

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

SENATE BILL 296

5 By: Senators Wilkins, Malone, B. Pritchard, Salmon, Capps, T. Smith, Glover, Bookout, Broadway,  
6 Critcher, G. Jeffress, Lavery, Madison, Miller, Steele, Trusty, Wilkinson, Womack  
7 By: Representatives Davenport, Hoyt, Reynolds, Hawkins, Wells, Pace, Webb, Abernathy, Adcock,  
8 Berry, Blount, T. Bradford, Breedlove, Burris, Cash, Cheatham, Cooper, Cornwell, D. Creekmore,  
9 Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, Everett, Flowers, George, Glidewell, R. Green, Hardy,  
10 Harrelson, Harris, D. Hutchinson, J. Johnson, Kenney, Key, Kidd, Lovell, Maloch, M. Martin, Maxwell,  
11 Norton, Overbey, Patterson, Pennartz, Pierce, Powers, S. Prater, Ragland, Rainey, J. Roebuck, Rogers,  
12 Saunders, Shelby, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Wills, Wood, Wyatt  
13  
14

## For An Act To Be Entitled

15 AN ACT TO PROVIDE FOR A REAL-TIME ELECTRONIC  
16 LOGBOOK FOR A PHARMACY TO RECORD PURCHASES OF  
17 EPHEDRINE, PSEUDOEPHEDRINE, AND  
18 PHENYLPROPANOLAMINE; TO REQUIRE A PHARMACY TO  
19 ENTER CERTAIN TRANSACTIONS INTO THE ELECTRONIC  
20 LOGBOOK; TO REQUIRE THE ARKANSAS CRIME  
21 INFORMATION CENTER TO MAINTAIN AND CONTROL ACCESS  
22 TO THE ELECTRONIC LOGBOOK; TO PROVIDE PENALTIES  
23 FOR UNAUTHORIZED DISCLOSURE AND ACCESS; AND FOR  
24 OTHER PURPOSES.  
25

## Subtitle

26  
27 TO PROVIDE FOR A REAL-TIME ELECTRONIC  
28 LOGBOOK FOR A PHARMACY TO RECORD  
29 PURCHASES OF PSEUDOPHEDRINE AND OTHER  
30 SIMILAR SUBSTANCES; TO PROVIDE FOR THE  
31 MAINTENANCE AND ACCESS TO THE REAL-TIME  
32 ELECTRONIC LOGBOOK; AND FOR PENALTIES.  
33  
34  
35

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



1  
2 SECTION 1. Legislative findings.

3 The General Assembly finds that:

4 (a) Act 256 of 2005 requires that sales involving products containing  
5 ephedrine, pseudoephedrine, and phenylpropanolamine be recorded into a  
6 written or electronic log at each individual pharmacy;

7 (b) Since the passage of Act 256 of 2005, the state has experienced a  
8 significant decrease in the manufacture of methamphetamine;

9 (c) At this time, the state does not have a centralized real-time  
10 electronic logbook that can record purchases at a pharmacy of products  
11 containing ephedrine, pseudoephedrine, and phenylpropanolamine; and

12 (d) In order to assist law enforcement in its efforts to combat  
13 methamphetamine, the state needs a centralized real-time electronic logbook  
14 to document transactions made at pharmacies that involve the sale of products  
15 containing ephedrine, pseudoephedrine, and phenylpropanolamine.

16  
17 SECTION 2. Arkansas Code § 5-64-1103(c)(1), concerning a pharmacy's  
18 duty to maintain a log of its transactions involving the sale of ephedrine,  
19 pseudoephedrine, or phenylpropanolamine, is amended to read as follows:

20 (c)(1) A pharmacy shall:

21 (A) ~~maintain~~ Maintain a written or electronic log or  
22 receipts of transactions involving the sale of ephedrine, pseudoephedrine, or  
23 phenylpropanolamine; and

24 (B) Enter any transaction required to be maintained by  
25 this section into the real-time electronic logbook maintained by the Arkansas  
26 Crime Information Center under § 5-64-1104.

27 (2) A person purchasing, receiving, or otherwise acquiring  
28 ephedrine, pseudoephedrine, or phenylpropanolamine is required to:

29 (A) Produce current and valid proof of identity; and

30 (B) Sign a written or electronic log or receipt that  
31 documents the date of the transaction, the name of the person, and the  
32 quantity of pseudoephedrine or ephedrine purchased, received, or otherwise  
33 acquired.

34  
35 SECTION 3. Arkansas Code Title 5, Chapter 64, Subchapter 11 is amended  
36 to add additional sections to read as follows:

1 5-64-1104. Real-time electronic logbook.

2 (a)(1) Subject to available funding, by November 15, 2007, the  
 3 Arkansas Crime Information Center shall provide pharmacies in this state  
 4 access to a real-time electronic logbook for the purpose of entering into the  
 5 real-time electronic logbook any transaction required to be reported by § 5-  
 6 64-1103.

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

10 (b) The Arkansas Crime Information Center may contract with a private  
 11 vendor to implement this section.

12  
 13 5-64-1105. Confidentiality of information.

14 (a) Information entered into the real-time electronic logbook is  
 15 confidential and is not be subject to the Freedom of Information Act of 1967,  
 16 § 25-19-101 et seq.

17 (b) Except as authorized under § 5-64-1106 or otherwise by law, the  
 18 Arkansas Crime Information Center shall not disclose any information entered,  
 19 collected, recorded, transmitted, or maintained in the real-time electronic  
 20 logbook.

21  
 22 5-64-1106. Authorized access to the real-time electronic logbook.

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

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

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

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

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

35  
 36 5-64-1107. Promulgation of rules.

1 The Arkansas Crime Information Center shall promulgate rules necessary  
 2 to:

3 (1) Implement the provisions of §§ 5-64-1103(c)(1)(B) and 5-64-  
 4 1104 – 5-64-1110 on or before October 1, 2007;

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

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

11  
 12 5-64-1108. Destruction of records.

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

17  
 18 5-64-1109. Liability of pharmacy.

19 A pharmacy in this state is not liable civilly for a sale of ephedrine,  
 20 pseudoephedrine, or phenylpropanolamine that occurs at another pharmacy in  
 21 this state.

22  
 23 5-64-1110. Penalty for unauthorized disclosure and unauthorized  
 24 access.

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

26 (1) Releases or discloses to any unauthorized person any  
 27 confidential information collected and maintained under § 5-64-1105 or § 5-  
 28 64-1106; or

29 (2) Obtains confidential information for a purpose not  
 30 authorized by § 5-64-1105 or § 5-64-1106.

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