations promulgated by the board.

(e) The board may grant a waiver exempting a pharmacy from compliance with the requirements of this section upon showing of good cause by the pharmacy that it is otherwise unable to submit log information by electronic means for various reasons, including, but not limited to, mechanical or electronic failure or financial, technological or any other undue burden on the pharmacy, established by rules and regulations. Such waiver may permit the pharmacy to submit log information by paper form or other means, provided that all information required by rules and regulations is submitted in this alternative format.

(f) No pharmacy or pharmacy employee shall be liable to any person in a civil action for damages or other relief arising from a sale of a methamphetamine precursor that occurs at another pharmacy.

(g) The requirements of this section shall not apply where there is a lawful prescription present for the methamphetamine precursor sold.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,103. Same; no cost charged to pharmacies; funding of program

(a) The cost of establishing and maintaining the statewide electronic logging system shall be borne by the state, other non-state units of government, private entities, or others. Pharmacies shall not be required to bear the costs associated with establishing and maintaining the electronic logging system, through any additional charges, whether statewide, regional, county-wide or otherwise as provided in this section.

(b) In the event that funding for a statewide program is not available, the board may implement the program on a non-statewide basis, whether such program is funded regionally or county-wide or otherwise. The board shall, by rules and regulations, prescribe that such regional or non-statewide program comply with requirements applicable to a statewide program, including that such non-state governmental units or regional programs may not utilize different vendors. Any requirements of this act shall only be applicable to pharmacies within such units of government or regions, if a regional program is established, and all other pharmacies in the state shall be exempt from requirements for the electronic logging system required pursuant to this act.

(c) If the state, other non-state units of government, private entities or others are unable to bear the costs of establishing and maintaining the electronic logging system, pharmacies within the state, or in the case of regional or

other non-statewide programs, pharmacies within those program areas shall be relieved of any obligation to comply with the statewide electronic logging system program pursuant to this act. Such pharmacies shall still be subject to the requirements of maintaining a log as provided in subsection (k) of K.S.A. 65-1643, and amendments thereto.

(d) The board shall not impose any additional charges for the establishment or maintenance of the program for the recording of methamphetamine precursors on a pharmacy. The board shall not charge any fees for the transmission of data to the program database or for the receipt of information from the database.

(e) The state board of pharmacy may receive and expend, or supervise the expenditure of, any donation, gift, grant or bequest made to the board for furthering any phase of the statewide electronic logging system program.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,104. Same; confidential information; authorized access to data in the log

(a) Methamphetamine precursor recording log information submitted to the board shall be confidential and not a public record and not subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except as provided in subsections (c) and (d).

(b) The board shall maintain procedures to ensure that the privacy and confidentiality of information collected, recorded, transmitted and maintained is not disclosed to persons except as provided in subsections (c) and (d).

(c) The board shall be authorized to provide data in the log to the following persons:

(1) Any person authorized to prescribe or dispense products containing pseudoephedrine, ephedrine or phenylpropanolamine, for the purpose of complying with the provisions of this act; and

(2) local, state and federal law enforcement or prosecutorial officials.

(d) The board may provide data to public or private entities for statistical, research or educational purposes after removing information that could be used to identify individual patients or persons who received methamphetamine precursors from pharmacies.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,105. Same; another agency or private vendor as contractor; maintenance and destruction of records; educational program for pharmacies; annual report

(a) The board is hereby authorized to contract with another agency of this state or with a private vendor, as necessary, to ensure the effective implementation and operation of the methamphetamine precursor recording log. The state agency or private vendor selected shall have the technological capability to receive electronic log data from pharmacies submitted pursuant to K.S.A. 65-16,102, and amendments thereto, and to send real time notification to law enforcement officials. Regardless of the entity selected to manage the program, pharmacies are not required to use any one particular vendor's product to comply with the requirements under K.S.A. 65-16,102, and amendments thereto. Any electronic system implemented by the state shall be capable of bridging with existing and future operational systems used by pharmacies at no cost to such pharmacies. Any contractor shall be bound to comply with the provisions regarding confidentiality of log information in this section, and amendments thereto, and shall be subject to the penalties specified in K.S.A. 65-16,107, and amendments thereto, for unlawful acts.

(b) All information collected for the program database and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, shall be retained for five

years. Such information and records shall then be destroyed unless a law enforcement entity has submitted a written request to the board for retention of specific information or records in accordance with procedures adopted by the board.

(c) The board shall develop and implement a program to educate pharmacies and pharmacy employees about the program for the recording of methamphetamine precursors.

(d) The board shall review the effectiveness of the program for the recording of methamphetamine precursors and submit an annual report to the senate standing committee on public health and welfare and the house standing committee on health and human services.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,106. Same; rules and regulations

The board shall adopt, within six months after the effective date of this act, such rules and regulations the board deems necessary to carry out the provisions of this act.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,107. Same; penalties

(a) A pharmacy that knowingly fails to submit methamphetamine precursor recording log information to the board as required by this act or knowingly submits incorrect log information shall be guilty of a severity level 10, nonperson felony.

(b) A person authorized to have log information pursuant to this act who knowingly discloses such information in violation of this act shall be guilty of a severity level 10, nonperson felony.

(c) A person authorized to have log information pursuant to this act who knowingly uses such information in a manner or for a propose in violation of this act shall be guilty of a severity level 10, nonperson felony.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-16,108. Same; short title

K.S.A. 65-16,101 through 65-16,108, and amendments thereto, shall be known and may be cited as the statewide electronic logging system for sale of methamphetamine precursor act.

Kansas Statutes Annotated
Chapter 65. Public Health
Article 16. Regulation of Pharmacists
65-1643. Registration or permit required; pharmacies, manufacturers, wholesalers, auctions, sales, distribution or dispensing of samples, retailers, institutional drug rooms, pharmacy students, veterinary medical teaching hospital pharmacies; certain acts declared unlawful

It shall be unlawful:

…

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

…

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale or allows the seller to enter such information into an electronic logging system pursuant to K.S.A. 65-16,102, and amendments thereto. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

(C) the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and

(D) the seller enters in the log the name of the controlled substance and the quantity sold; or

…

Kansas Statutes Annotated
Chapter 65. Public Health
Article 41. Controlled Substances
Uniform Controlled Substances Act
65-4113. Substances included in schedule V

…

(e) Any compound, mixture or preparation containing any detectable quantity of **pseudoephedrine,** its salts or optical isomers, or salts of optical isomers.

…

Kentucky

Baldwin's Kentucky Revised Statutes Annotated
Title XVIII. Public Health
Chapter 218A. Controlled Substances
218A.1446 Requirements for dispensing of certain nonprescription drugs; log or other electronic recordkeeping mechanism; exemption request; exceptions; preemption of local laws

…

(2) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers shall:

…

(b) Sign an electronic log or record showing the:

1. Date of the transaction;

2. Name, date of birth, and address of the person making the purchase; and

3. The amount and name of the compound, mixture, or preparation.

Only an electronic logging or recordkeeping mechanism approved by the Office of Drug Control Policy may be utilized to meet the requirements of this subsection. No pharmacy may dispense or sell any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers unless the electronic logging or recordkeeping mechanism required by this section is provided at no cost to the pharmacy.

(3) An electronic log or record, as described in subsection (2) of this section, shall be kept of each day's transactions. The registered pharmacist, a pharmacy intern, or a pharmacy technician shall initial the entry of each sale in the log, evidencing completion of each transaction. The log shall be:

(a) Kept for a period of two (2) years; and

(b) Subject to random and warrantless inspection by city, county, or state law enforcement officers.

(4) (a) Intentional failure of a registered pharmacist, a pharmacy intern, or a pharmacy technician to make an accurate entry of a sale of a product or failure to maintain the log records as required by this section may subject him or her to a fine of not more than one thousand dollars ($1,000) for each violation and may be evidence of a violation of KRS 218A.1438.

(b) If evidence exists that the pharmacist's, the pharmacy intern's, or the pharmacist technician's employer fails, neglects, or encourages incorrect entry of information by improper training, lack of supervision or oversight of the maintenance of logs, or other action or inaction, the employer shall also face liability under this section and any other applicable section of this chapter.

(c) It shall be a defense to a violation of this section that the person proves that circumstances beyond the control of the registered pharmacist, pharmacy intern, or pharmacy technician delayed or prevented the making of the record or retention of the record as required by this section. Examples of circumstances beyond the control of the registered pharmacist, pharmacy intern, or pharmacy technician include but are not limited to:

1. Fire, natural or manmade disaster, loss of power, and similar events;

2. Robbery, burglary, shoplifting, or other criminal act by a person on the premises;

3. A medical emergency suffered by the registered pharmacist, pharmacy intern, or pharmacy technician, another employee of the establishment, a customer, or any other person on the premises; or

4. Some other circumstance that establishes that an omission was inadvertent.

…

(7) The requirements of this section shall not apply to any compounds, mixtures, or preparation containing ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers which are in liquid, liquid capsule, or gel capsule form or to any compounds, mixtures, or preparations containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts or optical isomers which are deemed to be not subject to abuse upon joint review and agreement of the Office of Drug Control Policy, the Board of Pharmacy, and the Cabinet for Health and Family Services.

(8) The provisions of this section shall not apply to a:

(a) Licensed manufacturer manufacturing and lawfully distributing a product in the channels of commerce;

(b) Wholesaler lawfully distributing a product in the channels of commerce;

(c) Pharmacy with a valid permit from the Kentucky Board of Pharmacy;

(d) Health care facility licensed pursuant to KRS Chapter 216B;

(e) Licensed long-term care facility;

(f) Government-operated health department;

(g) Physician's office;

(h) Publicly operated prison, jail, or juvenile correctional facility, or a private adult or juvenile correctional facility under contract with the Commonwealth;

(i) Public or private educational institution maintaining a health care program; or

(j) Government-operated or industrial medical facility serving its own employees.

(9) The provisions of this section shall supersede and preempt all local laws, ordinances, and regulations pertaining to the sale of any compounds, mixtures, or preparation containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

(10) To be approved for use under this section, an electronic logging or recordkeeping system shall:

(a) Be designed to block the dispensing of any compound, mixture, or preparation containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers, where the dispensing would exceed the quantity limitations established in this section or would be prohibited under KRS 218A.1440; and

(b) Allow unimpeded access by the Office of Drug Control Policy to any data stored in the system for statistical analysis purposes.

(11) The Office of Drug Control Policy shall prepare and submit to the Legislative Research Commission an annual statistical report on the sale of compounds, mixtures, or preparations containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers, including state and county sale amounts and numbers of individual purchasers.

Kentucky Administrative Regulations
Title 906. Cabinet for Health and Family Services
Chapter 1. Office of Inspector General
906 KAR 1:160. Monitoring system for products containing ephedrine, pseudoephedrine, or phenylpropanolamine

Section 1. Definitions. (1) “Attempted purchase” means information regarding a transaction is entered into the KEMPT system by a dispenser of a precursor to methamphetamine and the sale is not completed because the system recommends that the transaction be denied pursuant to KRS 218A.1446(5) or (6).

(2) “Cabinet” is defined by KRS 218A.010(3).

(3) “Dispenser of a precursor to methamphetamine” means a registered pharmacist, pharmacy intern, or pharmacy technician who lawfully sells a nonprescription compound, mixture, or preparation containing a detectable quantity of ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

(4) “Kentucky Electronic Methamphetamine Precursor Tracking” or “KEMPT” means the electronic recordkeeping mechanism used by the Office of Drug Control Policy to monitor the sale of a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

(5) “Law enforcement officer” means a:

(a) Drug enforcement agent designated by the Cabinet for Health and Family Services pursuant to KRS 218A.240(2);

(b) Kentucky peace officer certified pursuant to KRS 15.380 as a:

1. Kentucky State Police officer;

2. City, county, or urban-county police officer;

3. Deputy sheriff; or

4. State or public university safety and security officer;

(c) Certified or full-time peace officer of another state; or

(d) Federal peace officer.

(6) “ODCP” means the Office of Drug Control Policy within the Kentucky Justice and Public Safety Cabinet.

(7) “Precursor to methamphetamine” means a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

(8) “Purchaser” means an individual age eighteen (18) or older who purchases, or attempts to purchase, a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

Section 2. Electronic Reporting. (1) The following information shall be entered in the KEMPT system upon the purchase, or attempted purchase, of a precursor to methamphetamine:

(a) Date of transaction pursuant to KRS 218A.1446(2)(b), which is entered manually or recorded automatically by KEMPT;

(b) Identifying information regarding the purchaser pursuant to KRS 218A.1446(2)(b) and a government-issued photo identification number; and

(c) Amount and name of the product dispensed pursuant to KRS 218A.1446(2)(b).

(2) The ODCP shall be solely responsible for the security of the transaction information required by subsection (1)

of this section after a dispenser of a precursor to methamphetamine transmits the information.

(3) The ODCP shall provide a toll-free telephone number:

(a) For technical support available to a dispenser of a precursor to methamphetamine twenty-four (24) hours per day, seven (7) days per week; and

(b) For customer service available to a purchaser who has an inquiry regarding a transaction, Monday through Friday, 8 a.m. to 4:30 p.m., except for state recognized holidays.

(4) A pharmacy may use a hardcopy signature logbook consisting of each purchaser's signature and transaction number to meet the requirement for obtaining electronic signatures.

Section 3. Extension for Reporting Information and Exemption from Electronic Reporting. (1) If a dispenser of a precursor to methamphetamine experiences mechanical or electronic failure, the ODCP shall grant an extension for reporting the information required by Section 2(1) of this administrative regulation.

(2) To request an extension for reporting information required by Section 2(1) of this administrative regulation, a dispenser of a precursor to methamphetamine shall submit a request to the ODCP that:

(a) States the reason for the request;

(b) Identifies the period of time for which the extension is necessary, not to exceed seventy-two (72) hours; and

(c) Is submitted:

1. Within twenty-four (24) hours of discovery of the circumstances resulting in the need for an extension request; or

2. On the day following a holiday or weekend if the discovery occurs on a day that ODCP offices are closed.

(3) If a transaction occurs during the time period in which a request described in subsection (2) of this section is pending, a dispenser of a precursor to methamphetamine shall:

(a) Maintain a written log or electronic recordkeeping mechanism approved pursuant to KRS 218A.1446(2)(b) of the information required by Section 2(1) of this administrative regulation; and

(b) Enter the information in the KEMPT system within seventy-two (72) hours of the system becoming operational.

(4) The ODCP shall acknowledge receipt of a request described in subsection (2) of this section within:

(a) Twenty-four (24) hours of receipt; or

(b) On the day following a holiday or weekend if ODCP offices are closed.

Section 4. Request for KEMPT Reports. (1) The ODCP shall provide a KEMPT report:

(a) To a law enforcement officer whose duty is to enforce the laws of this state, another state, or of the United States relating to drugs;

(b) To a pharmacy;

(c) Pursuant to a subpoena issued by a grand jury; or

(d) Pursuant to a court order issued by a criminal court.

(2) The ODCP shall not provide a KEMPT report to a person or entity that is not authorized in accordance with subsection (1) of this section to receive the report.

(3) A KEMPT report provided to a pharmacy shall not identify the dispenser of a precursor to methamphetamine or the dispensing pharmacy.

Section 5. Denial of Transactions and Overrides. (1) If an individual attempts to purchase a precursor to methamphetamine in violation of the thirty (30) day or one (1) year restrictions established by KRS 218A.1446(5), or the age restriction established by KRS 218A.1446(6), the KEMPT system shall:

(a) Notify the pharmacy at the time of sale; and

(b) Recommend that the pharmacy deny the transaction.

(2) The KEMPT system shall provide an override feature for use by a dispenser of a precursor of methamphetamine to allow completion of the sale.

Section 6. Compliance Date. All pharmacies that dispense precursors to methamphetamine shall:

(1) Comply with the electronic reporting requirements of Section 2 of this administration regulation within (30) days of the date that a pharmacy has access to KEMPT; or

(2) Submit a request to ODCP for an extension if the pharmacy is not able to comply with the electronic reporting requirements on the date the pharmacy has access to KEMPT.

Louisiana

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.3. Restriction on the sale of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers

…

B. A nonprescription material, compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers shall not be dispensed, sold, or distributed by a pharmacist, certified pharmacy technician, or pharmacy employee to any person unless the following occur:

…

(2) The purchaser signs a written or electronic log or receipt showing the date of the transaction, the name of the purchaser, and the amount of the material, compound, mixture, or preparation sold.

(3) The transaction information is recorded by the pharmacy and transmitted to the central computer monitoring system as provided for in this Part.

C. …

(2) A pharmacist, certified pharmacy technician, or pharmacy employee selling or distributing nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall be exempt from the rules relative to the record keeping requirements for the dispensing of those nonprescription controlled dangerous substances; however, the pharmacist, certified pharmacy technician, or pharmacy employee shall record the transaction information and transmit it to the central computer monitoring system as provided for in this Part.

…

E. A law enforcement officer may, pursuant to R.S. 40:986(B), obtain an administrative search warrant to inspect the written logs or receipts maintained at a pharmacy pursuant to the provisions of this Section.

F. A parish or municipal government authority may regulate the selling, delivering, or providing of packages or grams of pseudoephedrine, ephedrine, or phenylpropanolamine only in a manner that is not more or less restrictive than regulation by the state under this Section.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.4. Central computer monitoring system; system requirements

A. In order to facilitate the monitoring of sales of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine the pharmacist, certified pharmacy technician, or other pharmacy employee shall record all of the following information at the point of sale regarding the transaction:

(1) The date of the transaction.

(2) The name and address of the purchaser verified through photo identification of the purchaser as provided for in R.S. 40:1049.3(B)(1).

(3) The name, quantity of packages, and total gram weight of the product or products purchased, received, or otherwise acquired.

B. Upon recordation of the transaction information, the pharmacy shall transmit the information immediately to a central computer system for purposes of monitoring the sales of these products as provided for in this Section.

C. The central computer system authorized by the provisions of this Section shall be designed and operated to allow the monitoring and reading of sales information regarding products containing ephedrine, pseudoephedrine, and phenylpropanolamine at the point of sale instantly and on a real-time basis.

D. The central computer system authorized by the provisions of this Section shall be located within and administered by the Department of Public Safety and Corrections, office of state police.

E. The central computer monitoring system shall provide for the monitoring of sales of compounds containing ephedrine, pseudoephedrine, and phenylpropanolamine and shall be capable of providing an online computer alert, to ensure direct scrutiny of conditions which would violate the provisions of this Part by law enforcement.

F. The provisions of this Part shall not be construed to require that any pharmacy maintain the transaction records required under the provisions of this Part separate from the log book that is required under 21 U.S.C. 830(e). Use of the central computer monitoring system as required by this Part shall be deemed to satisfy both of these purposes.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.5. Funding sources; no fees on pharmacists or pharmacies

A. Funding for the acquisition, implementation, and operation of the central computer monitoring system shall be funded through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law.

B. Thereafter, the maintenance of the central computer monitoring system shall be funded through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law.

C. The Department of Public Safety and Corrections, office of state police, and the Louisiana Sheriffs' Association may actively seek gifts, grants, and donations that may be available through the federal government or other sources to help fund the central computer monitoring system, provided that such gifts, grants, and donations are not otherwise prohibited by law or rule.

D. No fee shall be charged to any pharmacist or pharmacy to defray the costs of acquiring, implementing, or maintaining the central computer monitoring system as authorized by the provisions of this Part, nor shall any fee be charged to any pharmacist or pharmacy for the transmission of information to the central computer monitoring system.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.6. Shared information; state police; sheriffs

A. The Department of Public Safety and Corrections, office of state police shall share the information regarding the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine as authorized by the provisions of this Part and provide instant access to the Louisiana Sheriffs' Association.

B. The Department of Public Safety and Corrections, office of state police, is authorized to enter into a cooperative endeavor, memorandum of understanding, contract, or any other agreement with the Louisiana Sheriffs' Association, or any other law enforcement agency in order to share the information regarding the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine as authorized by the provisions of this Part and to provide instant access to all appropriate law enforcement agencies.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.7. Board of Pharmacy access to information

The Department of Public Safety and Corrections, office of state police, shall provide access to the information

regarding the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine as authorized by the provisions of this Part to the Louisiana Board of Pharmacy.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.8. Pharmacists, certified pharmacy technician, or pharmacy employee not required to stop sale; may report

A. (1) The provisions of this Part shall not be construed to require a pharmacist, certified pharmacy technician, or pharmacy employee to prohibit or complete a sale of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine even if the pharmacist, certified pharmacy technician, or other employee observes a warning or signal from the central computer monitoring program which indicates that the purchaser has purchased those products in amounts which exceed the amount which can be purchased by law.

(2) The provisions of this Part shall not be construed to limit a pharmacist's professional judgment as otherwise provided for by law or rules adopted by the Louisiana Board of Pharmacy.

B. A pharmacist, certified pharmacy technician, or pharmacy employee may report suspected violations of this Section or any other law to any local, state, or federal law enforcement agency, or the appropriate prosecutorial agency for further investigation or prosecution.

