

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1444

4
5 By: Representative Wright

For An Act To Be Entitled

8 AN ACT TO ELIMINATE A GROWING EPIDEMIC IN THE STATE
9 OF ARKANSAS AND TO MAKE PRESCRIPTIVE THE PURCHASE OF
10 PSEUDOEPHEDRINE AND SIMILAR DRUGS; FOR OTHER
11 PURPOSES.

Subtitle

15 AN ACT TO ELIMINATE A GROWING EPIDEMIC IN
16 THE PURCHASE OF PSEUDOEPHEDRINE AND
17 SIMILAR DRUGS.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code Title 5, Chapter 64, Subchapter 2 is amended
23 to add an additional section to read as follows:

24 5-64-208. Substances in Schedule III.

25 (a) As used in this section, "ephedrine, pseudoephedrine, and
26 phenylpropanolamine" means any product containing ephedrine, pseudoephedrine,
27 or phenylpropanolamine or any of their salts, isomers, or salts of isomers,
28 alone or in a mixture.

29 (b) Ephedrine, pseudoephedrine, and phenylpropanolamine are designated
30 Schedule III controlled substances in addition to the drugs and other
31 substances listed in Schedule III of the List of Controlled Substances for
32 the State of Arkansas promulgated by the Director of the Department of
33 Health.

34 (c) Ephedrine, pseudoephedrine, and phenylpropanolamine shall be
35 dispensed only by prescription.

36 (d) It is a defense in any criminal prosecution for possession of



1 ephedrine, pseudoephedrine, and phenylpropanolamine without a prescription
 2 that the ephedrine, pseudoephedrine, and phenylpropanolamine was lawfully
 3 purchased before the effective date of this section.

4
 5 SECTION 2. Arkansas Code § 5-64-212 is repealed.

6 ~~5-64-212. Substances in Schedule V.~~

7 ~~(a) An ephedrine combination product, pseudoephedrine, and~~
 8 ~~phenylpropanolamine, as defined in § 5-64-1103(g), are designated Schedule V~~
 9 ~~controlled substances in addition to the drugs and other substances listed in~~
 10 ~~Schedule V of the List of Controlled Substances for the State of Arkansas~~
 11 ~~promulgated by the Director of the Division of Health of the Department of~~
 12 ~~Health and Human Services.~~

13 ~~(b) The Schedule V classification does not apply to:~~

14 ~~(1) An exempt product described in § 5-64-1103(b)(1);~~

15 ~~(2) Any ephedrine or pseudoephedrine in liquid, liquid capsule,~~
 16 ~~or liquid gel capsule form described in § 5-64-1103(b)(2); or~~

17 ~~(3)(A) A product that is dispensed pursuant to a valid~~
 18 ~~prescription that is not restricted to five (5) refills within a six (6)~~
 19 ~~month period.~~

20 ~~(B) A product described in subdivision (b)(3)(A) of this~~
 21 ~~section is regulated in the same manner as any nonscheduled prescription drug~~
 22 ~~and shall be kept in a container that is supplied by the pharmacy and labeled~~
 23 ~~in a manner consistent with any other prescription.~~

24 ~~(c) The director may reschedule a product described in subdivision~~
 25 ~~(b)(1) or (b)(2) of this section if it is determined that the conversion of~~
 26 ~~the active ingredient in the product into methamphetamine or its salts or~~
 27 ~~precursors is feasible.~~

28 ~~(d) A wholesale distributor with exclusive rights to distribute~~
 29 ~~pseudoephedrine to only licensed pharmacies is exempt from Schedule V~~
 30 ~~requirements for the storage and distribution of pseudoephedrine.~~

31
 32 SECTION 3. Arkansas Code § 5-64-1005 is amended to read as follows:

33 5-64-1005. Exemptions.

34 ~~The provisions of § 5-64-1001 do~~ Section 5-64-1001 does not apply to
 35 any of the following:

36 (1) Any pharmacist or other authorized person who sells or

1 furnishes a substance upon the prescription of a physician, dentist,
2 podiatrist, or veterinarian;

3 (2) Any physician, dentist, podiatrist, or veterinarian who
4 administers or furnishes a substance to his or her patient; or

5 (3) Any manufacturer or wholesaler licensed by the Arkansas
6 State Board of Pharmacy that sells, transfers, or otherwise furnishes a
7 substance to a licensed pharmacy, physician, dentist, podiatrist, or
8 veterinarian; ~~or~~

