

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

# A Bill

SENATE BILL 950

4  
5 By: Senator Wilkins  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO ESTABLISH A REAL-TIME ELECTRONIC  
10 LOGBOOK TO DOCUMENT PURCHASES OF EPHEDRINE,  
11 PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14  
15 AN ACT TO ESTABLISH A REAL-TIME  
16 ELECTRONIC LOGBOOK TO DOCUMENT PURCHASES  
17 OF EPHEDRINE, PSEUDOEPHEDRINE, AND  
18 PHENYLPROPANOLAMINE.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

### 23 SECTION 1. Findings.

24 The General Assembly finds that:

25 (1) Act 256 of 2005 requires that sales involving products  
26 containing ephedrine, pseudoephedrine, and phenlypropanolamine be recorded  
27 into a written or electronic log at each individual pharmacy;

28 (2) Since the passage of Act 256 of 2005, the State of Arkansas  
29 has experienced a significant decrease in the manufacture of methamphetamine;

30 (3) At this time, the State of Arkansas does not possess a  
31 centralized real-time electronic logbook that will record all purchases of  
32 products containing ephedrine, pseudoephedrine, and phenylpropanolamine made  
33 at each individual pharmacy throughout the state; and

34 (4) In order to assist law enforcement in its efforts to combat  
35 methamphetamine, the State of Arkansas needs a centralized real-time  
36 electronic logbook to document transactions involving the sale of products



1 containing ephedrine, pseudoephedrine, and phenylpropanolamine made at each  
2 individual pharmacy throughout the state.

3  
4 SECTION 2. Arkansas Code § 5-64-1103(c) concerns records of sales  
5 limits on ephedrine, pseudoephedrine, or phenylpropanolamine, is amended to  
6 read as follows:

7 (c)(1)(A) A pharmacy shall maintain a written or electronic log or  
8 receipts of transactions involving the sale of ephedrine, pseudoephedrine, or  
9 phenylpropanolamine.

10 (B)(i) Subject to the available funding, by November 15,  
11 2007, the Arkansas Crime Information Center shall provide access to a real-  
12 time electronic logbook to pharmacies within the State of Arkansas for  
13 entering any transaction required to be recorded under this subchapter.

14 (ii) The real-time electronic logbook shall have the  
15 ability to calculate both state and federal purchase limitations.

16 (C) Each pharmacy shall also enter into the real-time  
17 electronic logbook required under subdivision (c)(1)(B) of this section any  
18 transaction required to be recorded under this subchapter.

19  
20 SECTION 3. Arkansas Code Title 5, Chapter 64, Subchapter 11 is amended  
21 to add four (4) additional sections to read as follows:

22 5-64-1104. Confidentiality of information in the Real-Time Electronic  
23 Logbook.

24 (a) Information entered into the real-time electronic logbook is  
25 confidential and shall not be subject to the Freedom of Information Act of  
26 1967, §25-19-101 et seq.

27 (b) The Arkansas Crime Information Center shall ensure that the  
28 privacy and confidentiality of patients and patient information collected,  
29 recorded, transmitted, and maintained in the real-time electronic logbook is  
30 not disclosed to a person except as provided under §5-64-1105.

31 (c)(1) The Arkansas Crime Information Center shall ensure that no  
32 individual pharmacy has access to purchase information involving the sale of  
33 ephedrine, pseudoephedrine, or phenylpropanolamine made at any other  
34 pharmacy.

35 (2) No pharmacy shall be held liable for a sale of ephedrine,  
36 pseudoephedrine, or phenylpropanolamine occurring at another pharmacy in this

1 state.

2  
3 5-64-1105. Access to the Real-Time Electronic Logbook.

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

6 (1) A person authorized to prescribe or dispense a product  
7 containing ephedrine, pseudoephedrine, and phenylpropanolamine for the  
8 purpose of providing medical or pharmaceutical care for the person's  
9 patients;

10 (2) A local, state, and federal law enforcement or prosecutorial  
11 official acting pursuant to his or her official duties;

12 (3) Any other local, state, or federal official who requests  
13 access to the real-time electronic logbook to facilitate a product recall  
14 that is necessary to protect the public health and safety; and

15 (4) The Arkansas State Board of Pharmacy for the purpose of  
16 accessing suspicious transaction reports reported under § 5-64-1006(a).

17  
18 5-64-1106. Penalties for improper use of Real-Time Electronic Logbook.

19 (a) A person who knowingly releases or discloses to any unauthorized  
20 person any information collected and maintained under this subchapter upon  
21 conviction is guilty of a Class A misdemeanor.

22 (b) A person who knowingly obtains information collected and  
23 maintained under this subchapter for a purpose not authorized under this  
24 subchapter upon conviction is guilty of a Class A misdemeanor.

25  
26 5-64-1107. Implementation of Real-Time Electronic Logbook.

27 (a) Subject to the available funding, the Arkansas Crime Information  
28 Center shall promulgate rules necessary to implement the real-time electronic  
29 logbook required by this subchapter on or before October 1, 2007.

30 (b) Subject to the available funding, the Arkansas Crime Information  
31 Center may contract with a private vendor to implement the real-time  
32 electronic logbook required by this subchapter.

33  
34 5-64-1108. Destruction of records.

35 All transaction records that are maintained in the real-time electronic  
36 log shall be destroyed two (2) years after the date of the transmission,

1 unless the records are being used in:

2 (1) An ongoing criminal investigation; or

3 (2) A criminal proceeding.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36