C. No pharmacist, certified pharmacy technician, or pharmacy employee who in good faith reports suspected violations as provided for in this Part shall be liable to any person or entity for any claim of damages as a result of the act of reporting the information, and no lawsuit may be predicated thereon.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.9. Licensed practitioner with prescriptive authority exempted

A health care practitioner with prescriptive authority who is licensed in the state of Louisiana shall be exempt from the requirements of the provisions of this Part in dispensing any product containing ephedrine, pseudoephedrine, or phenylpropanolamine to his patient.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.10. Transmission of information contingent on functionality of central computer monitoring system

A. The transmittal of transaction information of products containing ephedrine, pseudoephedrine, and phenylpropanolamine as authorized by the provisions of this Part is contingent upon the acquisition, implementation, and operation of the central computer monitoring system.

B. No licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be required to transmit data to the central computer monitoring system until the funding for the acquisition and implementation of the central computer

monitoring system has been secured through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law.

C. No pharmacy, licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be held responsible for failure to transmit transaction information as required by this Part if at any time the central computer monitoring system is rendered inoperable due to natural disaster, tampering, or any other reason.

Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 40. Public Health and Safety
Chapter 4. Food and Drugs
Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropanolamine Monitoring Act
§ 1049.11. Limitation of liability

A. The owner or operator of a retail pharmacy, who has submitted to the United States Attorney General a self-certification in accordance with the requirements of 21 U.S.C. 830(e) regarding training of employees engaged in the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall not be liable for violations of this Part by the retail pharmacy's employees.

B. No licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be personally liable for any act or omission resulting in damage, injury, or loss arising out of the dispensing of a compound containing ephedrine, pseudoephedrine, or phenylpropanolamine and the transmittal of that transaction to the central computer monitoring program as authorized by the provisions of this Part; however, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the pharmacist, certified pharmacy technician, or pharmacy employee.

Maine

Maine Revised Statutes Annotated
Title 32. Professions and Occupations
Chapter 117. Maine Pharmacy Act
Subchapter 1. Title and Definitions
§ 13702-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

…

33. Targeted methamphetamine precursor. "Targeted methamphetamine precursor" means any product containing any amount of ephedrine, pseudoephedrine or phenylpropanolamine or their salts, isomers or salts of isomers, either alone or in combination with other ingredients:

A. In dry or solid nonliquid form; or

B. In liquid, liquid-filled capsule or glycerin matrix form if designation as a targeted methamphetamine precursor has been completed by rule adopted pursuant to section 13795, subsection 5, paragraph A.

…

Maine Revised Statutes Annotated
Title 32. Professions and Occupations
Chapter 117. Maine Pharmacy Act

Subchapter 9. Miscellaneous Provisions
§ 13795. Photographic proof of identification; discretion to sell or dispense; immunity

…

4. Record keeping. With regard to purchases of targeted methamphetamine precursors, a pharmacy may keep a log of information about the purchaser, which may include name, date of birth, address and amount of targeted methamphetamine precursors purchased.

5. Rulemaking. The Director of the Office of Substance Abuse within the Department of Health and Human Services may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

…

B. If the Director of the Maine Drug Enforcement Agency finds that sales of targeted methamphetamine precursors that are made without verifying the identity of the purchaser pose a threat to public health, safety and welfare, then the Director of the Maine Drug Enforcement Agency shall notify the Director of the Office of Substance Abuse. The Director of the Office of Substance Abuse shall consult with the joint standing committee of the Legislature having jurisdiction over health and human services matters, providing the reasons for undertaking rulemaking, and may, after consultation, adopt rules requiring a person making a sale of a targeted methamphetamine precursor pursuant to section 13796 to demand from the purchaser and to inspect and record prior to the sale proof of identification, including valid photographic identification, and to keep a log of sales.

Michigan

Michigan Compiled Laws Annotated
Chapter 333. Health
Public Health Code
Article 7. Controlled Substances
Part 73. Manufacture, Distribution, and Dispensing
333.7340a. Retail sale of nonprescription product containing ephedrine or pseudoephedrine; logging; stop sale alert; effect of noncompliance

Sec. 7340a. (1) Beginning January 1, 2012, a retailer shall, before completing a sale under section 17766f, electronically submit the required information to the national precursor log exchange (NPLEx) administered by the national association of drug diversion investigators (NADDI). A retailer shall not be required to pay a fee for using the NPLEx system.

(2) If a retailer selling a nonprescription product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the retailer shall maintain a written log or an alternative electronic record-keeping mechanism until such time as the retailer is able to comply with the electronic sales tracking requirement.

(3) NADDI shall provide real-time access to NPLEx information through the NPLEx online portal to law enforcement in this state as authorized by state and federal law.

(4) The system described in subsection (1) shall be capable of generating a stop sale alert notifying the retailer that completion of the sale will result in the seller's or purchaser's violating the quantity limits set forth in section 17766f. The seller shall not complete the sale if the system generates a stop sale alert. The system shall contain an override function that may be used by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm if the dispenser does not complete a sale. Each instance in which the override function is utilized shall be logged by the system.

(5) A person's failure to comply with the record-keeping or sales verification requirements of this section does not create a civil cause of action for damages to any other person arising out of that failure absent a direct and proximate cause, and the person is immune from civil liability for any damages arising out of that failure.

(6) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00.

Michigan Compiled Laws Annotated
Chapter 333. Health
Public Health Code
Article 15. Occupations
Part 177. Pharmacy Practice and Drug Control

333.17766e. Retail sale of products containing ephedrine or pseudoephedrine; security measures; identification and recordkeeping; penalties; report

Sec. 17766e. (1) Except as otherwise provided under this section, a person who possesses ephedrine or pseudoephedrine for retail sale pursuant to a license issued under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, shall maintain all products that contain any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine, a salt or optical isomer of ephedrine or pseudoephedrine, or a salt of an optical isomer of ephedrine or pseudoephedrine in accordance with 1 of the following:

…

(2) A person who sells a product described in subsection (1) shall do each of the following:

…

(b) Maintain a log or some type of record detailing the sale of a product described under subsection (1), including the date of the sale and the time of purchase, the name, address, and date of birth of the buyer, the amount and description of the product sold, and a description of the identification used to make the purchase, such as the state in which a driver license used for identification was issued and number of that license. The seller shall also require the purchaser to sign the log at the time of sale. Information entered into the national precursor log exchange (NPLEX) satisfies the requirement to maintain a log or some type of record detailing the sale under this subdivision. The log or other means of recording the sale as required under this subdivision shall be maintained for a minimum of 6 months and made available to only a law enforcement agency upon request. The log or other means of recording the sale is not a public record and is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. A person shall not sell or provide a copy of the log or other means of recording the sale to another for the purpose of surveys, marketing, or solicitations.

(3) This section does not apply to the following:

(a) A pediatric product primarily intended for administration to children under 12 years of age according to label instructions.

(b) A product containing pseudoephedrine that is in a liquid form if pseudoephedrine is not the only active ingredient.

(c) A product that the state board of pharmacy, upon application of a manufacturer or certification by the United States drug enforcement administration as inconvertible, exempts from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

(d) A product that is dispensed pursuant to a prescription.

(4) A person who violates this section is responsible for a state civil infraction as provided under chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and may be ordered to pay a civil fine of not more than $500.00 for each violation.

…

Minnesota

Minnesota Statutes Annotated
Health (Ch. 144-159)
Chapter 152. Drugs; Controlled Substances
Definitions and Schedules of Controlled Substances
152.02. Schedules of controlled substances; administration of chapter

…

Subd. 6. Schedule V; restrictions on methamphetamine precursor drugs. (a) As used in this subdivision, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation intended for human consumption containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients; and

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

…

(e) A business establishment that offers for sale methamphetamine precursor drugs in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted and are offered for sale only by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall ensure that the person making the sale requires the buyer:

…

(2) to sign a written or electronic document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

A document described under clause (2) must be retained by the establishment for at least three years and must at all reasonable times be open to the inspection of any law enforcement agency.

…

(h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than $1,000, or both.

(i) An owner, operator, supervisor, or manager of a business establishment that offers for sale methamphetamine precursor drugs whose employee or agent is convicted of or charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties for violating any of those paragraphs if the person:

(1) did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; and

(2) documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

…

(k) Paragraphs (b) to (j) do not apply to:

(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;

(2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine;

(3) methamphetamine precursor drugs in gel capsule or liquid form; or

(4) compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of its total weight and is not its sole active ingredient.

(l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall certify methamphetamine precursor drugs that meet the requirements of paragraph (k), clause (2), and publish an annual listing of these drugs.

Missouri

Vernon's Annotated Missouri Statutes
Title XII. Public Health and Welfare
Chapter 195. Drug Regulations
Narcotic Drug Act
195.017. Substances, how placed in schedules--list of scheduled substances-- publication of schedules annually--electronic log of transactions to be maintained, when--certain products to be located behind pharmacy counter-- exemption from requirements, when--rulemaking authority

…

10. The controlled substances listed in this subsection are included in Schedule V:

…

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

…

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified

in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

…

16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

…

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.

Vernon's Annotated Missouri Statutes
Title XII. Public Health and Welfare
Chapter 195. Drug Regulations
Manufacturers--Wholesalers--Retailers--Sale or Transfer of Chemicals, Regulation
195.417. Limit on sale or dispensing of certain drugs, exceptions--accessibility of records--violations, penalty

…

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

…

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

…

7. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

…

9. Any person who knowingly or recklessly violates this section is guilty of a classA misdemeanor.

Missouri Code of State Regulations
Title 19 - Department of Health and Senior Services
Division 30 - Division of Regulation and Licensure
Chapter 1 - Controlled Substances
19 CSR 30-1.074 Dispensing Without a Prescription

PURPOSE: This rule provides for dispensing Schedule V controlled substances without a prescription in certain situations.

(1) Definitions. For the purposes of this rule, the following terms shall apply:

(A) "Dispenser" means a pharmacist, intern pharmacist, or registered pharmacy technician who sells, dispenses, or otherwise provides methamphetamine precursor products to purchasers.

(B) Methamphetamine precursor products" means both Schedule V pseu-doephedrine products and any other drug product containing any detectable amount of ephedrine, pseudoephedrine, or phenyl-propanolamine, including the salts or opticalisomers or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine, or phenylpropanolamine.

(C) "Valid photo identification" means a photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person, including forms of identification acceptable under federal regulations 8 CFR 274a.2(b)(1)(v)(A) and (B).

…

(3) Methamphetamine precursor products may be sold, dispensed, distributed, or otherwise provided only as follows:

…

(C) Dispensers shall utilize the real-time electronic pseudoephedrine tracking system established and maintained by the Missouri Department of Health and Senior Services (DHSS);

…

(E) Any dispenser who sells, dispenses, or otherwise provides any methamphetamine precursor product shall submit the following information to the DHSS electronic database at the time of purchase:

1. Date and time of transaction;

2. Pharmacy identification information, including:

A. National Council for Prescription Drug Programs identification number; or

B. National Association of Boards of Pharmacy identification number; or

C. Vendor assigned site and/or pharmacy identifier;

3. Purchaser information, including the following fields:

A. Purchaser's given or first name;

B. Purchaser's middle name (if any);

C. Purchaser's surname or last name;

D. The purchaser's full name shall be entered into the database without the use of initials or nicknames;

E. Purchaser's date of birth; and

F. Purchaser's address, including number, street, city, state, and zip code;

4. Identification of the form of valid photo identification presented by the purchaser; including issuing agency of the photo identification and identification number appearing on the photo identification;

5. Purchaser's signature;

6. Dispenser identification, including:

A. The name of the individual performing the transaction; or

B. The initials of the individual performing the transaction;

7. Transaction number, assigned by the database provider/vendor;

8. Purchase transaction information, including the following:

A. Product Universal Product Code (UPC);

B. Product National Drug Code (NDC) (optional);

C. Unique product description; and

D. Purchase quantity, in grams as -

(I) Product grams per box and number of boxes in transaction;

(II) Product grams per dosage form such as tablet, capsule, or milliliter, and number of dosages per transaction; or

(III) Other mechanism identified by the database provider/vendor; and

9. Form of pseudoephedrine in a manner defined by the database provider/vendor, including but not limited to:

A. Tablet;

B. Capsule;

C. Liquid-filled gelcap; or

D. Liquid;

(F) Purchaser information provided and entered into the DHSS electronic database shall be the same as that on the presented identification. Full names shall be used and not merely initials or a nickname;

(G) If the DHSS electronic database is not available at the time of the sale of the methamphetamine precursor product, the information to be provided in subsection (3)(E) above shall be recorded manually and entered into the DHSS electronic database as soon as practicable after the system is back online, as specified in subsection (3)(I). Signatures shall be captured on paper and then may be scanned to the database;

(H) Every dispenser who sells, dispenses or otherwise provides any methamphetamine precursor product shall maintain a bound log-book in addition to the electronic database system. The logbook shall be used for documenting a clear audit trail of any alterations, changes, or deletions to the original transaction record, and sales that occurred during system failures, including date and time of entry into the database, justification, and resultant contacts with law enforcement because the override button was used;

(I) In the event that the DHSS electronic database is unavailable for five (5) minutes or more due to a failure on the DHSS network or because of a failure attributable to systems other than the DHSS, the dispenser may continue with the transaction until the system is available. All information required to be captured with each transaction shall be retained and documented. The information may be entered into the database where it may be held pending until the system comes back online, or all of the required information for transactions occurring during the time the DHSS electronic database is unavailable must be recorded manually and entered into the DHSS electronic database by the registrant as soon as is practicable, but within no more than forty-eight (48) hours following the resumption of operability. Documentation shall also identify the reason for the late entry into the DHSS electronic database;

(J) At least once each month, the pharma-cist-in-charge shall review the logbook of changes and the changes captured by the database to see what changes and alterations pharmacy employees have entered regarding sales of methamphetamine precursors. The date and time that the pharmacist-in-charge conducts this monthly review shall be documented in the bound logbook maintained by the pharmacy in addition to the electronic system;

(K) Documentation in the bound logbook shall be maintained in a readily retrievable manner for two (2) years from the date of the transaction and available for inspection and copying by authorized DHSS employees and law enforcement;

(L) Denials of Sales and Dispensings.

1. Except as provided in subsection (D) of this section, if an individual attempts to purchase a methamphetamine precursor product in violation of the three and six-tenths(3.6) gram per day or nine (9) gram per month quantity restrictions or age restriction established by sections 195.017 and 195.417,RSMo, the dispenser shall refuse to make the sale. The purchaser must be at least eighteen(18) years of age.

2. Sales of methamphetamine precursor products shall be denied to purchasers who are not able to produce a valid government issued identification card with the required information displayed on it.

3. In the event that the dispenser perceives that refusal of the purchase may place him or her in imminent physical harm, then the dispenser may use the database safety override function to proceed with the transaction, provided that -

A. When jeopardy is no longer perceived, the dispenser shall immediately contact local law enforcement to report the purchase; and

B. The dispenser shall document in their manual log, the circumstance, the individual contacted at the local law enforcement agency, and the date and time of that contact;

(M) Pharmacy Employees. Employees in a pharmacy shall be assigned individual personal passwords to identify their own transactions in the database.

1. Pharmacy employees shall only use their own passwords for their own transactions and shall not dispense or make a sale under the password of another person.

2. The database computer shall not be left on and unattended so that another person can use the previous user's password. Users shall close out their personal access when their activities are completed.

3. The pharmacist-in-charge shall be responsible for insuring pharmacy employees have adequate password privileges. The pharmacist-in-charge shall insure that new employees have their own personal passwords and also insure that ex-employees have their passwords removed from the system;

(N) Access to Database by Law Enforcement and Regulatory Agencies.

1. Access to the database and controlled substance records shall be made available to those agencies with authority under Chapter 195 and Chapter 338, RSMo.

2. Law enforcement agencies and regulatory agencies shall only have the ability to read and review and shall not be able to enter data or change records.

3. It shall be the responsibility of each agency's administrator, chief, sheriff, or other chief executive officer to insure -

A. Only authorized employees have access to the database;

B. Employees only use their own passwords and passwords are not shared;

C. Each employee adheres to all state and federal laws regarding confidentiality; and

D. As employees change, that new passwords are assigned to new employees and passwords of ex-employees or transferred employees are removed. The chief, sheriff, or chief executive officer of the law enforcement or regulatory agency shall notify the DHSS in writing when an employee's access is to be added or removed; and

(O) Method for Enforcement Agencies to Gain or Alter Access to the Database.

1. Requests submitted to the DHSS to add or remove an employee from access to the database shall -

A. Be submitted in writing on the agency's letterhead;

B. State whether this is a request for an employee to be granted access to the database or a request to remove an employee's access;

C. Provide the employee's full name and title;

D. Provide the employee's Missouri POST certification number if the employee is a sworn law enforcement officer; and

E. Be signed by the chief, sheriff, or chief executive officer of the requesting agency.

2. Multiple requests for multiple employees and actions may be submitted on one (1) letter.

3. The DHSS shall notify the provider of the database in writing of persons who are given access or have access removed.

4. The DHSS may restrict access to the database to a limited number of people in each agency, depending on the size of the agency, their locations, and number of sworn officers engaged in the actual enforcement of controlled substance laws.

Montana

Montana Code Annotated
Title 50. Health and Safety
Chapter 32. Controlled Substances
Part 5. Regulation of Ephedrine and Pseudoephedrine
50-32-502. Restricted sale and access to ephedrine or pseudoephedrine products--exceptions--penalties

…

(3) Except as provided in subsection (5), a licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall:

…

(c) require the person purchasing, receiving, or otherwise acquiring any product, mixture, or preparation containing ephedrine or pseudoephedrine to produce a driver's license or other form of photo identification and sign a record of sale or acquisition that includes the date of the transaction, the name of the person purchasing or acquiring the ephedrine or pseudoephedrine, and the number of grams of the product, mixture, or preparation purchased or acquired;

…

(4) A licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall maintain all records made under subsection (3) in a secure, centralized location. Each record must be maintained by the licensed pharmacy or certified retail establishment provided for in subsection (1) for 2 years. The licensed pharmacy or certified retail establishment provided for in subsection (1) shall provide access to sales records by law enforcement officials.

(5) This section does not apply to:

(a) any quantity of a product, mixture, or preparation dispensed pursuant to a valid prescription;

(b) products containing ephedrine or pseudoephedrine that are in liquid, liquid capsule, or gel capsule form if ephedrine or pseudoephedrine is not the only active ingredient;

(c) a product that the board, upon application by a manufacturer, exempts from this section by rule because the product has been formulated in a manner as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors.

(6) A person who knowingly or negligently violates any provision of this section is guilty of a misdemeanor and

shall be punished by a fine of not less than $100 or more than $500 and by imprisonment in the county jail for not more than 1 year.

Administrative Rules of Montana
Title 23. Department of Justice
Chapter 12. Law Enforcement Services Division
Sub-chapter 8. Regulation of Ephedrine or Pseudoephedrine
23.12.802. RETAIL ESTABLISHMENTS ELIGIBLE TO APPLY FOR CERTIFICATION

(1) A retail establishment is eligible to apply for certification with the department if:

…

(e) it agrees to track customer sales and to prevent a customer from purchasing more than nine grams of products containing ephedrine or pseudoephedrine in any 30-day period.

Administrative Rules of Montana
Title 23. Department of Justice
Chapter 12. Law Enforcement Services Division
Sub-chapter 8. Regulation of Ephedrine or Pseudoephedrine
23.12.803. REQUIREMENTS FOR CERTIFICATION

(1) An eligible retail establishment will be certified by the department after it completes the certification requirements set forth in this sub-chapter.

(2) To be eligible for certification, a retail establishment must:

(a) submit a record keeping plan for approval by the department;

...

(c) complete training provided by the department or local law enforcement that covers the record keeping requirements for retail establishments and issues related to the production of methamphetamine.

(3) Upon completion of these requirements, a retail business may apply, on the form provided by the department, for certification.

(4) If a retail establishment meets the eligibility standards and has successfully completed the certification requirements, the department shall certify the retail establishment.

Administrative Rules of Montana
Title 23. Department of Justice
Chapter 12. Law Enforcement Services Division
Sub-chapter 8. Regulation of Ephedrine or Pseudoephedrine
23.12.804. RECORD KEEPING REQUIREMENTS

(1) Certified retail establishments selling products containing ephedrine or pseudoephedrine must keep records of the following:

(a) an inventory of products containing ephedrine or pseudoephedrine purchased by the retailer. The inventory must include:

(i) date of purchase; and

(ii) quantity of purchase;

(b) a record of all sales of products containing ephedrine or pseudoephedrine sold by the retailer. The record must include:

(i) date of sale;

(ii) quantity of product sold;

(iii) a record of the name and signature of the purchaser;

(iv) a record that the purchaser provided proper identification in either the form of a driver's license or other form of photo identification and a record of the identification number; and

(v) a record of the name and signature of the employee who made the sale; and

(c) the cumulative grams of product sold to an individual consumer during any 30-day period.

Administrative Rules of Montana
Title 23. Department of Justice
Chapter 12. Law Enforcement Services Division
Sub-chapter 8. Regulation of Ephedrine or Pseudoephedrine
23.12.805. TRAINING REQUIREMENTS

(1) Certified retail establishments shall have received training by the department or local law enforcement that covers the record keeping requirements for retail establishments, including but not limited to a record keeping system that tracks customer sales in order to prevent an individual customer from purchasing more than nine grams of products containing ephedrine or pseudoephedrine in any 30-day period, and issues related to the production of methamphetamine.