9 ~~(4) Any sale, transfer, furnishing, or receipt by a retail~~
10 ~~distributor of any drug that contains any ephedrine, pseudoephedrine,~~
11 ~~norpseudoephedrine, or phenylpropanolamine and that is sold, transferred, or~~
12 ~~furnished over the counter without a prescription pursuant to the Federal~~
13 ~~Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., or regulations adopted~~
14 ~~under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., if:~~

15 ~~(A) The drug is sold in a blister pack of not more than~~
16 ~~three grams (3 g) of ephedrine, pseudoephedrine, or phenylpropanolamine base,~~
17 ~~each blister containing not more than two (2) dosage units;~~

18 ~~(B) If the use of a blister pack is technically~~
19 ~~unfeasible, the drug is packaged in a unit dose packet or pouch;~~

20 ~~(C) The drug is an exempted product described in § 5-64-~~
21 ~~1103(b)(1), or the product contains ephedrine or pseudoephedrine in liquid,~~
22 ~~liquid capsule, or liquid gel capsule form described in § 5-64-1103(b)(2),~~
23 ~~and is sold in a package size of not more than three grams (3 g) of ephedrine~~
24 ~~or pseudoephedrine base; and~~

25 ~~(D) The total quantity of the sale is not greater than~~
26 ~~three (3) packages or five grams (5 g) of ephedrine or nine grams (9 g) of~~
27 ~~pseudoephedrine, whichever is smaller.~~

28
29 SECTION 4. Arkansas Code Title 5, Chapter 64, Subchapter 11 is
30 repealed.

31 ~~5-64-1101. Possession—Penalty.~~

32 ~~(a) It is unlawful for any person to possess more than five grams (5~~
33 ~~g) of ephedrine or nine grams (9 g) of pseudoephedrine or~~
34 ~~phenylpropanolamine, or their salts, optical isomers, and salts of optical~~
35 ~~isomers, alone or in a mixture, except:~~

36 ~~(1) Any pharmacist or other authorized person who sells or~~

1 ~~furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts,~~
 2 ~~optical isomers, and salts of optical isomers, upon the prescription of a~~
 3 ~~physician, dentist, podiatrist, veterinarian, or other healthcare~~
 4 ~~professional with prescriptive authority, or as authorized pursuant to § 5-~~
 5 ~~64-1103;~~

6 ~~(2) A product exempted under § 5-64-1103(b)(1) and (2), without~~
 7 ~~a prescription, pursuant to the Federal Food, Drug, and Cosmetic Act, 21~~
 8 ~~U.S.C. § 301 et seq., or regulations adopted under the Federal Food, Drug,~~
 9 ~~and Cosmetic Act, 21 U.S.C. § 301 et seq., if the person possesses a sales~~
 10 ~~and use tax permit issued by the Department of Finance and Administration;~~

11 ~~(3) Any physician, dentist, podiatrist, veterinarian, or other~~
 12 ~~healthcare professional with prescriptive authority who administers or~~
 13 ~~furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts,~~
 14 ~~optical isomers, and salts of optical isomers to his or her patient; or~~

15 ~~(4)(A) Any manufacturer, wholesaler, or distributor licensed by~~
 16 ~~the Arkansas State Board of Pharmacy that meets one (1) of the requirements~~
 17 ~~in subdivision (a)(4)(B) of this section and sells, transfers, or otherwise~~
 18 ~~furnishes ephedrine, pseudoephedrine, or phenylpropanolamine or their salts,~~
 19 ~~optical isomers, and salts of optical isomers to:~~

20 ~~(i) A licensed pharmacy, physician, dentist,~~
 21 ~~podiatrist, veterinarian, or other healthcare professional with prescriptive~~
 22 ~~authority; or~~

23 ~~(ii) Any person who possesses a sales and use tax~~
 24 ~~permit issued by the department.~~

25 ~~(B)(i) The manufacturer, wholesaler, or distributor shall~~
 26 ~~hold or store the substance in a facility that meets the packaging~~
 27 ~~requirements of § 5-64-1005(4)(A)-(C).~~

28 ~~(ii) The manufacturer, wholesaler, or distributor~~
 29 ~~shall sell, transfer, or otherwise furnish only to a healthcare professional~~
 30 ~~identified in subdivisions (a)(1) and (3) of this section.~~

31 ~~(b) Possession of more than five grams (5 g) of ephedrine or more than~~
 32 ~~nine grams (9 g) of pseudoephedrine or phenylpropanolamine, or their salts,~~
 33 ~~optical isomers, and salts of optical isomers constitutes prima facie~~
 34 ~~evidence of the intent to manufacture methamphetamine or another controlled~~
 35 ~~substance in violation of this subchapter unless the person qualifies for an~~
 36 ~~exemption listed in subsection (a) of this section.~~

