

Act 518 of the 1989 Regular Session.

Act 518

HB1629

By: Representative Tullis

"AN ACT TO AMEND TITLE 5, CHAPTER 64 OF THE ARKANSAS CODE OF 1987 TO REQUIRE RECORD KEEPING OF PRECURSOR TRANSACTIONS BY CERTAIN MANUFACTURERS, WHOLESALERS, RETAILERS OR OTHER PERSONS; TO PRESCRIBE A PENALTY FOR NON-COMPLIANCE; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Title 5, Chapter 64 of the Arkansas Code of 1987 is hereby amended by adding a new subchapter to read as follows:

"Subchapter 10.

5-64-1001. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this state shall maintain accurate records of those transactions:

- (1) Phenylpropanolamine
- (2) Methylamine
- (3) Ethylamine
- (4) D-lysergic acid
- (5) Ergotamine tartrate
- (6) Diethyl malonate
- (7) Malonic acid
- (8) Ethyl malonate
- (9) Barbituric acid
- (10) Piperidine
- (11) N-acetylanthranilic acid
- (12) Pyrrolidine
- (13) Anthranilic acid
- (14) Ephedrine
- (15) Norpseudoephedrine
- (16) Phenylacetic acid
- (17) Morpholine
- (18) Pseudoephedrine

5-64-1002. Any manufacturer, wholesaler, retailer, or other person required to maintain records of transactions under this act shall obtain proper identification from the purchaser. "Proper identification" means a motor vehicle operator's license or other official state-issued identification of the purchaser which contains a photograph of the purchaser, and includes the residential or mailing address of the purchaser, other than a post office box number, the motor vehicle license number of any motor vehicle owned or operated by the purchaser, a letter of authorization from the business for which any substance specified in Ark. Code 5-64-1001 is being furnished, which includes the business license number and address of the business, 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 Ark. Code 5-64-1001 shall affix his or her signature as a witness to the signature and identification of the purchaser.

5-64-1003. Records maintained pursuant to this act shall be subject to inspection by any law enforcement officer of this state or any employee of the state health department designated by the director to conduct examinations, investigations, or inspections under this chapter relating to controlled substances, counterfeit drugs and precursor chemicals.

5-64-1004. Failure to maintain accurate records with proper identification from the purchaser shall be considered a Class A misdemeanor.

5-64-1005. The provisions of 5-64-1001 shall not apply to any of the following:

(a) Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist, or veterinarian.

(b) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes a substance to his or her patients.

(c) Any manufacturer or wholesaler licensed by the State Board of Pharmacy who sells, transfers, or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian.

(d) Any sale, transfer, furnishing, or receipt of any drug which contains any ephedrine, pseudoephedrine, norpseudoephedrine or phenylporpanolamine and which is sold, transferred, or furnished, over the counter without a prescription pursuant to the federal Food, Drug, and Cosmetic Act or regulations adopted thereunder."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 13, 1989

---