(2) Retail establishments shall be responsible for ensuring that any employees responsible for the intake or sale of products containing ephedrine or pseudoephedrine be trained in the requirements of the law, specifically but not limited to, that employees are trained in the record keeping requirements of this sub-chapter.

Administrative Rules of Montana
Title 23. Department of Justice
Chapter 12. Law Enforcement Services Division
Sub-chapter 8. Regulation of Ephedrine or Pseudoephedrine
23.12.806. AUDIT COMPLIANCE

(1) The department has the authority to audit the premises and records of a certified retail establishment for compliance with the Montana Code Annotated and administrative rules governing the sale of products containing ephedrine and pseudoephedrine.

Title 23. Department of Justice
Chapter 12. Law Enforcement Services Division
Sub-chapter 8. Regulation of Ephedrine or Pseudoephedrine
23.12.807. FAILURE TO COMPLY

(1) A retail establishment's failure to comply with the Montana Code Annotated or administrative rules governing the sale of products containing ephedrine and pseudoephedrine may result in a warning or in decertification.

(2) A notice of warning or decertification will be provided in writing by the department to the retail establishment.

(3) If a retail establishment fails to correct the noted area of noncompliance after receiving a warning from the department, the department may issue a notice of decertification.

(4) Challenges to decertification will be considered in accordance with the provisions of the Montana Administrative Procedure Act.

(5) The penalties of this provision are in addition to the criminal penalties set forth in the Montana Code Annotated.

Nebraska

Revised Statutes of Nebraska Annotated
Chapter 60. Motor Vehicles
Article 4. Motor Vehicle Operators' Licenses
(f) Provisions Applicable to All Operators' Licenses

60-4,111.01. Storage or compilation of information; retailer; authorized acts; sign posted; use of stored information; approval of negotiable instrument or certain payments; authorized acts; violations; penalty

<Text of section effective Jan. 1, 2012. See, also, text of section effective until Jan. 1, 2012.>

(1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or a state identification card for their statutorily authorized purposes.

(2) Except as otherwise provided in subsection (3) or (4) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall compile, store, preserve, trade, sell, or share such information. Any person who trades, sells, or shares such information shall be guilty of a Class IV felony. Any person who compiles, stores, or preserves such information except as authorized in subsection (3) or (4) of this section shall be guilty of a Class IV felony.

(3)…

(b) For purposes of compliance with the provisions of sections 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant to such sections may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The seller may store only the following information obtained from the license or card: Name, age, address, type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification. The seller shall post a sign at the point of sale stating that the license or card will be scanned and stating what information will be stored. The stored information may only be used by law enforcement agencies, regulatory agencies, and the exchange for purposes of enforcement of the restrictions on the sale or purchase of methamphetamine precursors pursuant to sections 28-458 to 28-462 and may not be shared with any other person or entity. For purposes of this subsection, the terms exchange, methamphetamine precursor, and seller have the same meanings as in section 28-458.

(c) The retailer or seller shall utilize software that stores only the information allowed by this subsection. A programmer for computer software designed to store such information shall certify to the retailer that the software stores only the information allowed by this subsection. Intentional or grossly negligent programming by the programmer which allows for the storage of more than the age and identification number or wrongfully certifying the software shall be a Class IV felony.

(d) A retailer or seller who knowingly stores more information than authorized under this subsection from the operator's license or state identification card shall be guilty of a Class IV felony.

(e) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained longer than eighteen months unless required by state or federal law.

…

(5) Except as provided in subdivision (4)(a) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to or shared with a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported to or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics
28-458. Methamphetamine precursor; terms, defined

<Section effective January 1, 2012.>

For purposes of sections 28-458 to 28-462:

(1) Exchange means the National Precursor Log Exchange administered by the National Association of Drug Diversion Investigators;

(2) Methamphetamine precursor means any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine that is required to be documented pursuant to the logbook requirements of 21 U.S.C. 830;

(3) Seller means any person who lawfully sells a methamphetamine precursor pursuant to subdivision (1)(d) of section 28-456 or his or her employer; and

(4) Stop-sale alert means a notification sent to a seller indicating that the completion of a methamphetamine precursor sale would result in a violation of subdivision (1)(d)(i) or (ii) of section 28-456.

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics
28-459. Methamphetamine precursor; seller; duties; waiver authorized

<Section effective January 1, 2012.>

(1) Beginning January 1, 2012, each seller shall, before completing a sale of a methamphetamine precursor, electronically submit required information to the exchange, if the exchange is available to sellers. Required information shall include, but not be limited to:

(a) The name, age, and address of the person purchasing, receiving, or otherwise acquiring the methamphetamine precursor;

(b) The name of the product and quantity of product purchased;

(c) The date and time of the purchase;

(d) The name or initials of the seller who sold the product; and

(e) The type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification.

(2) If a seller experiences mechanical or electronic failure of the electronic logging equipment on the sales end of the transaction or a failure of the exchange and is unable to comply with subsection (1) of this section, the seller shall maintain a written log or an alternative electronic recordkeeping mechanism or may refrain from selling any methamphetamine precursor until such time as the seller is able to comply with subsection (1) of this section.

(3) The Attorney General may grant a waiver exempting a seller from compliance with subsection (1) of this section upon a showing of good cause by the seller that he or she is otherwise unable to submit log information by electronic means, including, but not limited to, any financial, technological, or other reason which would place an undue burden on the seller, as established by the Attorney General.

(4) Whenever the exchange generates a stop-sale alert, the seller shall not complete the sale unless the seller has a reasonable fear of imminent bodily harm if he or she does not complete the sale. The exchange shall contain an override function to the stop-sale alert for the seller to use in a situation in which a reasonable fear of imminent bodily harm is present.

(5) This section does not apply if a lawful prescription for the methamphetamine precursor is presented to a pharmacist licensed under the Uniform Credentialing Act.

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics
28-460. Methamphetamine precursor; access to exchange to law enforcement

<Section effective January 1, 2012.>

As a condition of use in Nebraska, the National Association of Drug Diversion Investigators shall provide real-time access to the exchange through its online portal to law enforcement in this state as authorized by the Attorney General and no fee or charge shall be imposed on a seller for the use of the exchange.

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics
28-461. Methamphetamine precursor; seller; immunity

<Section effective January 1, 2012.>

A seller utilizing in good faith sections 28-458 to 28-462 shall be immune from any civil cause of action based upon an act or omission in carrying out such sections.

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics
28-462. Methamphetamine precursor; prohibited acts; penalty

<Section effective January 1, 2012.>

Beginning January 1, 2013, a seller that knowingly fails to submit methamphetamine precursor information to the exchange as required by sections 28-458 to 28-462 or knowingly submits incorrect information to the exchange shall be guilty of a Class IV misdemeanor.

Nevada

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Methamphetamine Precursors
453.352. Definitions

As used in NRS 453.352 to 453.359, inclusive, unless the context otherwise requires, the words and terms defined in NRS 453.3525, 453.353 and 453.3535 have the meanings ascribed to them in those sections.

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Methamphetamine Precursors
453.3525. "Logbook" defined

"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Methamphetamine Precursors
453.353. "Product that is a precursor to methamphetamine" defined

"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Methamphetamine Precursors
453.3535. "Retail distributor" defined

"Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Methamphetamine Precursors
453.357. Retail distributor required to maintain logbook; information required to be entered in logbook at time of sale or transfer of methamphetamine precursor; requirements for sale or transfer of methamphetamine precursor; notice concerning entering false statement or representation in logbook; maintenance of entries in logbook; limitation on accessing, using, sharing or disclosing information in logbook

1. A retail distributor shall maintain a logbook.

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the Government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his or her name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in NRS 453.359, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of NRS 453.352 to 453.359, inclusive, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances
Methamphetamine Precursors
453.358. Civil penalty for violation

If a retail distributor violates any provision of NRS 453.354, 453.355 or 453.357, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.

Nevada Revised Statutes Annotated
Title 40. Public Health and Safety (Chapters 439-461A)
Chapter 453. Controlled Substances

Methamphetamine Precursors
453.359. Penalty for entering false statement or representation in logbook

Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.

New Mexico

New Mexico Statutes Annotated
Chapter 30. Criminal Offenses
Article 31. Controlled Substances
§ 30-31-10. Schedule V

A. The following controlled substances are included in Schedule V:

…

(2) any compound, mixture or preparation that contains any detectable quantity of pseudoephedrine, its salts or its optical isomers, or salts of its optical isomers. A compound, mixture or preparation as specified in this paragraph shall be dispensed, sold or distributed only by a licensed pharmacist or pharmacist intern or a registered pharmacy technician. Unless pursuant to a valid prescription, a person purchasing, receiving or otherwise acquiring the compound, mixture or preparation shall:

…

(b) sign a written log, receipt or other program or mechanism indicating the date of the transaction, name of the person, driver's license number or government-issued identification number, name of the pharmacist, pharmacist intern or pharmacy technician conducting the transaction, the product sold and the total quantity, in grams or milligrams, of pseudoephedrine purchased; and

…

C. The board may, by rule, exempt a product containing pseudoephedrine from Schedule V if the board determines that the product is formulated as to effectively prevent the conversion of pseudoephedrine into methamphetamine.

…

Code of New Mexico Rules
Title 16. Occupational and Professional Licensing
Chapter 19. Pharmacists
Part 20. Controlled Substances
16.19.20. CONTROLLED SUBSTANCES

…

16.19.20.53 DISPENSING WITHOUT PRESCRIPTION:

…

B. Exempt pseudoephedrine product.

…

(2) Unless pursuant to a valid prescription, a person purchasing, receiving or otherwise acquiring the compound, mixture or preparation shall:

…

(b) sign a log after reading the purchaser statement for pseudoephedrine receipt or other program or mechanism indicating the date and time of the transaction, name of the person, address, driver's license number or government issued identification number, name of the pharmacist, pharmacist intern or pharmacy technician conducting the transaction, the product sold and the total quantity, in grams or milligrams, of pseudoephedrine purchased; this log will be only for exempt pseudoephedrine products and shall be kept separate from all other records; the log is to be produced in a way that a customer's personal information is not available to other purchasers;

…

(3) Pseudoephedrine purchaser statement must state in addition to any federal requirements "I have not purchased more than 3.6 grams today or more than a total of 9 grams of pseudoephedrine as a single entity or in a combination with other medications in the last 30 days. Entering false statements or misrepresentations in this logbook may subject me to criminal penalties.'

…

North Carolina

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.51. Definitions

(a) For purposes of this Article, "pseudoephedrine product" means a product containing any detectable quantity of pseudoephedrine or ephedrine base, their salts or isomers, or salts of their isomers.

(b) For purposes of this Article, a "retailer" means an individual or entity that is the general owner of an establishment where pseudoephedrine products are available for sale.

(c) For purposes of this Article, the "Commission" means the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.52. Pseudoephedrine: restrictions on sales

…

(c) A pseudoephedrine product may be sold at retail without a prescription only to a person at least 18 years of age. The retailer shall require every retail purchaser of a pseudoephedrine product to furnish a valid, unexpired, government-issued photo identification and to provide, in print or orally, a current valid personal residential address. If the retailer has reasonable grounds to believe that the prospective purchaser is under 18 years of age, the retailer shall require the prospective purchaser to furnish photo identification showing the date of birth of the person. The name and address of every purchaser shall be entered in a record of disposition of pseudoephedrine products to the consumer on a form approved by the Commission. The record of disposition shall also identify each pseudoephedrine product purchased, including the number of grams the product contains and the purchase date of the transaction. The retailer shall require that every purchaser sign the form attesting to the validity of the information. The form approved by the Commission shall be constructed so that it allows for entry of information in electronic format, including electronic signature. The form shall also be constructed and maintained so as to minimize disclosure of personal information to unauthorized persons.

(d) A retailer shall maintain a record of disposition of pseudoephedrine products to the consumer for a period of two years from the date of each transaction. A record shall be readily available within 48 hours of the time of the transaction for inspection by an authorized official of a federal, State, or local law enforcement agency. The records maintained by a retailer are privileged information and are not public records but are for the exclusive use of the retailer and law enforcement. The retailer may destroy the information after two years from the date of the transactions.

(e) This section does not apply to any pseudoephedrine product that is in the form of a liquid, liquid capsule, gel capsule, or pediatric product labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction, except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article.

…

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.52A. Electronic record keeping

(a) A retailer shall, before completing a sale of a product containing a pseudoephedrine product, electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI), provided that the NPLEx system is available to retailers in the State without a charge for accessing the system and the retailer has Internet access. The seller shall not complete the sale if the system generates a stop alert. Absent negligence, wantoness, recklessness, or deliberate misconduct, any retailer utilizing the electronic sales tracking system in accordance with this subsection shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection and shall be immune from liability to any third party unless the retailer has violated any provision of this subsection in relation to a claim brought for such violation.

(b) If a pharmacy selling a product containing a pseudoephedrine product experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or retail establishment shall record that the sale was made without submission to the NPLEx system in the record of disposition required under G.S. 90-113.52.

(c) The NADDI shall forward North Carolina transaction records in NPLEx to the State Bureau of Investigation weekly and provide real-time access to NPLEx information through the NPLEx online portal to law enforcement in the State as authorized by the SBI, provided that the SBI executes a memorandum of understanding with NADDI governing access.

(d) This system shall be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits set forth in G.S. 90-113.52. The system shall contain an override function that may be used by a dispenser of a pseudoephedrine product who has a reasonable fear of imminent bodily harm if the dispenser does not complete a sale. Each instance in which the override function is utilized shall be logged by the system.

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.56. Penalties

(a) If a retailer willfully and knowingly violates the provisions of G.S. 90-113.52, 90-113.52A, 90-113.53, or 90-113.54, the retailer shall be guilty of a Class A1 misdemeanor for the first offense and a Class I felony for a second or subsequent offense. A retailer convicted of a third offense occurring on the premises of a single establishment

shall be prohibited from making pseudoephedrine products available for sale at that establishment.

(b) Any purchaser or employee who willfully and knowingly violates G.S. 90-113.52A, G.S. 90-113.52(c) or G.S. 90-113.53 shall be guilty of a Class 1 misdemeanor for the first offense, a Class A1 misdemeanor for a second offense, and a Class I felony for a third or subsequent offense. This subsection shall not be construed to apply to bona fide innocent purchasers.

…

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.57. Immunity

A retailer or an employee of the retailer who, reasonably and in good faith, reports to any law enforcement agency any alleged criminal activity related to the sale or purchase of pseudoephedrine products, or who refuses to sell a pseudoephedrine product to a person reasonably believed to be ineligible to purchase a pseudoephedrine product pursuant to this Article, is immune from civil liability for that conduct except in cases of willful misconduct. No retailer shall retaliate in any manner against any employee of the establishment for a report made in good faith to any law enforcement agency concerning alleged criminal activity related to the sale or purchase of pseudoephedrine products.

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.58. Commission authority to control pseudoephedrine products

(a) The Commission may add or delete a specific pseudoephedrine product from requirements of this Article on the petition of any interested party, or its own motion. In addition, the Commission may modify the specific storage, security, transaction limit, and record-keeping requirements applicable to a particular product upon such terms and conditions as they deem appropriate. In every case, the Commission shall give notice of and hold a public hearing pursuant to Chapter 150B of the General Statutes prior to adding or deleting a product. A petition by the Commission or the North Carolina Department of Justice to add or delete a specific product from requirements of this Article shall be placed on the agenda for consideration at the next regularly scheduled meeting of the Commission, as a matter of right. In making a determination regarding a specific product, the Commission shall consider whether or not there is substantial evidence that the specific product would be used to manufacture methamphetamine in the State.

(b) In making a determination, the Commission shall make findings with respect thereto and shall issue an order adding or deleting the specific product from requirements of this Article. The order shall be published in the North Carolina Register at least 60 days prior to the time that the addition or deletion of a specific product from the requirements of this Article becomes effective.

(c) The Commission may adopt temporary and permanent rules in accordance with this section.

North Carolina General Statutes Annotated
Chapter 90. Medicine and Allied Occupations
Article 5D. Control of Methamphetamine Precursors
§ 90-113.61. Regulation of pseudoephedrine products in the form of liquids, liquid capsules, gel capsules, and pediatric products

Except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article, any pseudoephedrine products that are in the form of liquids, liquid capsules, gel capsules, or pediatric products labeled pursuant to federal regulation primarily intended

for administration to children under 12 years of age according to label instruction shall not be subject to requirements under this Article, but such products shall be subject to the requirements of the Combat Methamphetamine Act of 2005, Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005, P.L. 109-177.

North Dakota

North Dakota Century Code Annotated
Title 19. Foods, Drugs, Oils, and Compounds
Chapter 19-03.1. Uniform Controlled Substances Act
§ 19-03.1-01. Definitions

As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise requires:

…

27. "Scheduled listed chemical product" means a product that contains ephedrine, pseudoephedrine, or phenylpropanolamine, or each of the salts, optical isomers, and salts of optical isomers of each chemical, and that may be marketed or distributed in the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] as a nonprescription drug unless prescribed by a licensed physician.

…

North Dakota Century Code Annotated
Title 19. Foods, Drugs, Oils, and Compounds
Chapter 19-03.4. Drug Paraphernalia
§ 19-03.4-08. Retail or over-the-counter sale of scheduled listed chemical products--Penalty

…

4. a. When offering scheduled listed chemical products for retail sale, a person shall require, obtain, and make a written record of the identification of the person purchasing the scheduled listed chemical product, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 6, and shall deliver the product directly into the custody of the purchaser.

b. The person shall maintain a written list of sales that identifies the product by name, the quantity sold, the names and addresses of the purchasers, the dates and times of the sales, a unique identification number relating to the electronic record submitted into the electronic recordkeeping system described in subsection 13, and a notice to a purchaser that the making of false statements or misrepresentations may subject the purchaser to federal and state criminal penalties. The purchaser shall sign the written list of sales and enter the purchaser's name, address, and the date and time of the sale. The person making the sale shall determine that the name entered by the purchaser corresponds with the name on the identification provided by the purchaser and that the date and time of the purchase is correct. The person making the sale shall enter the name of the product and the quantity sold on the list.

c. Before completing the transaction, the person making the sale shall submit all the information from the written record into the electronic recordkeeping system described in subsection 13.

d. The person shall maintain the record of identification required by this section for three years, after which the record must be destroyed. The person may not use or maintain the record for any private or commercial purpose or disclose the record to any person, except as required by law. The person shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose. A person who in good faith releases the information in the record of identification to federal, state, or local law enforcement authorities is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

…

8. This section does not apply to a product that the state board of pharmacy, upon application of a manufacturer, exempts from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.

9. A person may not:

a. Make a false statement or misrepresentation in the written list of sale that is prepared and maintained as required by subsection 4; or

…

10. A person who willfully violates subsection 1 or 9 is guilty of a class A misdemeanor. A person who willfully violates subsection 2, 3, 4, or 5 is guilty of an infraction.

11. A person who is the owner, operator, or manager of the retail outlet or who is the supervisor of the employee or agent committing a violation of this section of the outlet where scheduled listed chemical products are available for sale is not subject to the penalties of this section if the person:

a. Did not have prior knowledge of, participate in, or direct the employee or agent to commit, the violation of this section; and

b. Certifies to the attorney general that the employee or agent, at the time of initial employment and each calendar year thereafter, participated in a training program approved by the attorney general providing the employee or agent with information regarding the state and federal regulations governing the sale, possession, and packaging of such products.

The approval of the training program by the attorney general is not subject to chapter 28-32.

…

13. a. The bureau of criminal investigation shall provide retailers of listed chemical products access to a real-time electronic recordkeeping system to enter into the record system any transaction required to be recorded by subsection 4.

b. The real-time electronic recordkeeping system must be maintained in a central repository as defined in subsection 1 of section 19-03.5-01, and must have the capability to calculate state and federal ephedrine base, pseudoephedrine base, and phenylpropanolamine base purchase limitations.

c. The electronic recordkeeping system must include a record of all the information in the written record, the unique identification number, and certification that a signature has been obtained.

d. The information entered into the electronic recordkeeping system is subject to subdivision d of subsection 4.

e. If feasible, the prescription drug monitoring system utilized under chapter 19-03.5 may be used as the electronic recordkeeping system. The bureau of criminal investigation may contract with a private vendor to implement this subsection. A contractor shall comply with the confidentiality requirements of this chapter and is subject to sanctions for violation of confidentiality requirements, including termination of the contract.

f. The bureau of criminal investigation may not charge a retailer a fee for the establishment of, maintenance of, or access to, the electronic recordkeeping system.

Ohio

Baldwin's Ohio Revised Code Annotated
Title I. State Government
Chapter 109. Attorney General
Miscellaneous Investigatory Powers and Duties
109.89 Contract concerning national precursor log exchange

<Note: Effective 3-20-13.>

(A) As used in this section, "pseudoephedrine product," "ephedrine product," "national precursor log exchange," and "exchange" have the same meanings as in section 3715.05 of the Revised Code.

(B) The attorney general may enter into a contract or memorandum of understanding with the national association of drug diversion investigators or its successor organization and, if the attorney general determines it to be appropriate, a person to whom the authority to administer the national precursor log exchange has been delegated. The contract or memorandum shall govern the attorney general's access to and use of information from the exchange and the responsibilities of each party to the contract or memorandum relative to the access and use of the information.