1 ~~(c) Any person who violates a provision of this section is guilty of a~~
2 ~~Class D felony.~~

3
4 ~~5-64-1102. Possession with intent to manufacture — Unlawful~~
5 ~~distribution.~~

6 ~~(a)(1) It is unlawful for a person to possess ephedrine,~~
7 ~~pseudoephedrine, or phenylpropanolamine, or their salts, optical isomers, or~~
8 ~~salts of optical isomers with intent to manufacture methamphetamine.~~

9 ~~(2) Any person who violates a provision of subdivision (a)(1) of~~
10 ~~this section is guilty of a Class D felony.~~

11 ~~(b)(1) It is unlawful for a person to sell, transfer, distribute, or~~
12 ~~dispense any product containing ephedrine, pseudoephedrine, or~~
13 ~~phenylpropanolamine, or their salts, isomers, or salts of isomers if the~~
14 ~~person:~~

15 ~~(A) Knows that the purchaser will use the product as a~~
16 ~~precursor to manufacture methamphetamine or another controlled substance; or~~

17 ~~(B) Sells, transfers, distributes, or dispenses the~~
18 ~~product with reckless disregard as to how the product will be used.~~

19 ~~(2) Any person who violates a provision of subdivision (b)(1) of~~
20 ~~this section is guilty of a Class D felony.~~

21
22 ~~5-64-1103. Sales limits.~~

23 ~~(a) It is unlawful for any person, other than a person or entity~~
24 ~~described in § 5-64-1101(a)(3) and (4), to knowingly dispense, sell,~~
25 ~~transfer, or otherwise furnish in a single transaction a product containing~~
26 ~~ephedrine, pseudoephedrine, or phenylpropanolamine except in a licensed~~
27 ~~pharmacy by a licensed pharmacist or a registered pharmacy technician.~~

28 ~~(b) Unless the product has been rescheduled pursuant to § 5-64-212(e),~~
29 ~~this section does not apply to a retail distributor sale for personal use of~~
30 ~~a product:~~

31 ~~(1) That the Department of Health, in collaboration with the~~
32 ~~Arkansas State Board of Pharmacy, upon application of a manufacturer, exempts~~
33 ~~by rule from this section because the product has been formulated in such a~~
34 ~~way as to effectively prevent the conversion of the active ingredient into~~
35 ~~methamphetamine or its salts or precursors; or~~

36 ~~(2) Containing ephedrine or pseudoephedrine in liquid, liquid~~

1 capsule, or liquid gel capsule form if the drug is dispensed, sold,
2 transferred, or otherwise furnished in a single transaction limited to no
3 more than three (3) packages, with any single package containing not more
4 than ninety six (96) liquid capsules or liquid gel capsules or not more than
5 three grams (3 g) of ephedrine or pseudoephedrine base.

6 (c) — [Repealed.]

7 (d) — Unless pursuant to a valid prescription, it is unlawful for a
8 licensed pharmacist or a registered pharmacy technician to knowingly
9 dispense, sell, transfer, or otherwise furnish in a single transaction:

10 (1) — More than three (3) packages of one (1) or more products
11 that contain ephedrine, pseudoephedrine, or phenylpropanolamine, or their
12 salts, isomers, or salts of isomers;

13 (2) — Any single package of any product that contains ephedrine,
14 pseudoephedrine, or phenylpropanolamine, that contains more than ninety-six
15 (96) pills, tablets, gelears, capsules, or other individual units or more
16 than three grams (3 g) of ephedrine, pseudoephedrine, or phenylpropanolamine,
17 or their salts, isomers, or salts of isomers, or a combination of any of
18 these substances, whichever is smaller;

19 (3) — Any product containing ephedrine, pseudoephedrine, or
20 phenylpropanolamine, unless:

21 (A) — The product is sold in a package size of not more than
22 three grams (3 g) of ephedrine, pseudoephedrine, or phenylpropanolamine base
23 and is packaged in a blister pack, each blister containing not more than two
24 (2) dosage units;

25 (B) — When the use of a blister pack is technically
26 infeasible, that is packaged in a unit dose packet or pouch; or

27 (C) — In the case of a liquid, the drug is sold in a package
28 size of not more than three grams (3 g) of ephedrine, pseudoephedrine, or
29 phenylpropanolamine base; or

30 (4)(A) — Any product containing ephedrine, pseudoephedrine, or
31 phenylpropanolamine to any person under eighteen (18) years of age, unless
32 the person is purchasing an exempt product under subdivision (b)(1) or (2) of
33 this section.