(C) In furtherance of the purpose of the contract or memorandum of understanding as described in division (B) of this section, the contract or memorandum shall include terms that do all of the following:

(1) Authorize the attorney general to obtain real-time access to information from the national precursor log exchange;

(2) Authorize the attorney general to receive, on a weekly basis, a report regarding sales of pseudoephedrine products and ephedrine products in this state as monitored by the exchange, the specific content of which shall be identified in the contract or memorandum;

(3) Authorize the attorney general to disseminate any information obtained pursuant to division (C)(1) or (2) of this section to other state and local law enforcement officers as determined to be appropriate by the attorney general;

(4) Specify that neither the attorney general nor any local or state law enforcement officer is to be charged a fee for access to or use of the national precursor log exchange or information from the exchange authorized by this section or by the contract or memorandum;

(5) Require all parties to the contract or memorandum to comply with federal and state laws governing the confidentiality of patient-specific information;

(6) Specify how the contract or memorandum may be amended or revoked.

Baldwin's Ohio Revised Code Annotated
Title XXIX. Crimes--Procedure
Chapter 2925. Drug Offenses
Pseudoephedrine Sales
2925.55 Unlawful purchase or receipt of pseudoephedrine product

(A) As used in sections 2925.55 to 2925.58 of the Revised Code:

…

(3) “Pseudoephedrine” means any material, compound, mixture, or preparation that contains any quantity of

pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

(4) "Pseudoephedrine product" means a consumer product that contains pseudoephedrine.

(5) “Retailer” means a place of business that offers consumer products for sale to the general public.

(6) “Single-ingredient preparation” means a compound, mixture, preparation, or substance that contains a single active ingredient.

(7) "Ephedrine" means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

(8) "Ephedrine product" means a consumer product that contains ephedrine.

…

Baldwin's Ohio Revised Code Annotated
Title XXIX. Crimes--Procedure
Chapter 2925. Drug Offenses
Pseudoephedrine Sales

2925.57 Seller may perform transaction scan on driver's license or identification card; illegal pseudoephedrine product transaction scan

(A) As used in this section and section 2925.58 of the Revised Code:

(1) “Card holder” means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product or ephedrine product from the seller, agent, or employee.

(2) “Identification card” and “transaction scan device” have the same meanings as in section 2927.021 of the Revised Code.

(3) “Seller” means a retailer or terminal distributor of dangerous drugs.

(4) “Transaction scan” means the process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product or ephedrine product.

(B)(1) A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away, or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.

(2) If the information deciphered by the transaction scan performed under division (B)(1) of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away, or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.

(3) Division (B)(1) of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away, or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.

(C) Rules adopted by the registrar of motor vehicles under division (C) of section 4301.61 of the Revised Code apply to the use of transaction scan devices for purposes of this section and section 2925.58 of the Revised Code.

(D)(1) No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

(a) The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

(b) The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

(2) No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (D)(1) of this section except for purposes of section 2925.58 or division (A)(1) of section 3715.052 of the Revised Code.

(3) No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (B)(1) of this section.

(4) No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by section 2925.58 or another section of the Revised Code.

(E) Nothing in this section or section 2925.58 of the Revised Code relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away, or other distribution of pseudoephedrine products or ephedrine products.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

Baldwin's Ohio Revised Code Annotated Currentness
Title XXXVII. Health--Safety--Morals
Chapter 3715. Pure Food and Drug Law (Refs &Annos)
General Provisions
3715.05 Requirements of retailers or terminal distributors providing pseudoephedrine to public; inspection of prescriptions and records by government officials and employees

<Note: See also version(s) of this section with earlier effective date(s).>

(A) As used in this section and sections 3715.051 to 3715.054 and 3715.06 of the Revised Code:

(1) “Consumer product” means any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.

(2) “Drug,” “licensed health professional authorized to prescribe drugs,” “pharmacy,” “prescriber,” “prescription,” and “terminal distributor of dangerous drugs” have the same meanings as in section 4729.01 of the Revised Code.

(3) “Ephedrine” means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

(4) “Ephedrine product” means a consumer product that contains ephedrine.

(5) “Law enforcement official” means an officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

(6) “National precursor log exchange” or “exchange” means the electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the national association of drug diversion investigators or a successor organization.

(7) “Pharmacist” means a person licensed under Chapter 4729. of the Revised Code to engage in the practice of pharmacy.

(8) “Proof of age” means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows a person is eighteen years of age or older.

(9) “Pseudoephedrine” means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

(10) “Pseudoephedrine product” means a consumer product that contains pseudoephedrine.

(11) “Retailer” means a place of business that offers consumer products for sale to the general public.

(12) “Single-ingredient preparation” means a compound, mixture, preparation, or substance that contains a single active ingredient.

(13) “Stop-sale alert” means a notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of division (A)(1) of section 2925.56 of the Revised Code or federal law.

…

(B) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:

…

(3) Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with section 3715.051 of the Revised Code;

(4) If required to comply with section 3715.052 of the Revised Code, submit the information specified in divisions (A)(1)(a) to (d) of that section to the national precursor log exchange.

…

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3715. Pure Food and Drug Law
General Provisions
3715.051 Log book of purchases of pseudoephedrine products or ephedrine products

<Note: Effective 3-20-13.>

(A) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall maintain a log book of all purchases of pseudoephedrine products or ephedrine products made without a valid prescription. The log book may be maintained in a tangible format, in an electronic format, or in both formats. As part of fulfilling this requirement, the retailer or terminal distributor of dangerous drugs shall do all of the following:

(1) Require each individual who purchases a pseudoephedrine product or ephedrine product without a valid prescription to sign an entry in the log book;

(2) Determine whether the name signed in the entry in the log book corresponds with the name on a government-issued identification card;

(3) Retain the log book in a tangible format, in an electronic format, or in both formats for a minimum of one year after the date of the last purchase recorded in the log book or as required by federal law;

(4) Include in the log book in the manner described in division (D) of this section or, in the alternative, post in a conspicuous location the following statement:

“Ohio law prohibits the over-the-counter purchase of a consumer product containing a total amount of base pseudoephedrine or base ephedrine that exceeds either three and six tenths grams in a single day or nine grams within any period of thirty consecutive days. If, without a valid prescription, you purchase a consumer product containing pseudoephedrine or ephedrine, you are required to sign a log book that may be accessible to law enforcement officers and provide a government-issued identification card to verify your identity. Except in limited circumstances, the purchase of more than the permissible amount of a consumer product containing pseudoephedrine or ephedrine, and the purchase by any individual under eighteen years of age of a consumer product containing pseudoephedrine or ephedrine, are subject to criminal prosecution or delinquency proceedings in accordance with Ohio law. Also, the provision of false information concerning an individual's name, age, or other identification for the purpose of acquiring a consumer product containing pseudoephedrine or ephedrine is subject to criminal prosecution or delinquency proceedings in accordance with Ohio law.”

(B) Each individual who purchases a pseudoephedrine product or ephedrine product without a valid prescription shall do both of the following:

(1) Sign and print the purchaser's name in the log book;

(2) Present a government-issued identification card to the retailer or terminal distributor of dangerous drugs to verify the purchaser's identity.

(C) Information contained in the log book may not be used or disclosed except in the following circumstances:

(1) In response to a court order or subpoena;

(2) In response to a request from a law enforcement official to be used for law enforcement purposes;

(3) For purposes of complying with requirements in section 3715.052 of the Revised Code regarding the submission of information to the national precursor log exchange.

(D) If a retailer or terminal distributor of dangerous drugs chooses to include the statement set forth in division (A)(4) of this section in the log book, the statement shall be set forth in the following manner:

(1) If the log book is maintained in an electronic format, the statement shall be set forth in such a manner that it is presented on the viewing screen to each purchaser who is signing an entry in the log book before the purchaser may sign the entry.

(2) If the log book is maintained in a tangible format, the statement shall be set forth on the cover of the log book and on each page of the log book.

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3715. Pure Food and Drug Law
General Provisions

3715.052 Information submission to national precursor log exchange regarding sale of pseudoephedrine product or ephedrine product; prohibition on sale upon generation of stop-sale alert

<Note: Effective 3-20-13.>

The duty to comply with this section is subject to the conditions specified in section 3715.053 of the Revised Code.

(A)(1) Beginning June 1, 2013, a retailer or terminal distributor of dangerous drugs shall submit the following information to the national precursor log exchange regarding each sale of pseudoephedrine product or ephedrine product that is not made pursuant to a valid prescription:

(a) The purchaser's name and address;

(b) The name and quantity of the product purchased;

(c) The date and time of the purchase;

(d) The type of government-issued identification provided by the purchaser at the time of purchase, pursuant to division (B)(2) of section 3715.051 of the Revised Code, the identification number, if any, on the identification, and the agency that issued the identification.

(2) A retailer or terminal distributor of dangerous drugs that is unable to complete an information submission required by division (A)(1) of this section due to experiencing mechanical or electronic failure of the equipment used to complete the information submission or due to the temporary inability of the retailer or terminal distributor to obtain internet service shall do both of the following:

(a) Maintain a written or electronic record of the information in division (A)(1) of this section;

(b) Complete the information submission as soon as practicable after the mechanical or electronic failure has been rectified or internet service has been restored.

(B)(1) Except as provided in division (B)(2) of this section, a retailer or terminal distributor of dangerous drugs shall not complete a sale if the exchange generates a stop-sale alert after the information is submitted under division (A)(1) of this section.

(2) A retailer or terminal distributor of dangerous drugs may complete a sale even though the exchange has generated a stop-sale alert if the retailer or terminal distributor of dangerous drugs has a reasonable fear of imminent bodily harm should the sale not be completed. To accommodate such circumstances, the retailer or terminal distributor of dangerous drugs shall ensure that the override function of the exchange has been enabled.

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3715. Pure Food and Drug Law
General Provisions
3715.053 Exemptions from RC 3715.052

<Note: Effective 3-20-13.>

A retailer or terminal distributor of dangerous drugs is not required to comply with section 3715.052 of the Revised Code if one or more of the following are the case:

(A) There is any charge from the national precursor log exchange for using the exchange, including a charge for obtaining access to the exchange, submitting information to the exchange, or receiving a stop-sale alert from the exchange.

(B) There is any fee from the exchange related to funding its operation or maintenance.

(C) The equipment or software needed to use the exchange is not technologically capable of interfacing with existing and future operational systems used by a retailer or terminal distributor of dangerous drugs.

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3715. Pure Food and Drug Law
General Provisions
3715.054 Immunity from liability regarding sale of pseudoephedrine product or ephedrine product

<Note: Effective 3-20-13.>

A retailer or terminal distributor of dangerous drugs is not liable in damages in a civil action for injury, death, or loss to person or property resulting from any act or omission in carrying out the duties specified in sections 3715.05, 3715.051, and 3715.052 of the Revised Code regarding the sale of a pseudoephedrine product or ephedrine product, unless the act or omission is negligent or reckless or constitutes willful or wanton misconduct.

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3719. Controlled Substances
Schedules of Controlled Substances
3719.41 Schedules of controlled substances

Publisher's Note: *Pursuant to RC 3719.43, changes to the federal schedules of controlled substances (see, e.g., 21 USCA § 811, et seq., and 21 CFR § 1308.01, et seq.) automatically become part of the corresponding schedule or schedules in RC 3719.41. Pursuant to RC 3719.44, the State Board of Pharmacy may also change the schedules in RC 3719.41.*

Controlled substance schedules I, II, III, IV, and V are hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

…

(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;

…

Baldwin's Ohio Revised Code Annotated
Title XXXVII. Health--Safety--Morals
Chapter 3719. Controlled Substances
Schedules of Controlled Substances
3719.44 Board of pharmacy may change schedules

…

(K)(1) A drug product containing ephedrine that is known as one of the following and is in the form specified shall not be considered a schedule V controlled substance:

(a) Amesec capsules;

(b) Bronitin tablets;

(c) Bronkotabs;

(d) Bronkolixir;

(e) Bronkaid tablets;

(f) Efedron nasal jelly;

(g) Guiaphed elixir;

(h) Haysma;

(i) Pazo hemorrhoid ointment and suppositories;

(j) Primatene “M” formula tablets;

(k) Primatene “P” formula tablets;

(l) Tedrigen tablets;

(m) Tedral tablets, suspension and elixir;

(n) T.E.P.;

(o) Vatronol nose drops.

(2)(a) A product containing ephedrine shall not be considered a controlled substance if the product is a food product or dietary supplement that meets all of the following criteria:

(i) It contains, per dosage unit or serving, not more than the lesser of twenty-five milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids provided in applicable regulations adopted by the United States food and drug administration, and no other controlled substance.

(ii) It contains no hydrochloride or sulfate salts of ephedrine alkaloids.

(iii) It is packaged with a prominent label securely affixed to each package that states all of the following: the

amount in milligrams of ephedrine in a serving or dosage unit; the amount of the food product or dietary supplement that constitutes a serving or dosage unit; that the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of one hundred milligrams in a twenty-four-hour period for not more than twelve weeks or the maximum recommended dosage or period of use provided in applicable regulations adopted by the United States food and drug administration; and that improper use of the product may be hazardous to a person's health.

…

(4) At the request of any person, the board may except any product containing ephedrine not described in division (K)(1) or (2) of this section or any class of products containing ephedrine from being included as a schedule V controlled substance if it determines that the product or class of products does not contain any other controlled substance. The board shall make the determination in accordance with this section and by rule adopted in accordance with Chapter 119. of the Revised Code.

(L) As used in this section:

(1) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(2) "Dietary supplement" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 21 U.S.C.A. 321 (ff), as amended.

(3) "Ephedrine alkaloids" means ephedrine, pseudoephedrine, norephedrine, norpseudoephedrine, methylephedrine, and methylpseudoephedrine.

Baldwin's Ohio Administrative Code Annotated
4729 Pharmacy Board
Chapter 4729-11. Controlled Substances
4729-11-09 Sale of schedule V controlled substance products without a prescription

A schedule V controlled substance product which is not a prescription drug as determined under the "Federal Food, Drug and Cosmetic Act" may be sold at retail by a pharmacist without a prescription to a purchaser at retail provided that:

…

(D) A bound record book is maintained which contains the true name and complete address of the purchaser, the legible signature of the purchaser, the name and quantity of controlled substances sold, the date of each sale, and the name and legible initials of the pharmacist who sold the controlled substance at retail. This book shall be maintained for a period of three years from the date of the last transaction and must be made available for inspection and copying by persons authorized to enforce the federal and state drug laws.

…

Baldwin's Ohio Administrative Code Annotated
4729 Pharmacy Board
Chapter 4729-12. Ephedrine
4729-12-09 Exceptions

Pursuant to division (K) of section 3719.44 of the Revised Code, each of the following products containing ephedrine, its salts, its isomers, or the salts of its isomers is declared to be excepted from classification as a schedule V controlled substance:

(A) All products that contain the isomer known as pseudoephedrine or its salts, but do not also contain any of the isomer known as ephedrine or its salts.

(B) “Breathe Easy®” herb tea.

(C) “Bronkaid® Dual Action” caplets.

(D) “Hydrosal® hemorrhoidal ointment.

(E) “Primatene® Dual Action Formula” tablets.

(F) “Primatene®” tablets.

(G) “SnoreStopt” tablets.

Oklahoma

Oklahoma Statutes Annotated
Title 63. Public Health and Safety
Chapter 2. Uniform Controlled Dangerous Substances Act
Article II. Standards and Schedules
§ 2-212. Schedule V

A. The controlled substances listed in this section are included in Schedule V.

…

2. Any compound, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers. If any compound, mixture, or preparation as specified in this paragraph is dispensed, sold, or distributed in a pharmacy:

…

c. any person who is not an individual listed on the methamphetamine offender registry that is purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a driver license, passport, military identification, or other state-issued identification card and shall sign a written or electronic log, receipt, or other program or mechanism approved by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, showing:

(1) the date and time of the transaction,

(2) name, address and date of birth of the purchaser,

(3) driver license number, passport, military identification, or state-issued identification number and state of residence of the purchaser,

(4) name and initials of the pharmacist or pharmacy technician conducting the transaction,

(5) the product being sold, and

(6) total quantity, in grams, of base pseudoephedrine or ephedrine purchased.

…

B. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, by rule, may exempt

other products from this Schedule which the Director finds are not used in the illegal manufacture of methamphetamine or other controlled dangerous substances. A manufacturer of a drug product may apply for removal of the product from the Schedule if the product is determined by the Director to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

Oklahoma Statutes Annotated
Title 63. Public Health and Safety
Chapter 2. Uniform Controlled Dangerous Substances Act
Article III. Regulation of Manufacture, Distribution, Dispensing, Prescribing, Administering and Using for Scientific Purposes of Controlled Dangerous Substances
Anti-Drug Diversion Act

§ 2-309C. Dispensers of Schedule II, III, IV or V controlled dangerous substances--Transmittal of certain information to central repository--Willful failure to transmit--Monitoring of pseudoephedrine product sales

<Text of section as amended by Laws 2012, c. 83, § 2. See, also, section as amended by Laws 2012, c. 206, § 6.>

A. A dispenser of a Schedule II, III, IV or V controlled dangerous substance including any compound mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers when dispensed pursuant to a valid prescription shall transmit to a central repository designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control using the American Society for Automation in Pharmacy's (ASAP) Telecommunications Format for Controlled Substances version designated in rules by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the following information for each dispensation:

1. Recipient's and recipient's agent's name;

2. Recipient's and recipient's agent's address;

3. Recipient's and recipient's agent's date of birth;

4. Recipient's and recipient's agent's identification number;

5. National Drug Code number of the substance dispensed;

6. Date of the dispensation;

7. Quantity of the substance dispensed;

8. Prescriber's United States Drug Enforcement Agency registration number;

9. Dispenser's registration number; and

10. Other information as required by administrative rule.

B. The information required by this section shall be transmitted:

1. In a format or other media designated acceptable by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and

2. Within twenty-four (24) hours of the time that the substance is dispensed. Beginning January 1, 2012, all information shall be submitted on a real-time log.

…

D. The provisions of subsection B of this section shall not apply to a nonresident drug outlet registered pursuant to the Oklahoma Pharmacy Act or to a resident drug outlet as defined in Section 353.1 of Title 59 of the Oklahoma Statutes if the nonresident or resident drug outlet mails or delivers a controlled substance to a patient or client. Nonresident and resident drug outlets shall transmit the information required in this section within seven (7) days of the date that the controlled substance is dispensed.

E. Willful failure to transmit accurate information as required by this section shall be a misdemeanor punishable, upon conviction, by not more than one (1) year in the county jail, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine, or administrative action may be taken pursuant to Section 2-304 of this title.

F. The Director of the Bureau shall have the authority to allow paper submissions on a form designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, if the dispenser has an appropriate hardship.

G. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control is authorized, by any funds available to it, to implement a real-time electronic logbook to monitor the sale of nonprescription Schedule V products containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers. Dispensers of such pseudoephedrine products shall report all such sales electronically pursuant to rules promulgated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

H. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have the authority to adopt rules for the reporting of sales of Schedule V product containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

Oklahoma Statutes Annotated
Title 63. Public Health and Safety
Chapter 2. Uniform Controlled Dangerous Substances Act
Article III. Regulation of Manufacture, Distribution, Dispensing, Prescribing, Administering and Using for Scientific Purposes of Controlled Dangerous Substances
Anti-Drug Diversion Act

§ 2-309C. Dispensers of Schedule II, III, IV or V controlled dangerous substances--Transmittal of certain information to central repository--Willful failure to transmit--Monitoring of pseudoephedrine product sales

<Text as amended by Laws 2012, c. 206, § 3. See, also, text as amended by Laws 2012, c. 83, § 2.>

A. A dispenser of a Schedule II, III, IV or V controlled dangerous substance dispensed pursuant to a valid prescription shall transmit to a central repository designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control using the American Society for Automation in Pharmacy's (ASAP) Telecommunications Format for Controlled Substances version designated in rules by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the following information for each dispensation to a recipient or agent of a recipient:

1. Name;

2. Address;

3. Date of birth;

4. Identification number;

5. National Drug Code number of the substance dispensed;

6. Date of the dispensation;

7. Quantity of the substance dispensed;

8. Prescriber's United States Drug Enforcement Agency registration number;

9. Dispenser's registration number; and

10. Other information as required by administrative rule.

B. The information required by this section shall be transmitted:

1. In a format or other media designated acceptable by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and

2. Within twenty-four (24) hours of the time that the substance is dispensed. Beginning January 1, 2012, all information shall be submitted on a real-time log.

…

D. Willful failure to transmit accurate information as required by this section shall be a misdemeanor punishable, upon conviction, by not more than one (1) year in the county jail, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine, or administrative action may be taken pursuant to Section 2-304 of this title.

E. The Director of the Bureau shall have the authority to allow paper submissions on a form designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, if the dispenser has an appropriate hardship.

Oklahoma Statutes Annotated
Title 63. Public Health and Safety
Chapter 2. Uniform Controlled Dangerous Substances Act
Article III. Regulation of Manufacture, Distribution, Dispensing, Prescribing, Administering and Using for Scientific Purposes of Controlled Dangerous Substances
Electronic Tracking Service

§ 2-341. Pharmacy electronic drug tracking service

A. Beginning January 1, 2013, any pharmacy that dispenses, sells or distributes any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain an electronic record of the sale. The electronic record of the sale shall include the following information:

1. Name and address of the purchaser;

2. Date of birth of the purchaser;

3. Type of identification and number;

4. Date and time of the purchase;

5. Name and quantity of base pseudoephedrine or ephedrine purchased in grams, but not the overall weight of the products; and

6. Name, initials and registration number of the licensed pharmacist or registered pharmacy technician.

If the electronic tracking service is not able to record the identification type and identification number of the purchaser, the licensed pharmacist or a registered pharmacy technician shall write the identification type and number on the order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

B. By January 1, 2013, each pharmacy in this state shall have in place and operational all equipment necessary to access and use a real-time electronic methamphetamine precursor tracking service which is approved by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The electronic methamphetamine precursor tracking service shall be available free of charge to all law enforcement agencies within the state for purposes of viewing and searching the database. Pharmacies shall be permitted to access only the information that is submitted by the pharmacy and such access shall be available free of charge. The electronic methamphetamine precursor tracking service shall be self-sustaining and shall not require the use of any public funds in the form of state or federal fees or taxes, to create, deploy, or operate. The tracking service shall operate and communicate in real-time throughout the state and across state lines with similar multistate systems. The tracking service shall be capable of tracking all required information and generating a stop-sale alert to notify a pharmacy that an attempted purchase by a person of pseudoephedrine or ephedrine exceeds the quantity limits set forth in Section 2-212 of Title 63 of the Oklahoma Statutes. The tracking service shall have the capability of stopping an illegal purchase in real-time and shall contain an override function that allows a pharmacy to complete a sale in violation of this section if the circumstances require that such sale be completed. The tracking service shall be in real time and track all override sales made by the pharmacy. The Bureau shall select a vendor that meets the requirements specified in this section by no later than October 1, 2012.

C. Beginning January 1, 2013, before completing the sale of an over-the-counter product containing pseudoephedrine or ephedrine, a pharmacy shall electronically submit the required information to the electronic methamphetamine precursor tracking service. The pharmacy shall not complete the sale of the product if the electronic methamphetamine precursor tracking service generates a stop-sale alert.

D. Absent intentional violation of this act, any pharmacy utilizing the electronic methamphetamine precursor tracking service in accordance with this section shall not be civilly liable as a result of any act or omission in carrying out the duties required by this section. Such pharmacies shall also be immune from liability to any third party unless the pharmacy has violated a provision of this section in relation to a claim brought for such violation. The provisions of this section shall not apply to a person who obtains the product or products pursuant to a valid prescription.

E. The information entered, stored and maintained by the electronic methamphetamine precursor tracking service shall be confidential and shall only be accessed by law enforcement officials, health care professionals and licensed pharmacists for the purpose of controlling the sale of methamphetamine precursors.

F. If a pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the electronic tracking service and is unable to comply with the provisions of this section, the pharmacy shall maintain a written log until such time as the pharmacy is able to comply with the electronic tracking service requirements.

G. A pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine may seek an exemption from submitting transactions to the electronic tracking service in writing to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control stating the reasons for such exemption. The Bureau may grant an exemption for good cause, but in no event shall such exemption exceed one hundred eighty (180) days. Any pharmacy that receives an exemption shall maintain a hard-copy logbook and shall require the purchaser to provide the information required pursuant to subsection A of this section before completion of any sale. The logbook shall be maintained as a record of each sale for inspection by any law enforcement official during normal business hours.

H. All data that is collected from the pharmacies of this state and stored in the electronic methamphetamine precursor tracking service shall be downloaded and exported by electronic means to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control at least every twenty-four (24) hours. The export of data shall be in a version that is in compliance with the standards agreed to by both the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the provider of the electronic methamphetamine precursor tracking service. The export of data shall be executed by way of a memorandum of understanding and without charge to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Any and all data exported to, obtained by, gathered by, transmitted to or stored by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or its designee shall be the property of the state. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have the authority to control, administer, and disseminate at the discretion of the Bureau, the transaction data for the purpose of enforcing federal and state laws. In addition to exporting data to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, real-time access to information contained in the electronic methamphetamine precursor tracking service through an online portal shall be provided to all law enforcement agencies within the state free of charge.

I. The electronic methamphetamine precursor tracking service shall generate a stop-sale alert if completion of a sale would result in the seller or purchaser violating the quantity limits set forth in Section 2-212 of Title 63 of the Oklahoma Statutes. The electronic tracking service shall contain an override function that may be used by a dispenser of pseudoephedrine or ephedrine products who has a reasonable fear of imminent bodily harm if the sale is not completed. Each instance in which the override function is utilized shall be logged by the electronic tracking service.

J. A person who violates any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00). If the person convicted is a licensed pharmacist or registered pharmacy technician, the violation shall be reported to the State Board of Pharmacy for review and appropriate action.

Oklahoma Administrative Code
Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control
Chapter 30. Labeling Requirements
475:30-1-14. Dispensing, prescribing, administering or distributing without prescription

A controlled dangerous substance listed in Schedule V which is not a prescription drug as determined by the Oklahoma State Board of Pharmacy and/or the Federal Food and Drug Administration, may be dispensed by a pharmacy without a prescription to a purchaser at retail level; PROVIDED that:

…

(7) A bound record book for dispensing controlled dangerous substances under this Section is maintained by the pharmacy, which book shall contain the name and address of the purchaser, the date of each purchase, and the name or initials of the pharmacist who dispensed the substance to the purchaser (the book shall be maintained in accordance with the record-keeping requirements of 475:25-1-4).

…

Oklahoma Administrative Code
Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control
Chapter 55. Pseudoephedrine Control
475:55-1-1. Purpose

(a) The Oklahoma Bureau of Narcotics and Dangerous Drugs Control has been granted statutory authority by 63 O.S., 2-301 to "promulgate rules and regulations relating to the registration and control of the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of controlled dangerous substances within this state." Furthermore, 63 O.S., 2-212 authorizes the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to promulgate rules specifically for Schedule V pseudoephedrine products. These statutes, as well as the

entire Oklahoma Uniform Controlled Dangerous Substances Act, O.S. 63 Chapter 2, and the Oklahoma Administrative Code Title 475, are used as guiding authorities for the specific points of these rules and regulations.

(b) The rules of this Chapter specify the requirements for pseudoephedrine control in Oklahoma. Included in this Chapter are characteristics of exempt pseudoephedrine products, pharmacy requirements, dispensing pseudoephedrine products, thirty-day requirement, special registration for distribution centers, lawful possession of Schedule V pseudoephedrine products, records and invoices, labeling, prescriptions, distributor and warehouse storage of Schedule V pseudoephedrine, and criteria for exemption.

Oklahoma Administrative Code
Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control
Chapter 55. Pseudoephedrine Control
475:55-1-2. Characteristics of exempt pseudoephedrine products

(a) All products that are either: (1) soft gelatin liquid-filled capsules; or, (2) liquid preparations, are exempt from Schedule V. Conversely, all solid dosage forms of medications, including powders, that contain any quantity of pseudoephedrine are classified as Schedule V controlled dangerous substances and are subject to the rules of this section.

(b) The term “gel capsule,” as specified in O.S. Title 63, means any soft gelatin liquid-filled capsule that contains a liquid suspension, which, in the case of pseudoephedrine, is suspended in a matrix of glycerin, polyethylene glycol, and propylene glycol, along with other liquid substances. Regardless of the product manufacturers' labeling, a gelatin-covered solid does not constitute a “gel capsule” under this provision.

(c) The term “active ingredient,” as specified in O.S. Title 63, shall include the matrix of glycerin, polyethylene glycol, and propylene glycol that is found in liquid capsules.

(d) Nothing in this section shall exempt from Schedule V status any liquid preparation that is found in an illegal laboratory, is associated with an illegal laboratory, or is in any form other than that manufactured and sold by a registered manufacturer for medicinal purposes.

Oklahoma Administrative Code
Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control
Chapter 55. Pseudoephedrine Control
475:55-1-5. Electronic Reporting

Pharmacists or other authorized persons who sell Schedule V pseudoephedrine products shall exercise reasonable care in assuring that the purchaser has not exceeded the nine (9) gram limit for a thirty (30) day period. The pharmacist or other authorized person must utilize the real-time electronic pseudoephedrine tracking system and the Methamphetamine Registry as set forth pursuant to 63 O.S. § 2-701, which are established and maintained by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The following provisions are necessary for compliance with this system:

(1) All pseudoephedrine transactions regulated by Oklahoma law must be approved through submitting the request to the electronic log and Methamphetamine Registry;

(2) Pseudoephedrine products regulated by Oklahoma law will only be sold to customers who present a valid form of identification;

(3) The customer information must be the same as that on the presented identification, and shall include the following information (fields that are required for submitting information as required by Oklahoma law):

(A) Pharmacy identification;

(B) Identification number;

(C) Last name;

(D) First name;

(E) Purchase quantity (in grams);

(F) Initials of the pharmacist or other authorized person conducting the transaction;

(G) Product name;

(H) Form of pseudoephedrine if it is liquid or gel-caps;

(I) Customer's street address;

(J) Customer's current city, state, and zip code; and

(K) Date of birth.

(4) If the electronic log is unavailable (time-out of thirty (30) seconds or more) because of a failure on the Oklahoma Bureau of Narcotics and Dangerous Drugs Control network, the pharmacist or other authorized person may continue with the transactions until the system is available; if the electronic log is unavailable because of a failure attributable to systems other than the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, all transactions must be recorded manually and entered into the electronic logbook by the registrant as soon as is practicable after the problem is resolved.

(5) If at any time a pharmacist or other authorized person discovers that the information submitted to the electronic log is inaccurate, the authorized person may continue regulated transactions for twenty-four (24) hours, provided that all sales are manually recorded. The authorized person shall suspend all sales if the reporting problem is not corrected within twenty-four (24) hours of discovery. Regulated sales may be resumed only when the reporting problem is corrected and all manually recorded sales are correctly submitted to the electronic log.

South Carolina

Code of Laws of South Carolina 1976 Annotated
Title 23. Law Enforcement and Public Safety
Chapter 3. South Carolina Law-Enforcement Division
Article 14. Electronic Monitoring System
§ 23-3-1200. SLED electronic monitoring system; collection, storage and use of information.

(A) The State Law Enforcement Division (SLED) shall serve as the statewide, central repository for log information submitted electronically in real time to the data collection system pursuant to Section 44-53-398(D)(2) and transferred to SLED in order to monitor the sales and purchases of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine. SLED shall maintain the information received from the data collection system in SLED's electronic monitoring system and must not be charged any vendor or other fees associated with the requirements of this chapter.

(B) The data collection system upon which SLED's electronic monitoring system is based must have the capability to:

(1) calculate state and federal sales and purchase limitations for ephedrine, pseudoephedrine, and

phenylpropanolamine;

(2) match similar purchaser identification information;

(3) alert retailers of potential illegal sales and purchases;

(4) allow a retailer to override an alert of a potential illegal sale or purchase;

(5) receive ephedrine, pseudoephedrine, and phenylpropanolamine sales data from retailers in the format in which the data was submitted so that retailers are not required to use any one particular vendor's product to comply with the requirements of this section and Section 44-53-398(D)(2); and

(6) interface with existing and future operational systems used by pharmacies at no cost to these pharmacies.

(C) The data transmitted to the data collection system must be recorded in real time and the storage of this data must be housed by an information technology company operating under strict security standards that only may be accessed by local, state, or federal law enforcement authorized by SLED.

(D)(1) No fee may be charged to retailers for access to the data collection system to which information is required to be transmitted pursuant to Section 44-53-398(D)(2), and no other fee or assessment may be imposed on retailers to fund program operations.

(2) No fee may be charged to local, state, or federal law enforcement officers or entities for access to or retention, analysis, or use of information in the system concerning sales and purchases of nonprescription ephedrine, pseudoephedrine, and phenylpropanolamine that violate or potentially violate subsection 44-53-398(B)(1) or (2).

(E) The information in SLED's electronic monitoring system is confidential and not a public record as defined in Section 30-4-20(C) of the Freedom of Information Act. SLED only shall provide access to information maintained in the monitoring system to:

(1) a local, state, or federal law enforcement official, a state attorney, or a United States attorney;

(2) a local, state, or federal official who requests access to the monitoring system for the purpose of facilitating a product recall necessary for the protection of the public health and safety; and

(3) the Board of Pharmacy for the purpose of investigating misconduct or a suspicious transaction committed by a retailer, a pharmacist, or an employee or agent of a pharmacy.

(F) For purposes of this section "retailer" means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent of a retailer.

(G) The division shall promulgate regulations necessary to carry out its responsibilities under this section.

(H) Nothing in this chapter prohibits SLED or any retailer from participating in other data submission, collection, or monitoring systems that monitor the sales and purchases of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine.

Code of Laws of South Carolina 1976 Annotated
Title 44. Health
Chapter 53. Poisons, Drugs and Other Controlled Substances
Article 3. Narcotics and Controlled Substances
§ 44-53-398. Sale of products containing ephedrine or pseudoephedrine; penalties; training of sales

personnel.

(D)(1) A retailer selling nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign an electronic log showing the date and time of the transaction, the person's name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties.

(2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the National Association of Drug Diversion Investigators, or a successor or similar entity. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

(3) Any information entered in the electronic log that is retained by a retailer, or information maintained by a retailer pursuant to subsection (J)(2), is confidential and not a public record as defined in Section 30-4- 20(C) of the Freedom of Information Act. A retailer or an employee or agent of a retailer who in good faith releases information in a log to federal, state, or local law enforcement authorities is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or wilful misrepresentation.

…

(F) It is unlawful for a person to enter false statements or misrepresentations on the log required pursuant to subsection (D)(1).

…

(H)(1) Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), (D)(1), or (D)(2), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).

…

(4) A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.

…

(6) A person convicted of a violation of subsection (F), upon conviction for a first offense, is guilty of a misdemeanor and must be fined not more than one thousand dollars and, upon conviction for a second or

subsequent offense, is guilty of a felony and must be fined not more than five thousand dollars.

(7) It is an affirmative defense to a violation of subsection (A), (C), or (D)(1) if a retailer provided the training, maintained records, and obtained employee and agent statements of agreement required by subsection (I) for all employees and agents at the retail location where the violation occurred and at the time the violation occurred.

(8) It is an affirmative defense to completing a sale following receipt of a stop sale alert received pursuant to subsection (D)(2) if the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert.

(I) A retailer shall provide training on the requirements of this section to all agents and employees who are responsible for delivering the products regulated by this section into the custody of purchasers or who deal directly with purchasers by obtaining payments for the products. A retailer shall obtain a signed, written agreement from each employee or agent that the employee or agent agrees to comply with the requirements of this section. The retailer shall maintain records demonstrating that these employees and agents have been provided this training and the documents executed by the retailer's employees and agents agreeing to comply with this section.

(J)(1) The following are exempt from the electronic log requirements of this section but shall maintain a written log containing the information required to be entered in the electronic log, as provided for in subsection (D)(1):

(a) a retailer that only sells single dose packages of nonprescription ephedrine, pseudoephedrine, or phenylpropanolamine;

(b) a pharmacy that does not have a compatible point of sale system.

(2) A retailer who maintains a written log pursuant to this subsection shall retain the written log for two years after which the log may be destroyed. The log must be made available for inspection within twenty-four hours of a request made by a local, state, or federal law enforcement officer.

(3) A retailer who violates the requirements of maintaining a written log as provided for in subsection (J)(2) is subject to the penalties provided for in subsection (H)(4).

(K) The sheriff or chief of police shall monitor and determine if retailers, other than licensed pharmacies, are in compliance with the provisions of this section by ensuring that a retailer:

(1) is entering all sales of a product regulated by this section in an electronic log as required by this section;

(2) if not maintaining an electronic log, is exempt as provided for in subsection (J)(1), and is continuing to maintain the written log as provided for in subsection (J);

(3) is not selling products regulated by this section.

(L) This section does not apply to:

(1) pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under twelve years of age according to label instructions;

(2) products that the Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; and

(3) a purchase of a single sales package containing not more than sixty milligrams of pseudoephedrine**.**

(M) For purposes of this section "retailer" means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent of a retailer.

South Dakota

South Dakota Codified Laws
Title 34. Public Health and Safety
Chapter 34-20D. Products Containing Pseudoephedrine or Ephedrine
34-20D-8. Identification and record of buyer of product containing pseudoephedrine or ephedrine

If offering for sale a product containing pseudoephedrine or ephedrine as an active ingredient, a retailer shall, before making such a sale, require and make a record of the identification of the person purchasing the product containing pseudoephedrine or ephedrine. For purposes of this section, the term, identification, means a document issued by a governmental agency which contains a description of the person or a photograph of the person, or both, and gives the person's date of birth, such as a driver license, passport, or military identification card. The retailer shall maintain the record of identification, including the purchaser's name and date of birth. On August 1, 2006, and no later than the fifth day of every month thereafter, the retailer shall submit, electronically or in writing, any such records to the Office of the Attorney General. No retailer may use or maintain the record for any private or commercial purpose or disclose the record to any person, except as authorized by law. The retailer shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose.

South Dakota Codified Laws
Title 34. Public Health and Safety
Chapter 34-20D. Products Containing Pseudoephedrine or Ephedrine
34-20D-9. Immunity from civil liability for good faith release of information to law enforcement

Any retailer who in good faith releases information governed by this chapter to a law enforcement agency for a law enforcement purpose is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

Tennessee

Tennessee Code Annotated
Title 39. Criminal Offenses
Chapter 17. Offenses Against Public Health, Safety and Welfare
Part 4. Drugs
§ 39-17-402. Definitions; schedules

As used in this part and title 53, chapter 11, parts 3 and 4, unless the context otherwise requires:

…

(13) “Immediate methamphetamine precursor” means ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers, or any drug or other product that contains a detectable quantity of ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers;

…

Tennessee Code Annotated
Title 39. Criminal Offenses
Chapter 17. Offenses Against Public Health, Safety and Welfare
Part 4. Drugs
§ 39-17-431. Products containing immediate methamphetamine precursors; violations and penalties

…

(b)(1) A product or category of products that contains any immediate methamphetamine precursor shall be exempt from the requirements of this section if the ingredients are not in a form that can be used in the manufacture of methamphetamine.

…

(d) The pharmacist or pharmacy intern under the supervision of the pharmacist shall require any person purchasing an over-the-counter product containing pseudoephedrine or ephedrine to present valid government issued photo identification at the point of sale. The pharmacist or pharmacy intern shall counsel with the person seeking to purchase the product as to the reasons for needing the product and may decline the sale if the pharmacist or pharmacy intern believes the sale is not for a legitimate medical purpose. The pharmacist, pharmacy technician, or pharmacy intern shall maintain an electronic record of the sale under this subsection (d) and the record may be maintained in the form of a pharmacist prescription order as provided by § 63-10-206(c). The electronic record shall include the name and address of purchaser; name and quantity of product purchased; date and time purchased; purchaser identification type and number, such as driver license state and number; and the identity, such as name, initials or identification code, of the dispensing pharmacist or pharmacy intern. If a system is not able to record the identification type and number, the pharmacist, pharmacy technician, or pharmacy intern shall write the identification type and number on the prescription order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

(e)(1) By January 1, 2012, each pharmacy in this state shall have in place and operational all equipment necessary to access and use the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI). The NPLEx system shall be available for access and use free of charge to the pharmacies and this state.

(2) Beginning January 1, 2012, before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine not otherwise excluded from the record keeping requirement, a pharmacy shall electronically submit the required information to the NPLEx administered by the NADDI. Except as provided in subsection (j), the seller shall not complete the sale if the system generates a stop sale alert.

(3) Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the electronic sales tracking system in accordance with this subsection (e) shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection (e) and shall be immune from liability to any third party unless the retailer has violated this subsection (e) in relation to a claim brought for such violation. This subsection (e) shall not apply to a person who obtains the product or products pursuant to a valid prescription.

(4) The data entered into, stored and maintained by the NPLEx may only be used by law enforcement officials, healthcare professionals and pharmacists and only for controlling the sale of methamphetamine precursors.

(5) If, for any reason, the NPLEx administered by the NADDI is no longer the system used in this state to track the sale of methamphetamine precursors, whether because the system no longer functions, is no longer in existence, is no longer offered to the state without cost, or is otherwise no longer available, each pharmacy shall switch to and commence using the Tennessee Methamphetamine Information System (TMIS), as soon as the equipment necessary to access and use the system is made available at no charge to the pharmacy. TMIS shall be available for access and use free of charge to the pharmacies.

(f) If a pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or retail establishment shall maintain a written log until such time as the pharmacy or retail establishment is able to comply with the electronic sales tracking requirement.

(g) A pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the board of pharmacy stating the reasons therefore. The board of pharmacy may grant an exemption for good cause shown, but in no event shall such exemption exceed one hundred eighty (180) days. Any pharmacy or retail establishment that receives an exemption shall maintain a hardcopy logbook and must still require the purchaser to provide the information required under this section before completion of any sale. The logbook shall be maintained as a record of each sale for inspection by any law enforcement officer or inspector of the board of pharmacy during normal business hours.

…

(i) All data that is collected from Tennessee pharmacies and stored in the NPLEx will be downloaded and exported by electronic means to the TMIS at least every twenty-four (24) hours. This export of data will be in a version in compliance with the National Information Exchange Standard and agreed to by both the TBI and the NADDI. The export will be executed without a charge to TMIS or any agency of this state. Any and all data exported to, obtained by, gathered by, transmitted to and/or stored by TMIS or its designee, once received from NADDI, is the property of this state. TMIS has the authority to control, administer, and disseminate, at its discretion, this transaction data for the purpose of enforcing federal and state laws. In addition to the exporting of data to TMIS, real time access to NPLEx information through the NPLEx online portal shall be provided to law enforcement in the state free of charge.

(j) The NPLEx shall generate a stop sale alert, if completion of a sale would result in the seller or purchaser violating the quantity limits set forth in this section. The system shall contain an override function that may be used by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm if the sale is not completed. Each instance in which the override function is utilized shall be logged by the system.

(k) A violation of subsections (a)-(j) is a Class A misdemeanor, punishable by fine only. If the person in violation is a licensed pharmacy or pharmacist, the violation shall be reported to the board of pharmacy for review and appropriate action. If a product is dispensed in violation of subsection (a), the owner or operator of the wholesale or retail establishment dispensing the product shall be in violation of subsection (a).

(l)(1) The TBI, in cooperation with the NADDI which administers the NPLEx, shall devise a method to electronically notify NADDI at least every seven (7) days of any person placed on the methamphetamine registry pursuant to § 39-17-436(b). The notification shall include the first, middle and last names of the person, the person's date of birth and the person's driver license number or any other state or federal identification number. The NPLEx shall be designed to generate a stop-sale alert for any purchaser whose name has been submitted to the registry. Such person shall be prohibited from purchasing non-exempt products at the point-of-sale using the NPLEx.

…

(3) The bureau shall also notify NADDI when a person is removed from the methamphetamine registry pursuant to § 39-17-436(e). When notified, the person shall be removed from NPLEx and is permitted to purchase nonexempt products.

…

(p) For the purposes of this section, “pharmacy” means only a pharmacy operating under title 63, chapter 10, which sells any immediate methamphetamine precursor at retail to the public.

Texas

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes

Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter A. General Provisions
§ 486.001. Definitions

(a) In this chapter:

…

(3) "Department" means the Department of State Health Services.

(4) "Ephedrine," "pseudoephedrine," and "norpseudoephedrine" mean any compound, mixture, or preparation containing any detectable amount of that substance, including its salts, optical isomers, and salts of optical isomers. The term does not include any compound, mixture, or preparation that is in liquid, liquid capsule, or liquid gel capsule form.

(5) "Sale" includes a conveyance, exchange, barter, or trade.

(6) "Real-time electronic logging system" means a system intended to be used by law enforcement agencies and pharmacies or other business establishments that:

(A) is installed, operated, and maintained free of any one-time or recurring charge to the business establishment or to the state;

(B) is able to communicate in real time with similar systems operated in other states and similar systems containing information submitted by more than one state;

(C) complies with the security policy of the Criminal Justice Information Services division of the Federal Bureau of Investigation;

(D) complies with information exchange standards adopted by the National Information Exchange Model;

(E) uses a mechanism to prevent the completion of a sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine that would violate state or federal law regarding the purchase of a product containing those substances; and

(F) is equipped with an override of the mechanism described in Paragraph (E) that:

(i) may be activated by an employee of a business establishment; and

(ii) creates a record of each activation of the override.

(b) A term that is used in this chapter but is not defined by Subsection (a) has the meaning assigned by Section 481.002.

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.014. Prerequisites to and Restrictions on Sale

(a) Before completing an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine, a business establishment that engages in those sales shall:

(1) require the person making the purchase to:

…

(B) sign for the purchase;

(2) make a record of the sale, including the name and date of birth of the person making the purchase, the address of the purchaser, the date and time of the purchase, the type of identification displayed by the person and the identification number, and the item and number of grams purchased; and

(3) transmit the record of sale as required by Section 486.0141.

…

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.0141. Transmission of Sales Information to Real-Time Electronic Logging System

(a) Before completing an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine, a business establishment that engages in those sales shall transmit the information in the record made under Section 486.014(a)(2) to a real-time electronic logging system.

(b) Except as provided by Subsection (c), a business establishment may not complete an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine if the real-time electronic logging system returns a report that the completion of the sale would result in the person obtaining an amount of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances greater than the amount described by Section 486.014(b), regardless of whether all or some of the products previously obtained by the buyer were sold at the establishment or another business establishment.

(c) An employee of a business establishment may complete a sale prohibited by Subsection (b) by using the override mechanism described by Section 486.001(a)(6)(F) only if the employee has a reasonable fear of imminent bodily injury or death from the person attempting to obtain ephedrine, pseudoephedrine, or norpseudoephedrine.

(d) On request of the Department of Public Safety, the administrators of a real-time electronic logging system shall make available to the department a copy of each record of an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine that is submitted by a business establishment located in this state.

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.0142. Temporary Exemption

(a) On application by a business establishment that operates a pharmacy and engages in over-the-counter sales of

products containing ephedrine, pseudoephedrine, or norpseudoephedrine as authorized by Section 486.011, the State Board of Pharmacy may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

(b) On application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine in accordance with a certificate of authority issued under Section 486.012, the department may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

(c) A business establishment granted a temporary exemption under this section must keep records of sales in the same manner required under Section 486.0143 for a business establishment that experiences a mechanical or electronic failure of the real-time electronic logging system.

(d) An exemption granted under this section does not relieve a business establishment of any duty under this chapter other than the duty to use a real-time electronic logging system.

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Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.0143. Written Log or Other Electronic Recordkeeping

If a business establishment that engages in over-the-counter sales of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine experiences a mechanical or electronic failure of the real-time electronic logging system, the business shall:

(1) maintain a written record or an electronic record made by any means that satisfies the requirements of Section 486.014(a)(2); and

(2) enter the information in the real-time electronic logging system as soon as practicable after the system becomes operational.

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.0144. Online Portal

The administrators of a real-time electronic logging system shall provide real-time access to the information in the system to the Department of Public Safety if the department executes a memorandum of understanding with the administrators.

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Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.0145. Limitation on Civil Liability

A person is not liable for an act done or omission made in compliance with the requirements of Section 486.014 or 486.0141.

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.0146. Privacy Protections

(a) The privacy protections provided an individual under 21 C.F.R. Section 1314.45 apply to information entered or stored in a real-time electronic logging system.

(b) A business establishment that engages in over-the-counter sales of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine may disclose information entered or stored in a real-time electronic logging system only to the United States Drug Enforcement Administration and other federal, state, and local law enforcement agencies.

(c) A business establishment that engages in over-the-counter sales of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine may not use information entered or stored in a real-time electronic logging system for any purpose other than for a disclosure authorized by Subsection (b) or to comply with the requirements of this chapter.

(d) Notwithstanding Subsection (c), a business establishment that engages in over-the-counter sales of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine or an employee or agent of the business establishment is not civilly liable for the release of information entered or stored in a real-time electronic logging system unless the release constitutes negligence, recklessness, or wilful misconduct.

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Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter B. Over-The-Counter Sales
§ 486.015. Maintenance of Records

(a) Except as provided by Subsection (b), a business establishment shall maintain each record made under Section 486.014(a)(2) until at least the second anniversary of the date the record is made and shall make each record available on request by the department or any local, state, or federal law enforcement agency, including the United States Drug Enforcement Administration .

(b) Subsection (a) does not apply to a business establishment that has used a real-time electronic logging system for longer than two years.

(c) A business establishment that has used a real-time electronic logging system for longer than two years shall destroy all paper records maintained under this section unless the destruction is otherwise prohibited by law.

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine

Subchapter C. Administrative Penalty
§ 486.021. Imposition of Penalty

The department may impose an administrative penalty on a person who violates this chapter.

Vernon's Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle C. Substance Abuse Regulation and Crimes
Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine
Subchapter C. Administrative Penalty
§ 486.022. Amount of Penalty

(a) The amount of the penalty may not exceed $1,000 for each violation, and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection may not exceed $20,000.

(b) The amount shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the threat to health or safety caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) whether the violator demonstrated good faith, including when applicable whether the violator made good faith efforts to correct the violation; and

(6) any other matter that justice may require.

Texas Administrative Code
Title 25. Health Services
Part 1. Department of State Health Services
Chapter 230. Specific Additional Requirements for Drugs
Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine
§ 230.11. General Provisions

(a) Purpose and applicability. The purpose of this subchapter is to implement the duties of the Department of State Health Services (department) under the Health and Safety Code (HSC), Chapter 486, relating to over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine.

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Business establishment--A retail distributor such as a grocery store; general merchandise store; drug store; or other entity or person, other than a licensed pharmacy, that engages in direct sales to end-user consumers. A distributor who engages in greater than 5% of gross annual sales of regulated products to other than end-user consumers must obtain a license as a wholesaler under HSC, Chapter 431, Subchapter I or Subchapter N.

(2) Department--The Department of State Health Services.

(3) Certificate of authority (COA)--A grant of authority to engage in over-the-counter sales of regulated products, issued by the department to a person under this subchapter.

(4) Certificate of authority holder (COA holder)--A person that has been issued a certificate of authority by the department to engage in over-the-counter sales of regulated products.

(5) Pharmacy--A person holding a current license to operate a pharmacy issued by the Texas State Board of Pharmacy (Board of Pharmacy) under Occupations Code, Chapter 560.

(6) Record of sale--The paper or electronic documentation prepared and maintained in compliance with § 230.15 of this title (relating to Records).

(7) Regulated products--Any compound, mixture, or preparation containing any detectable amount of ephedrine, pseudoephedrine, or norpseudoephedrine, including its salts, optical isomers, and salts of optical isomers. The term does not include any compound, mixture, or preparation that is in liquid, liquid capsule, or liquid gel capsule form. A list of regulated products, by name and universal product code (UPC) or stock-keeping unit (SKU) identifiers, may be obtained from the Department of State Health Services, 1100 West 49th, Austin, Texas 78756.

(8) Over-the-counter sale--The sale within any calendar day of no more than 3.6 grams of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances; and within any 30-day period, no more than nine grams of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances to an individual.

(9) “Real-time electronic logging system”--A system intended to be used by law enforcement agencies and pharmacies or other business establishments that:

(A) is installed, operated, and maintained free of any one-time or recurring charge to the business establishment or to the state;

(B) is able to communicate in real time with similar systems operated in other states and similar systems containing information submitted by more than one state;

(C) complies with the security policy of the Criminal Justice Information Services division of the Federal Bureau of Investigation;

(D) complies with information exchange standards adopted by the National Information Exchange Model;

(E) uses a mechanism to prevent the completion of a sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine that would violate state or federal law regarding the purchase of a product containing those substances; and

(F) is equipped with an override of the mechanism described in subparagraph (E) of this paragraph that:

(i) may be activated by an employee of a business establishment; and

(ii) creates a record of each activation of the override.

(c) Persons who sell or distribute ephedrine, pseudoephedrine, norpseudoephedrine or phenylpropanolamine may be subject to additional federal statutes and regulations adopted thereunder.

Texas Administrative Code
Title 25. Health Services
Part 1. Department of State Health Services
Chapter 230. Specific Additional Requirements for Drugs
Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine
§ 230.15. Records

(a) Before completing a sale of a regulated product, an employee with authority to access regulated products must:

(1) require the person making the purchase to:

…

(B) sign for the purchase;

(2) make a record of the sale, using a format approved or provided by the department for this purpose, that includes the name and date of birth of the person making the purchase, the address of the purchaser, the date and time of the purchase, the type of identification displayed by the person and the identification number, the product name for the item purchased, and the number of grams purchased; and

(3) transmit the record of sales as required by § 230.16 of this title (relating to Real-Time Electronic Logging System).

…

(c) Except as provided by subsection (d) of this section, a business establishment shall maintain each record made under subsection (a)(2) of this section until at least the second anniversary of the date the record is made and shall make each record available on request by the department or any local, state, or federal law enforcement agency, including the United States Drug Enforcement Administration.

(d) Subsection (c) of this section does not apply to a business establishment that has used a real-time electronic logging system for longer than two years.

(e) A business establishment that has used a real-time electronic logging system for longer than two years shall destroy all paper records maintained under this section unless the destruction is otherwise prohibited by law.

Texas Administrative Code
Title 25. Health Services
Part 1. Department of State Health Services
Chapter 230. Specific Additional Requirements for Drugs
Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine
§ 230.16. Real-Time Electronic Logging System

(a) Before completing an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine, a business establishment that engages in those sales shall transmit the information in the record made under § 230.15(a)(2) of this title (relating to Records) to a real-time electronic logging system.

(b) Except as provided by subsection (c) of this section, a business establishment may not complete an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine if the real-time electronic logging system returns a report that the completion of the sale would result in the person obtaining an amount of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances greater than the amount described by § 230.15(b) of this title, regardless of whether all or some of the products previously obtained by the

buyer were sold at the establishment or another business establishment.

(c) An employee of a business establishment may complete a sale prohibited by subsection (b) of this section by using the override mechanism described by § 230.11(b)(9)(F) of this title (relating to General Provisions) only if the employee has a reasonable fear of imminent bodily injury or death from the person attempting to obtain ephedrine, pseudoephedrine, or norpseudoephedrine.

(d) On request of the Department of Public Safety, the administrators of a real-time electronic logging system shall make available to the Department of Public Safety a copy of each record of an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine that is submitted by a business establishment located in this state.

(e) On application by a business establishment that operates a pharmacy and engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine as authorized by § 230.12 of this title (relating to Exemptions), the State Board of Pharmacy may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this subchapter.

(f) On application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine in accordance with a certificate of authority issued under § 230.12 of this title, the department may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this subchapter.

(g) A business establishment granted a temporary exemption under this section must keep records of sales in the same manner required under subsection (i) of this section for a business establishment that experiences a mechanical or electronic failure of the real-time electronic logging system.

(h) An exemption granted under this section does not relieve a business establishment of any duty under this subchapter other than the duty to use a real-time electronic logging system.

(i) If a business establishment that engages in over-the-counter sales of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine experiences a mechanical or electronic failure of the real-time electronic logging system, the business shall:

(1) maintain a written record or an electronic record made by any means that satisfies the requirements of § 230.15(a)(2) of this title; and

(2) enter the information in the real-time electronic logging system as soon as practicable after the system becomes operational.

(j) The administrators of a real-time electronic logging system must comply with Health and Safety Code § 486.0144 (relating to Online Portal), which requires providing real-time access to the information in the system to the Department of Public Safety if the Department of Public Safety executes a memorandum of understanding with the administrators.

Texas Administrative Code
Title 25. Health Services
Part 1. Department of State Health Services
Chapter 230. Specific Additional Requirements for Drugs
Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine
§ 230.17. Enforcement

(a) The department may impose an administrative penalty for a violation of the Health and Safety Code (HSC), Chapter 486, or this subchapter.

(b) The amount of the administrative penalty may not exceed $1,000 per violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The total amount of the penalty assessed for a violation continuing or occurring on separate days may not exceed $20,000.

(c) The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the threat to health or safety caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) whether the violator demonstrated good faith, including good faith efforts to correct the violation; and

(6) any other matter that justice may require.

(d) If the department initially determines that a violation has occurred, the department will provide notice of the violation in writing to the person. The person may respond to the notice in writing not later than the 20th day after the date the person receives the notice, informing the department that the person:

(1) accepts the determination and recommended penalty; or

(2) requests a hearing on the occurrence of the violation, the amount of the penalty, or both.

(e) If a person does not respond to the department's notice within 20 calendar days after receiving the notice, the department will issue an order approving the determination by default.

(f) Hearings will be held at the State Office of Administrative Hearings and will be conducted under Government Code, Chapter 2001.

Texas Administrative Code
Title 25. Health Services
Part 1. Department of State Health Services
Chapter 230. Specific Additional Requirements for Drugs
Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine

§ 230.18. Privacy Protections

(a) The privacy protections provided an individual under Title 21, Code of Federal Regulations, § 1314.45, apply to information entered or stored in a real-time electronic logging system.

(b) A business establishment that engages in over-the-counter sales of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine may disclose information entered or stored in a real-time electronic logging system only to the United States Drug Enforcement Administration and other federal, state, and local law enforcement agencies.

(c) A business establishment that engages in over-the-counter sales of a product containing ephedrine,

pseudoephedrine, or norpseudoephedrine may not use information entered or stored in a real-time electronic logging system for any purpose other than for a disclosure authorized by subsection (b) of this section or to comply with the requirements of this subchapter.

Utah

Utah Code Annotated
Title 58. Occupations and Professions
Chapter 37C. Utah Controlled Substance Precursor Act
§ 58-37c-20.5. Pseudoephedrine products--Limitations on retail sale

(1) As used in this section:

(a) "Mobile retail vendor" means a person or entity that sells product at retail from a stand that is intended to be temporary, or that is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility or is located on unimproved real estate; and

(b) "Product" means any product, mixture, or preparation, or any combination of products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or isomers, or salts of optical isomers, or a combination of any of these substances.

…

(4) A retail distributor or a mobile retail vendor may not distribute or sell any product, unless the retail distributor or mobile retail vendor:

…

(d) maintains a written or electronic log under Subsection (5) of the sales made under this section; and

…

(5) Each retail distributor or mobile retail vendor shall maintain an electronic or written log that contains the following information regarding each person to whom product is distributed or sold under this section. The log shall include:

(a) the following information, provided or written in the log by the purchaser:

(i) the purchaser's name, address, and date of birth, as demonstrated by a form of personal identification issued by the state or the federal government and that provides an identifying photograph of the person;

(ii) the date and time of the transaction; and

(iii) the purchaser's signature; and

(b) the following information verified or written in by the retail distributor or the mobile retail vendor:

(i) verification of the identity of the purchaser as indicated by the form of identification presented by the purchaser;

(ii) verification that the date and time of the transaction as entered in the log is correct; and

(iii) entry of the brand name and the quantity of the product sold in the transaction.

(c) The retail distributor or the mobile retail vendor shall maintain the information required to be recorded in a log under Subsections (5)(a) and (b) for not less than two years from the most recent date contained in the log.

(d) In addition to the log information required under this Subsection (5), the log, or a prominently displayed sign, shall contain the following statement verbatim which shall be visible to purchasers of product:

"WARNING: Section 1001 of Title 18, United States Code, states that whoever, with respect to the information to be provided in this log, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document, knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined not more than $250,000 if an individual or $500,000 if an organization, imprisoned for not more than five years, or both."

(6)(a) A person may not knowingly and intentionally use, release, publish, or otherwise make available to any person or entity any information in or obtained from a log maintained by a retail distributor or a mobile retail vendor under this section for any purpose other than those specified in Subsection (6)(b).

(b) The retail distributor or its designee shall make information in the log available only to:

(i) federal, state, and local law enforcement authorities engaged as a duty of their employment in enforcing laws regulating controlled substances; and

(ii) an individual:

(A) whose request is for records in the log of that individual's purchase or receipt of product; and

(B) who has provided evidence satisfactory to the retail distributor that the individual is in fact the person regarding whom the requested log entry is made.

(c) Any person who knowingly and intentionally releases or modifies any information in the log in violation of this Subsection (6) is guilty of a class B misdemeanor.

…

(9) This section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(a) are not otherwise prohibited by law; and

(b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(10) This section does not apply to an individual sales transaction in which the purchaser purchases a single package containing no more than 60 mg of pseudoephedrine.

(11)(a) A violation of this section is a class B misdemeanor, and a second or subsequent violation of this section is a class A misdemeanor.

(b) For purposes of this section, a plea of guilty or no contest to a violation of this section which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction for a violation of this section, even if the charge has been subsequently reduced or dismissed in accordance with a plea in abeyance agreement.

Virginia

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1. Drugs
§ 18.2-248.8. Sale of the methamphetamine precursors ephedrine and pseudoephedrine; penalty

A. The sale of any product containing ephedrine, pseudoephedrine, or any of their salts, isomers, or salts of isomers, alone or in a mixture, shall be restricted when provided or sold by a retail distributor or pharmacy as follows:

…

3. Effective September 30, 2006, when any substance containing ephedrine or pseudoephedrine is provided or sold:

…

c. The seller shall maintain a written or electronic log with the purchaser's name and address, product name, quantity sold, and the date and time of the transaction;

d. The purchaser shall enter into the log his name and address, the time and date of the sale, and sign the record;

e. The purchaser shall sign the record acknowledging an understanding of the applicable sales limit and that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties under § 1001 of Title 18 of the United States Code; and

f. The sale of a single package to an individual shall not require entry in the log provided it is an isolated sale and the package contains not more than 60 milligrams of pseudoephedrine.

B. This section does not apply to:

1. Any quantity of such substance properly dispensed under a valid prescription; or

2. Any product that the United States Attorney General determines cannot be used in the illicit manufacture of methamphetamine.

C. Retail sellers of ephedrine and pseudoephedrine shall maintain records of all such sales transactions for a period of two years from the date of the last entry beginning September 30, 2006. Retail sellers shall not use or disclose the information in the records for any purpose other than to ensure compliance with this section, the federal Combat Methamphetamine Epidemic Act of 2005, or to facilitate a product recall necessary to protect public health and safety. However, retail sellers shall report the information in the log to law-enforcement personnel upon request and any retail seller who in good faith releases information maintained in the log to law-enforcement authorities is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

D. Any person who willfully violates this section is guilty of a Class 1 misdemeanor.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally

Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.6. Definitions

<Section becomes effective January 1, 2013>

As used in this article, unless the context requires a different meaning:

…

"Ephedrine or related compounds" means ephedrine and pseudoephedrine base or their salts, isomers, or salts of isomers.

"Pharmacy" means any establishment or institution from which drugs, medicines, or medicinal chemicals are dispensed or offered for sale or on which a sign is displayed bearing the words "apothecary," "druggist," "drugs," "drug store," "drug sundries," "medicine store," "pharmacist," "pharmacy," or "prescriptions filled" or any similar words intended to indicate that the practice of pharmacy is being conducted pursuant to a license issued under Chapter 33 (§ 54.1-3300 et seq.) of Title 54.1.

"Retail distributor" means an entity licensed to conduct business in the Commonwealth that offers for sale to the public at a retail outlet any nonprescription compound, mixture, or preparation containing ephedrine or related compounds.

"System" or "electronic system" means a real-time electronic recordkeeping and monitoring system for the sale of ephedrine or related compounds.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.7. Sale of the methamphetamine precursors ephedrine or related compounds; penalty

<Section becomes effective January 1, 2013>

…

D. The pharmacy or retail distributor shall maintain a written log or electronic system with the purchaser's name and address, birth date, and signature; the product name and quantity sold; and the date and time of the transaction. Unless exempt under subsection B of § 18.2-265.8 or § 18.2-265.11, the pharmacy or retail distributor shall use the electronic recordkeeping and monitoring system to report all nonprescription sales of any product containing ephedrine or related compounds.

E. The purchaser shall sign the record acknowledging an understanding of the applicable sales limit and that providing false statements or misrepresentations may subject the purchaser to criminal penalties under § 1001 of Title 18 of the United States Code.

F. The pharmacy or retail distributor shall maintain records of all sales required to be entered into the electronic system or written log for a period of two years from the date of the last entry.

G. The provisions of this article do not apply to sales of ephedrine or related compounds pursuant to a valid prescription.

H. Any person who willfully violates this section is guilty of a Class 1 misdemeanor.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds

§ 18.2-265.8. Real-time electronic recording of sales of ephedrine or related compounds; memorandum of understanding

<Section becomes effective January 1, 2013>

A. The Department shall enter into a memorandum of understanding with an appropriate entity to establish the Commonwealth's participation in a real-time electronic recordkeeping and monitoring system for the sale of ephedrine or related compounds. The memorandum of understanding shall include the following:

1. A real-time electronic recordkeeping and monitoring system shall be provided at no charge to the Commonwealth or to participating pharmacies and retail distributors and shall be approved by the Department.

2. The system shall provide, at no charge to participating pharmacies and retail distributors, appropriate training, 24-hour online support, and a toll-free telephone help line that is staffed 24 hours a day.

3. The system shall be able to communicate in real time with similar systems operated in other states and the District of Columbia and similar systems containing information submitted by more than one state.

4. The system shall comply with information exchange standards adopted by the National Information Exchange Model.

5. The system shall include a stop sales alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits set forth in § 18.2-265.7, with an override function that may be used by a pharmacy or retail distributor under the circumstances set forth in § 18.2-265.9 and shall record each instance in which the override function is utilized.

6. The system shall provide for the recording of the following:

a. The date and time of the transaction;

b. The name, address, date of birth, and photo identification number of the purchaser; the type of identification; and the government or educational institution of issuance;

c. The number of packages purchased; the total number of grams of ephedrine or related compounds per package; and the name of the compound, mixture, or preparation containing ephedrine or related compounds; and

d. The signature of the purchaser or unique number connecting the transaction to a paper signature maintained at the retail premises.

7. The system shall ensure that submitted data is retained within the system for at least two years from the date of submission.

B. The Department shall provide a process for a pharmacy or retail distributor to apply for, obtain, and periodically renew an exemption from the requirement to report transactions to the electronic system if the pharmacy or retail distributor lacks broadband access or maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30-day period.

C. The Superintendent of State Police shall promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) for the implementation of this section. Regulations adopted under this section shall be deemed a customary police function for purposes of subdivision B 6 of § 2.2-4002.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.9. Stop sales alerts; interruption of electronic system

<Section becomes effective January 1, 2013>

A. A pharmacy or retail distributor shall not complete the sale if the system generates a stop sales alert unless the individual distributing the ephedrine or related compound has a reasonable fear of imminent bodily harm if the sale is not completed.

B. In the event of a mechanical or electronic interruption of the system, the pharmacy or retail establishment shall maintain a written log of sales of ephedrine or related compounds until the system is restored. The information written in the log shall be transmitted to the system as soon as practicable after the system is restored.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.10. Exemption from participation in electronic system; requirement to maintain log

<Section becomes effective January 1, 2013>

Any pharmacy or retail distributor that has been granted an exemption from participation in the system pursuant to subsection B of § 18.2-265.8 shall forward to the Department every seven days by fax or electronic means a legible copy of the log required by § 18.2-265.7.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.11. Exemption from participation in electronic system and maintenance of a written log

<Section becomes effective January 1, 2013>

A. The following entities shall not be required to participate in the electronic system and shall not be required to maintain a written log:

1. Licensed manufacturers that manufacture and lawfully distribute products in the channels of commerce.

2. Wholesalers that lawfully distribute products in the channels of commerce.

3. Inpatient pharmacies of health care facilities licensed in the Commonwealth.

4. Licensed long-term health care facilities.

5. Government-operated health care clinics or departments or centers.

6. Physicians who dispense drugs pursuant to § 54.1-3304.

7. Pharmacies located in correctional facilities.

8. Government-operated or industry-operated medical facilities serving the employees of the Commonwealth or local or federal government.

B. Purchases of ephedrine or related compounds pursuant to a valid prescription are not required to be reported to the system or entered into a written log.

C. The sale of a single package containing no more than 60 milligrams of ephedrine or related compounds to an individual is not required to be reported to the system or entered into a log provided it is an isolated sale.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.12. Authority to access data, records, and reports

<Section becomes effective January 1, 2013>

The Department or other law-enforcement agency of the Commonwealth or any federal agency conducting a criminal investigation involving the manufacture of methamphetamine consistent with state or federal law may access data, records, and reports regarding the sale of ephedrine or related compounds. In addition, such information may be accessed if relevant to proceedings in any court, investigatory grand jury, or special grand jury that has been impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of this section. Regulations adopted under this section shall be deemed a customary police function for purposes of subdivision B 6 of § 2.2-4002.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.13. Confidentiality of data in possession of Department

<Section becomes effective January 1, 2013>

All data, records, and reports related to the sale of ephedrine or related compounds to retail customers and any abstracts of such data, records, and reports that are in the possession of the Department pursuant to this article shall be confidential and exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.14. Prohibition on disclosure of information by entity operating the system

<Section becomes effective January 1, 2013>

The entity operating the system pursuant to the memorandum of understanding with the Department shall not use or

disclose the information collected on behalf of the Department from a pharmacy or retail distributor for any purpose other than (i) to ensure compliance with this article or the federal Combat Methamphetamine Epidemic Act of 2005, (ii) to comply with the United States government or a political subdivision thereof for law-enforcement purposes pursuant to state or federal law, or (iii) to facilitate a product recall necessary to protect public health and safety.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.15. Prohibition on disclosure of information by pharmacy or retail distributor; civil immunity

<Section becomes effective January 1, 2013>

A pharmacy or retail distributor that sells any product containing ephedrine or related compounds shall not use or disclose the information in the system or a written log for any purpose other than (i) to ensure compliance with this article or the federal Combat Methamphetamine Epidemic Act of 2005, (ii) to comply with the United States government or a political subdivision thereof for law-enforcement purposes pursuant to state or federal law, or (iii) to facilitate a product recall necessary to protect public health and safety. A pharmacy or retail distributor shall report information in the written log or electronic system to law-enforcement personnel upon request, and any pharmacy or retail distributor that in good faith releases such information to federal, state, or local law-enforcement officers, or to any person acting on behalf of such officers, shall be immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.16. Compliance with statutory provisions; civil immunity

<Section becomes effective January 1, 2013>

Absent gross negligence, recklessness, or willful misconduct, any pharmacy or retail distributor utilizing the system or written log in compliance with this article shall be immune from civil liability as a result of actions or omissions in carrying out such statutory duties.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.17. Exemption of information systems from provisions related to the Virginia Information Technologies Agency

<Section becomes effective January 1, 2013>

The provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 shall not apply to this article.

Annotated Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 1.2. Sale of Ephedrine or Related Compounds
§ 18.2-265.18. Failure to report certain sales; penalty

<Section becomes effective January 1, 2013>

Any person subject to the recordkeeping and reporting requirements set forth in this article that willfully fails to report nonprescription sales of ephedrine or related compounds is guilty of a Class 1 misdemeanor.

Washington

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs

69.43.105. Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Record of transaction--Exceptions--Penalty

(1) For purposes of this section, "traditional Chinese herbal practitioner" means a person who is certified as a diplomate in Chinese herbology from the national certification commission for acupuncture and oriental medicine or who has received a certificate in Chinese herbology from a school accredited by the accreditation council on acupuncture and oriental medicine.

…

(6) A pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW selling a nonprescription drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers shall require the purchaser to electronically or manually sign a record of the transaction. The record must include the name and address of the purchaser, the date and time of the sale, the name and initials of the shopkeeper, itinerant vendor, pharmacist, pharmacy technician, or employee conducting the transaction, the name of the product being sold, as well as the total quantity in grams, of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, being sold.

(7) The board of pharmacy, by rule, may exempt products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in combination with another active ingredient from the requirements of this section if they are found not to be used in the illegal manufacture of methamphetamine or other controlled dangerous substances. A manufacturer of a drug product may apply for removal of the product from the requirements of this section if the product is determined by the board to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine. The burden of proof for exemption is upon the person requesting the exemption. The petitioner shall provide the board with evidence that the product has been formulated in such a way as to serve as an effective general deterrent to the conversion of pseudoephedrine into methamphetamine. The evidence must include the furnishing of a valid scientific study, conducted by an independent, professional laboratory and evincing professional quality chemical analysis. Factors to be considered in whether a product should be excluded from this section include but are not limited to:

(a) Ease with which the product can be converted to methamphetamine;

(b) Ease with which ephedrine, pseudoephedrine, or phenylpropanolamine is extracted from the substance and whether it forms an emulsion, salt, or other form;

(c) Whether the product contains a "molecular lock" that renders it incapable of being converted into methamphetamine;

(d) Presence of other ingredients that render the product less likely to be used in the manufacture of methamphetamine; and

(e) Any pertinent data that can be used to determine the risk of the substance being used in the illegal manufacture of methamphetamine or any other controlled substance.

(8) Nothing in this section applies:

(a) To any product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers that is not the only active ingredient and that is in liquid, liquid capsule, or gel capsule form;

(b) To the sale of a product that may only be sold upon the presentation of a prescription;

(c) To the sale of a product by a traditional Chinese herbal practitioner to a patient; or

(d) When the details of the transaction are recorded in a pharmacy profile individually identified with the recipient and maintained by a licensed pharmacy.

…

(10) A violation of this section is a gross misdemeanor.

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.110. Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Electronic sales tracking system--Penalty

…

(4)(a) Beginning July 1, 2011, or the date upon which the electronic sales tracking system established under RCW 69.43.165 is available, whichever is later, a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW shall, before completing a sale under this section, submit the required information to the electronic sales tracking system established under RCW 69.43.165, as long as such a system is available without cost to the pharmacy, shopkeeper, or itinerant vendor for accessing the system. The pharmacy, shopkeeper, or itinerant vendor may not complete the sale if the system generates a stop sale alert, except as permitted in RCW 69.43.165.

(b) If a pharmacy, shopkeeper, or itinerant vendor selling a nonprescription drug containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, he or she shall maintain a written log or an alternative electronic recordkeeping mechanism until such time as he or she is able to comply with the electronic sales tracking requirement.

(c) A pharmacy, shopkeeper, or itinerant vendor selling a nonprescription drug containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers may seek an exemption from submitting transactions to the electronic sales tracking system in writing to the board of pharmacy stating the reasons for the exemption. The board may grant an exemption for good cause shown, but in no event shall a granted exemption exceed one hundred eighty days. The board may grant multiple exemptions for any pharmacy, shopkeeper, or itinerant vendor if the good cause shown indicates significant hardship for compliance with this section. A pharmacy, shopkeeper, or itinerant vendor that receives an exemption shall maintain a logbook in hardcopy form and must require the purchaser to provide the information required under this section before the completion of any sale. The logbook shall be maintained as a record of each sale for inspection by any law enforcement officer or board inspector during normal business hours in accordance with any rules adopted pursuant to RCW 69.43.165. For purposes of this subsection (4)(c), "good cause" includes, but is not limited to, situations where the installation of the necessary equipment to access the system is unavailable or cost prohibitive to the pharmacy, shopkeeper, or itinerant vendor.

(d) A pharmacy, shopkeeper, or itinerant vendor may withdraw from participating in the electronic sales tracking system if the system is no longer being furnished without cost for accessing the system. A pharmacy, shopkeeper, or

itinerant vendor who withdraws from the electronic sales tracking system is subject to the same requirements as a pharmacy, shopkeeper, or itinerant vendor who has been granted an exemption under (c) of this subsection.

(e) For the purposes of this subsection (4) and RCW 69.43.165:

(i) "Cost for accessing the system" means costs relating to:

(A) Access to the web-based electronic sales tracking software, including inputting and retrieving data;

(B) The web-based software known as software as a service;

(C) Training; and

(D) Technical support to integrate to point of sale vendors, if necessary.

(ii) "Cost for accessing the system" does not include:

(A) Costs relating to required internet access;

(B) Optional hardware that a pharmacy may choose to purchase for work flow purposes; or

(C) Other equipment.

(5) A violation of this section is a gross misdemeanor.

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.130. Exemptions--Pediatric products--Products exempted by the state board of pharmacy

RCW 69.43.110 and 69.43.120 do not apply to:

(1) Pediatric products primarily intended for administration to children under twelve years of age, according to label instructions, either: (a) In solid dosage form whose individual dosage units do not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine; or (b) in liquid form whose recommended dosage, according to label instructions, does not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce;

(3) Products that the state board of pharmacy, upon application of a manufacturer, exempts by rule from RCW 69.43.110 and 69.43.120 because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors; or

(4) Products, as packaged, that the board of pharmacy, upon application of a manufacturer, exempts from RCW *69.43.110(1)(b) and 69.43.120 because:

(a) The product meets the federal definition of an ordinary over- the-counter pseudoephedrine product as defined in 21 U.S.C. 802;

(b) The product is a salt, isomer, or salts of isomers of pseudoephedrine and, as packaged, has a total weight of more

than three grams but the net weight of the pseudoephedrine base is equal to or less than three grams; and

(c) The board of pharmacy determines that the value to the people of the state of having the product, as packaged, available for sale to consumers outweighs the danger, and the product, as packaged, has not been used in the illegal manufacture of methamphetamine.

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.140. Civil penalty--State board of pharmacy waiver

(1) In addition to the other penalties provided for in this chapter or in chapter 18.64 RCW, the state board of pharmacy may impose a civil penalty, not to exceed ten thousand dollars for each violation, on any licensee or registrant who has failed to comply with this chapter or the rules adopted under this chapter. In the case of a continuing violation, every day the violation continues shall be considered a separate violation.

(2) The state board of pharmacy may waive the suspension or revocation of a license or registration issued under chapter 18.64 RCW, or waive any civil penalty under this chapter, if the licensee or registrant establishes that he or she acted in good faith to prevent violations of this chapter, and the violation occurred despite the licensee's or registrant's exercise of due diligence. In making such a determination, the state board of pharmacy may consider evidence that an employer trained employees on how to sell, transfer, or otherwise furnish substances specified in RCW 69.43.010(1) in accordance with applicable laws.

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.160. Ephedrine, pseudoephedrine, phenylpropanolamine--Methods to prevent sales violations--Department of health preparation of sign summarizing prohibitions

(1) To prevent violations of RCW 69.43.110, every licensee and registrant under chapter 18.64 RCW, who sells at retail any products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, shall do either or may do both of the following:

(a) Program scanners, cash registers, or other electronic devices used to record sales in a manner that will alert persons handling transactions to potential violations of RCW 69.43.110(1) and/or prevent such violations; or

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.165. Ephedrine, pseudoephedrine, phenylpropanolamine--Electronic sales tracking system--Board of pharmacy authority to adopt rules

(1) The board of pharmacy shall implement a real-time electronic sales tracking system to monitor the nonprescription sale of products in this state containing any detectable quantity of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, provided that the system is available to the state without cost for accessing the system to the state or retailers. The board is authorized to enter into a public-private partnership, through a memorandum of understanding or similar arrangement, to make the system available.

(2) The records submitted to the tracking system are for the confidential use of the pharmacy, shopkeeper, or itinerant vendor who submitted them, except that:

(a) The records must be produced in court when lawfully required;

(b) The records must be open for inspection by the board of pharmacy; and

(c) The records must be available to any general or limited authority Washington peace officer to enforce the provisions of this chapter or to federal law enforcement officers in accordance with rules adopted by the board of pharmacy regarding the privacy of the purchaser of products covered by chapter 182, Laws of 2010 and law enforcement access to the records submitted to the tracking system as provided in this section consistent with the federal combat meth act.

(3) The electronic sales tracking system shall be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits in RCW 69.43.110 (1) and (2). The system shall contain an override function for use by a dispenser of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, who has a reasonable fear of imminent bodily harm. Each instance in which the override function is utilized shall be logged by the system.

(4) The board of pharmacy shall have the authority to adopt rules necessary to implement and enforce the provisions of this section. The board of pharmacy shall adopt rules regarding the privacy of the purchaser of products covered by chapter 182, Laws of 2010, and any public or law enforcement access to the records submitted to the tracking system as provided in subsection (2)(c) of this section consistent with the federal combat meth act.

(5) The board of pharmacy may not raise licensing or registration fees to fund the rule making or implementation of this section.

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.168. Pharmacy, shopkeeper, or itinerant vendor--Electronic sales tracking system--Liability

A pharmacy, shopkeeper, or itinerant vendor participating in the electronic sales tracking system under RCW 69.43.110(4):

(1) Is not liable for civil damages resulting from any act or omission in carrying out the requirements of RCW 69.43.110(4), other than an act or omission constituting gross negligence or willful or wanton misconduct; and

(2) Is not liable for civil damages resulting from a data breach that was proximately caused by a failure on the part of the electronic sales tracking system to take reasonable care through the use of industry standard levels of encryption to guard against unauthorized access to account information that is in the possession or control of the system.

Revised Code of Washington Annotated
Title 69. Food, Drugs, Cosmetics, and Poisons
Chapter 69.43. Precursor Drugs
69.43.180. Expansion of log requirements--Petition by law enforcement

(1) The Washington association of sheriffs and police chiefs or the Washington state patrol may petition the state board of pharmacy to apply the log requirements in *RCW 69.43.170 to one or more products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, that is not the only active ingredient and that is in liquid, liquid capsule, or gel capsule form. The petition shall establish that:

(a) Ephedrine, pseudoephedrine, or phenylpropanolamine can be effectively extracted from the product and converted into methamphetamine or another controlled dangerous substance; and

(b) Law enforcement, the Washington state patrol, or the department of ecology are finding substantial evidence that the product is being used for the illegal manufacture of methamphetamine or another controlled dangerous

substance.

(2) The board of pharmacy shall adopt rules when a petition establishes that requiring the application of the log requirements in *RCW 69.43.170 to the sale of the product at retail is warranted based upon the effectiveness and extent of use of the product for the illegal manufacture of methamphetamine or other controlled dangerous substances and the extent of the burden of any restrictions upon consumers. The board of pharmacy may adopt emergency rules to apply the log requirements to the sale of a product when the petition establishes that the immediate restriction of the product is necessary in order to protect public health and safety.

Washington Administrative Code
Title 246. Health, Department of
Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control
246-889-010. Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

…

(2) ‘Electronic reporting‘ means detailed reporting obligations of a pharmacy, shopkeeper, or itinerant vendor to submit to the real-time methamphetamine precursor tracking system the retail purchase or attempted purchase of any nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts or isomers, or salts of isomers.

(3) ‘Law enforcement‘ means any general or limited authority Washington peace officer or federal law enforcement officer.

(4) ‘Methamphetamine precursor tracking system‘ means the real-time electronic sales tracking system established by RCW 69.43.110 used to capture the retail purchase or attempted purchase of any nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts or isomers, or salts of isomers.

…

(6) ‘Restricted product‘ means any nonprescription product containing any detectable quantity of ephedrine, pseudoephedrine, and phenylpropanolamine or their salts or isomers, or salts of isomers.

…

Washington Administrative Code
Title 246. Health, Department of
Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control
246-889-085. Requirements for the sale of restricted product.

Unless exempted in RCW 69.43.110, a retailer must:

…

(3) Record all of the information required in WAC 246-889-095 in the record of transaction before completing the sale.

Washington Administrative Code
Title 246. Health, Department of
Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control
246-889-095. Record of sales-Electronic methamphetamine precursor tracking.

(1) Unless granted an exemption under RCW 69.43.110 upon the sale or attempted sale of a restricted product, each retailer must enter and electronically transmit the following information to the methamphetamine precursor tracking system prior to completion of the transaction:

(a) Sale transaction information including:

(i) Date and time of the intended purchase;

(ii) Product description;

(iii) Quantity of product to be sold including:

(A) Total grams of restricted product per box;

(B) Number of boxes per transaction; and

(b) Purchaser's information including:

(i) Full name as it appears on the acceptable identification;

(ii) Date of birth;

(iii) The address as it appears on the photo identification or the current address if the form of photo identification used does not contain the purchaser's address. The address information must include the house number, street, city, state, and zip code;

(iv) Form of photo identification presented by the purchaser, including the issuing agency of the acceptable identification, and the identification number appearing on the identification; and

(v) Purchaser's signature. If the retailer is not able to secure an electronic signature, the retailer shall maintain a hard copy of a signature logbook consisting of each purchaser's signature and the transaction number provided by the methamphetamine precursor tracking system.

(c) The full name or initials of the individual conducting the transaction.

(d) Other information as required by the methamphetamine precursor tracking system data base.

(2) If a transaction occurs during a time when the methamphetamine precursor tracking system is temporarily unavailable due to power outage or other technical difficulties, the retailer shall record the information required in this section in a written logbook for entry into the methamphetamine precursor tracking system within seventy-two hours of the system becoming operational.

Washington Administrative Code
Title 246. Health, Department of
Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control
246-889-110. Maintenance of and access to retail sales records of restricted products.

(1) The retail sales records required under WAC 246-889-095 are confidential and accessible by the board of pharmacy and law enforcement agencies. Law enforcement may access the retail sales records for criminal investigations when, at a minimum, there is an articulated individualized suspicion of criminal activity.

(2) Each law enforcement agency's administrator, chief, sheriff, or other chief executive officer shall ensure:

(a) Only authorized employees have access to the data bases;

(b) Each employee use his or her unique password or access code to access the data bases;

(c) Each employee adheres to all state and federal laws regarding confidentiality; and

(d) As employees change, new passwords or access codes are assigned to new employees and passwords of ex-employees or transferred employees are removed.

(3) Retail sales records of restricted products, electronic or written, must be kept for a minimum of two years.

(4) Retail sales records must be destroyed in a manner that leaves the record unidentifiable and nonretrievable.

Washington Administrative Code
Title 246. Health, Department of
Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control
246-889-115. Exemptions from electronic reporting.

(1) Pharmacies are exempt from entering purchase information into the methamphetamine precursor tracking system when the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine or their salts or isomers, or salts of isomers is sold pursuant to a prescription written by an authorized practitioner.

(2) A retailer must demonstrate ‘good cause‘ to qualify for an exemption from electronic reporting requirements. ‘Good cause‘ includes, but is not limited to, situations where the installation of the necessary equipment to access the methamphetamine precursor tracking system is unavailable or cost prohibitive to the retailer.

(a) A retailer must submit a written request on a form provided by the board, which shall include the following information:

(i) The reason for the exemption; and

(ii) The anticipated duration needed for the exemption.

(b) An exemption from electronic reporting may not exceed one hundred eighty days.

(c) A retailer may request additional exemptions by submitting a form defined in this subsection at least thirty days before the current exemption expires. The retailer must show that compliance will cause the business significant hardship.

(d) For all sales transactions involving the sale or attempted sale of a restricted product occurring during the period of an exemption, the retailer shall record into a written logbook, at the time of the sale or attempted sale, the information required under WAC 246-889-095(1).

(e) The written logbook of each sale or attempted sale shall be available for inspection by any law enforcement officer or board inspector during normal business hours.

Washington Administrative Code
Title 246. Health, Department of
Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control (Refs &Annos)
246-889-120. Denial of sale-Override.

(1) The retailer must deny the sale of restricted product to purchasers who are not able to produce acceptable identification or if the sale would violate RCW 69.43.110 or federal law.

(2) In the event that the retailer perceives that refusal of the purchase may place him or her in imminent physical harm, the retailer may use the data base safety override function to proceed with the sale, provided that when the threat is no longer perceived, the retailer must immediately contact local law enforcement to report the incident.

West Virginia

Annotated Code of West Virginia
Chapter 60A. Uniform Controlled Substances Act
Article 10. Methamphetamine Laboratory Eradication Act
§ 60A-10-3. Definitions

In this article:

…

(e) "Ephedrine" means ephedrine, its salts or optical isomers or salts of optical isomers.

…

(g) "National Association of Drug Diversion Investigators" or "NADDI" means the non-profit 501(c)(3) organization established in 1989, made up of members who are responsible for investigating and prosecuting pharmaceutical drug diversion, and that facilitates cooperation between law enforcement, health care professionals, state regulatory agencies and pharmaceutical manufacturers in the investigation and prevention of prescription drug abuse and diversion.

(h) "Multi-State Real-Time Tracking System" or "MSRTTS" means the real-time electronic logging system provided by NADDI at no cost to states that have legislation requiring real-time electronic monitoring of precursor purchases, and agree to use the system. MSRTTS is used by pharmacies and law enforcement to track sales of over-the-counter (OTC) cold and allergy medications containing precursors to the illegal drug, methamphetamine.

…

(j) "Pseudoephedrine" means pseudoephedrine, its salts, optical isomers and salts of optical isomers.

(k) "Precursor" means any substance which may be used along with other substances as a component in the production and distribution of illegal methamphetamine.

(l) "Pharmacist" means an individual currently licensed by this state to engage in the practice of pharmacy and pharmaceutical care as defined in subsection (t), section one-b, article five, chapter thirty of this code.

(m) "Pharmacy intern" has the same meaning as the term "intern" as set forth in section one-b, article five, chapter thirty of this code.

(n) "Pharmacy" means any drugstore, apothecary or place within this state where drugs are dispensed and sold at retail or display for sale at retail and pharmaceutical care is provided outside of this state where drugs are dispensed and pharmaceutical care is provided to residents of this state.

…

(p) "Pharmacy technician" means a registered technician who meets the requirements for registration as set forth in article five, chapter thirty of this code.

(q) “Retail establishment” means any entity or person within this state who sells, transfers or distributes goods, including over-the-counter drug products, to an ultimate consumer.

(r) “Schedule V” means the schedule of controlled substances set out in section two hundred twelve, section two of this chapter.

…

Annotated Code of West Virginia
Chapter 60A. Uniform Controlled Substances Act
Article 10. Methamphetamine Laboratory Eradication Act
§ 60A-10-5. Restrictions on the sale, transfer or delivery of certain drug products; penalties

…

(e) If a drug product regulated by the provisions of this section is transferred, sold or delivered, the individual, pharmacy or retail establishment transferring, selling or delivering the drug product shall require the person purchasing, receiving or otherwise acquiring the drug product to:

(1) Produce a valid government-issued photo identification showing his or her date of birth; and

(2) Sign a logbook, in either paper or electronic format, containing the information set forth in subsection (b), section eight of this article and attesting to the validity of the information.

(f) Any person who knowingly makes a false representation or statement pursuant to the requirements of this section is guilty of a misdemeanor and, upon conviction, be confined in a jail for not more than six months, fined not more than $5,000, or both fined and confined.

(g)(1) The pharmacist, pharmacy intern or pharmacy technician processing the transaction shall determine that the name entered in the logbook corresponds to the name provided on the identification.

(2) Beginning January 1, 2013, a pharmacy or retail establishment shall, before completing a sale under this section, electronically submit the information required by section eight of this article to the Multi-State Real-Time Tracking System (MSRTTS) administered by the National Association of Drug Diversion Investigators (NADDI): *Provided*, That the system is available to retailers in the state without a charge for accessing the system. This system shall be capable of generating a stop-sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits set forth in this article. The seller may not complete the sale if the system generates a stop-sale alert. The system shall contain an override function that may be used by a dispenser of a drug product who has a reasonable fear of imminent bodily harm if he or she does not complete a sale. Each instance in which the override function is utilized shall be logged by the system. Absent negligence, wantonness, recklessness or deliberate misconduct, any retailer utilizing the Multi-State Real-Time Tracking System in accordance with this subdivision may not be civilly liable as a result of any act or omission in carrying out the duties required by this subdivision and is immune from liability to any third party unless the retailer has violated any provision of this subdivision in relation to a claim brought for the violation.

(3) If a pharmacy or retail establishment selling a nonprescription product containing ephedrine, pseudoephedrine or phenylpropanolamine experiences mechanical or electronic failure of the Multi-State Real-Time Tracking System and is unable to comply with the electronic sales tracking requirement, the pharmacy or retail establishment shall maintain a written log or an alternative electronic record keeping mechanism until such time as the pharmacy or retail establishment is able to comply with the electronic sales tracking requirement.

(h) This section does not apply to drug products that are dispensed pursuant to a prescription, are pediatric products

primarily intended for administration, according to label instructions, to children under twelve years of age.

(i) Any violation of this section is a misdemeanor, punishable upon conviction by a fine in an amount not more than $10,000.

…

Annotated Code of West Virginia
Chapter 60A. Uniform Controlled Substances Act
Article 10. Methamphetamine Laboratory Eradication Act
§ 60A-10-7. Restricted products; rule-making authority

…

(b) At any time after July 1, 2005, the Board of Pharmacy, upon the recommendation of the Superintendent of the State Police, shall promulgate emergency and legislative rules pursuant to the provision of article three, chapter twenty-nine-a of this code to implement an updated supplemental list of products containing the controlled substances ephedrine, pseudoephedrine or phenylpropanolamine as an active ingredient or any other drug used as a precursor in the manufacture of methamphetamine, which the Superintendent of the State Police has demonstrated by empirical evidence is being used in the manufacture of methamphetamine. This listing process shall comport with the requirements of subsection (a) of this section.

Annotated Code of West Virginia
Chapter 60A. Uniform Controlled Substances Act
Article 10. Methamphetamine Laboratory Eradication Act
§ 60A-10-8. Reporting requirements; confidentiality

(a) Until January 1, 2013, upon each sale, retail, transfer or distribution of any drug product referred to in section seven of this article or another designated precursor, the pharmacist, pharmacy intern, or pharmacy technician making the sale, transfer or distribution shall report the following information for inclusion in the central repository established and maintained by the Board of Pharmacy:

(1) The date of the transaction;

(2) The name, address and driver's license or state-issued identification number of the person; and

(3) The name, quantity of packages and total gram weight of the product or products purchased, received or otherwise acquired.

(b) The information required to be reported by this section shall be reported by paper log maintained at the point of sale: Provided, That, beginning on January 1, 2007, reporting shall be by electronic transmission to the Board of Pharmacy no more frequently than once a week. Beginning on January 1, 2013, the electronic transmission of the information required to be reported in subsection (a) of this section shall be reported to the MSRTTS, and shall be made in real time at the time of the transaction.

(c) The information required by this section shall be the property of the state. The information shall be disclosed as appropriate to the federal Drug Enforcement Administration and to state and local law-enforcement agencies. The information shall not be accessed, used or shared for any purpose other than to ensure compliance with this article and federal law. NADDI shall forward state transaction records in the MSRTTS to the West Virginia State Police weekly, and provide real-time access to MSRTTS information through the MSRTTS online portal to authorized agents of the federal Drug Enforcement Administration and certified law enforcement in this and other states for use in the detection of violations of this article or of federal laws designed to prevent the illegal use, production or distribution of methamphetamine.

Annotated Code of West Virginia
Chapter 60A. Uniform Controlled Substances Act
Article 10. Methamphetamine Laboratory Eradication Act
§ 60A-10-16. Expiration of enactments made during two thousand eleven regular session

The provisions of this article enacted during the 2012 regular legislative session establishing the Multi-State Real-Time Tracking System shall expire on June 30, 2015.

West Virginia Code of State Rules
Title 15. West Virginia Board of Pharmacy
Legislative Rule (Ser. 11)
Series 11. Ephedrine and Pseudoephedrine Control
§ 15-11-2. Definitions.

2.1. "Central repository" refers to the central repository designated by the Board for the collection of controlled substance information. It may be a vendor designated by the Board and under contract with the Board to act as the central repository.

2.2. "Schedule V pseudoephedrine products" means any compound, mixture or preparation containing as its single active ingredient ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers, including any drug products added to the supplemental list pursuant to W. Va. Code § 60A-10-7, except products which are for pediatric use primarily intended for administration to children under the age of twelve.

2.3. The following products have been added to the supplemental list pursuant to W. Va. Code § 60A-10-7.

(a) products that contain pseudoephedrine and tripolidine; and

(b) products that contain pseudoephedrine and loratadine.

West Virginia Code of State Rules
Title 15. West Virginia Board of Pharmacy
Legislative Rule (Ser. 11)
Series 11. Ephedrine and Pseudoephedrine Control
§ 15-11-3. Pharmacy Requirements.

…

3.4. Any pharmacy that sells Schedule V pseudoephedrine products shall require the person purchasing, receiving or otherwise acquiring the drug product to:

(a) Produce a drivers license or government-issued photo identification showing his or her date of birth; and

(b) sign a form containing the information required by subsection 4.1 of this rule and attesting to the validity of the information. The signature may be captured electronically and the information maintained as an electronic record as long as a hard copy may be produced upon request.

3.5. Each pharmacy, pharmacist, and registered pharmacy technician involved in the sale of the product have the responsibility to ensure that the information required in this rule provided by the customer is recorded accurately.

3.6. The bound record book kept for distribution of Schedule V exempt narcotics pursuant to West Virginia Board of Pharmacy Rule, Rules of the Board of Pharmacy for the Uniform Controlled Substances Act, 15 CSR 2.7.19.1(e), may be used for recording the information required by this rule.

West Virginia Code of State Rules
Title 15. West Virginia Board of Pharmacy
Legislative Rule (Ser. 11)
Series 11. Ephedrine and Pseudoephedrine Control
§ 15-11-4. Prescription Monitoring Program.

4.1. After January 1, 2006, each time any Schedule V pseudoephedrine product is transferred, sold, or delivered, the pharmacist or pharmacy technician shall electronically transmit not less than monthly to the central repository the following information:

(a) The date of the transaction;

(b) The name, address and driver's license or state-issued identification number of the purchaser; and

(c) The name, National Drug Code (NDC) number, quantity of packages and total gram weight of the product or products purchased, received or otherwise acquired.

4.2. The information may be transmitted at any time during the month as a batch transmission and may be sent with the Schedule II, III, and IV information.

4.3. The Board and the central repository shall receive the electronic transmission of the information required to be provided by and through the use of a secure upoload from the pharmacy via the internet or other means approved by the Board. The pharmacy shall retain the information until transmission to the central repository has been confirmed.

West Virginia Code of State Rules
Title 15. West Virginia Board of Pharmacy
Legislative Rule (Ser. 11)
Series 11. Ephedrine and Pseudoephedrine Control
§ 15-11-8. Records and Invoices.

8.1. Any pharmacy, wholesaler, manufacturer, or distributor of Schedule V pseudoephedrine products shall keep readily retrievable records and invoices documenting the sale and distribution of these products. All pharmacy log records of sales of Schedule V pseudoephedrine products shall be kept for a minimum of five years from the date of sale or distribution.

Wisconsin

Wisconsin Statutes Annotated
Controlled Substances (Ch. 961)
Chapter 961. Uniform Controlled Substances Act
Subchapter I. Definitions
961.01. Definitions

As used in this chapter:

…

(12t) "Liquid-filled pseudoephedrine gelcap" means a soft, liquid-filled gelatin capsule that is intended to be sold at retail and that contains pseudoephedrine or any of its salts, isomers, or salts of isomers.

…

(20c) "Pseudoephedrine product" means a material, compound, mixture, or preparation containing any quantity of pseudoephedrine or any of its salts, isomers, or salts of isomers but does not include such a product if any of the

following applies:

(a) The product is a pseudoephedrine liquid or a liquid-filled pseudoephedrine gelcap. This paragraph does not apply if the controlled substances board has determined, by rule, that the product can be readily used in the manufacture of methamphetamine.

(b) The controlled substances board has determined, by rule, that the product cannot be readily used in the manufacture of methamphetamine.

(20e) "Pseudoephedrine liquid" means a product that is intended to be sold at retail, that is a liquid at room temperature, and that contains pseudoephedrine or any of its salts, isomers, or salts of isomers.

…

Wisconsin Statutes Annotated
Controlled Substances (Ch. 961)
Chapter 961. Uniform Controlled Substances Act
Subchapter II. Standards and Schedules
961.22. Schedule V

Unless specifically excepted by state or federal law or regulation or more specifically included in another schedule, the following controlled substances are listed in schedule V:

…

(2m) Pseudoephedrine. Pseudoephedrine or any of its salts, isomers, or salts of isomers.

…

Wisconsin Statutes Annotated
Controlled Substances (Ch. 961)
Chapter 961. Uniform Controlled Substances Act
Subchapter II. Standards and Schedules
961.23. Dispensing of schedule V substances

The dispensing of schedule V substances is subject to the following conditions:

…

(4) Any person purchasing such a substance shall, at the time of purchase, present to the seller that person's correct name, address, and, if the person is purchasing a pseudoephedrine product, an identification card containing the person's photograph. The seller shall record the name and address and the name and quantity of the product sold. The purchaser and either the seller or, if the substance is a pseudoephedrine product and is being sold by a person who is not a registered pharmacist, the pharmacist supervising the seller shall sign the record of this transaction. The giving of a false name or false address by the purchaser shall be prima facie evidence of a violation of s. 961.43(1)(a).

Wisconsin Statutes Annotated
Controlled Substances (Ch. 961)
Chapter 961. Uniform Controlled Substances Act
Subchapter II. Standards and Schedules
961.235. Records relating to sales of pseudoephedrine products

(1) In this section, "records of pseudoephedrine sales" means records required under s. 961.23(4) with respect to the sale of a pseudoephedrine product.

(2) Records of pseudoephedrine sales may be kept in either a paper or electronic format and shall be maintained by the pharmacy for at least 2 years. Except as provided in sub. (3), only a pharmacist may have access to records of pseudoephedrine sales and information contained in those records.

(3) A pharmacist shall make records required under s. 961.23(4) available to a law enforcement officer who requests them. Law enforcement officers may make those records available to other persons or redisclose information from those records to other persons only in connection with a criminal investigation or prosecution under this chapter.

Wyoming

Wyoming Statutes Annotated
Title 35. Public Health and Safety
Chapter 7. Food and Drugs
Article 10. Controlled Substances
Article IX
§ 35-7-1059. Unlawful clandestine laboratory operations; methamphetamine precursors; presumptively illegal amount; methamphetamine precursor sales limitations; registration requirements; reports; penalties

…

(h) No person shall sell in a single retail transaction more than two (2) packages of a product containing methamphetamine precursor drugs. The seller shall maintain a written or electronic list of such sales in a logbook that identifies the products by name, the quantity sold, the names and addresses of purchasers, and the date and time of the sales except that such requirement does not apply to any purchase by an individual of a single sales package if that package contains not more than sixty (60) milligrams of pseudoephedrine. The seller shall maintain each entry in the logbook for not fewer than two (2) years after the date on which the entry is made. The regulated seller who in good faith releases logbook information to federal, state or local law enforcement authorities is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

…

(k) A person who intentionally or knowingly violates subsection (g), (h) or (j) of this section is guilty of a misdemeanor punishable by a fine of one hundred dollars ($100.00) for a first offense, five hundred dollars ($500.00) for a second offense within two (2) years and one thousand dollars ($1,000.00) and up to six (6) months imprisonment, or both, for a third offense within three (3) years.

…

(p) For purposes of this section, “methamphetamine precursor drug” means any product that contains ephedrine, pseudoephedrine or phenylpropanolamine or liquid products with ephedrine or pseudoephedrine as the sole active ingredient and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act as a nonprescription drug.

Wyoming Rules and Regulations
Department of Administration and Information
Board of Pharmacy - Commissioner of Drugs and Substances Control
Chapter 4. Records and Inventories of Registrants
Section 4. Methamphetamine Precursor Records

(a) The retail sale of nonliquid methamphetamine precursor drugs or liquid products with ephedrine or pseudoephedrine as the sole active ingredient shall be limited to those amounts as described in W.S.§ 35-7-1059

(b) The seller shall maintain a written or electronic list of such sales (logbook) as described in W.S.§ 35-7-1059.

(c) The sale shall be documented as follows:

(i) The prospective purchaser shall present an identification card that provides a photograph and is issued by a state or the federal government, an alien registration receipt card, a foreign passport, or an employment authorization document which contains a photograph

(ii) The prospective purchaser must sign the logbook and enter in the logbook his or her name, address and the date and time of the sale

(iii) The seller must determine that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct.

(iv) The seller must enter into the logbook the name of the product and the quantity sold.

(d) The logbook must contain a notice to purchasers that entering false statements or misrepresentations in the logbook may subject the purchaser to criminal penalties under 18 U.S.C.§ 1001 and such notice must specify the maximum fine ($250,000.00) and term of imprisonment (5 years).