34 (B) — The person making the sale shall require proof of age
35 from the purchaser, unless from the purchaser's outward appearance the person
36 would reasonably presume the purchaser to be twenty five (25) years of age or

1 ~~elder.~~

2 ~~(e)(1)(A)—A person who violates subsections (a) or (d) of this section~~
3 ~~for a first or second offense upon conviction is guilty of a Class A~~
4 ~~misdemeanor and also may be subject to a civil fine not to exceed five~~
5 ~~thousand dollars (\$5,000).~~

6 ~~(B)—A person who violates subsections (a) or (d) of this~~
7 ~~section for a third offense upon conviction is guilty of a Class D felony and~~
8 ~~also may be subject to a civil fine not to exceed five thousand dollars~~
9 ~~(\$5,000).~~

10 ~~(C)—A person who violates subsections (a) or (d) of this~~
11 ~~section for a fourth or subsequent offense upon conviction is guilty of a~~
12 ~~Class C felony and also may be subject to a civil fine not to exceed ten~~
13 ~~thousand dollars (\$10,000).~~

14 ~~(2)—A plea of guilty or nolo contendere to or a finding of guilt~~
15 ~~under a penal law of the United States or another state that is equivalent to~~
16 ~~subsections (a) or (d) of this section is considered a previous offense for~~
17 ~~purposes of this subsection.~~

18 ~~(3)(A)—The prosecuting attorney may waive any civil penalty~~
19 ~~under this section if a person establishes that he or she acted in good faith~~
20 ~~to prevent a violation of this section, and the violation occurred despite~~
21 ~~the exercise of due diligence.~~

22 ~~(B)—In making this determination, the prosecuting attorney~~
23 ~~may consider evidence that an employer trained employees how to sell,~~
24 ~~transfer, or otherwise furnish substances specified in this subchapter in~~
25 ~~accordance with applicable laws.~~

26 ~~(f)(1)(A)—It is unlawful for any person, other than a person or entity~~
27 ~~described in § 5-64-1101(a), to knowingly purchase, acquire, or otherwise~~
28 ~~receive in a single transaction:~~

29 ~~(i)—More than three (3) packages of one (1) or more~~
30 ~~products that the person knows to contain ephedrine, pseudoephedrine, or~~
31 ~~phenylpropanolamine, or their salts, isomers, or salts of isomers; or~~

32 ~~(ii)—Any single package of any product that the~~
33 ~~person knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine,~~
34 ~~that contains more than ninety-six (96) pills, tablets, geleaps, capsules, or~~
35 ~~other individual units or more than three grams (3 g) of ephedrine,~~
36 ~~pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of~~

1 isomers, or a combination of any of these substances, whichever is smaller.

2 (B) It is unlawful for any person, other than a person or
 3 entity described in § 5-64-1101(a), to knowingly purchase, acquire, or
 4 otherwise receive more than five grams (5 g) of ephedrine or nine grams (9 g)
 5 of pseudoephedrine or phenylpropanolamine within any thirty-day period.

6 (2)(A) A person who violates subdivisions (f)(1)(A) or (B) of
 7 this section for a first or second offense upon conviction is guilty of a
 8 Class A misdemeanor.

9 (B) A person who violates subdivisions (f)(1)(A) or (B) of
 10 this section for a third offense upon conviction is guilty of a Class D
 11 felony.

12 (C) A person who violates subdivisions (f)(1)(A) or (B) of
 13 this section for a fourth or subsequent offense upon conviction is guilty of
 14 a Class C felony.

15 (3) A plea of guilty or nolo contendere to or a finding of guilt
 16 under a penal law of the United States or another state that is equivalent to
 17 subdivisions (f)(1)(A) or (B) of this section is considered a previous
 18 offense for the purposes of this subsection.

19 (g) [Repealed.]

20 (h) Nothing in this section prohibits a person under eighteen (18)
 21 years of age from possessing and selling a product described in subsections
 22 (a) and (b) of this section as an agent of the minor's employer acting within
 23 the scope of the minor's employment.

24
 25 5-64-1104. Sales records—Entering transactions into real-time
 26 electronic logbook—Purchaser's proof of identity.

27 (a) A pharmacy shall:

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

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

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

36 (1) Produce current and valid proof of identity; and

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

5 ~~(c) The requirements of subsection (a) of this section and~~
 6 ~~subdivision (b)(2) of this section are satisfied by entering the information~~
 7 ~~required to be produced into the real time electronic logbook maintained by~~
 8 ~~the Arkansas Crime Information Center under § 5-64-1106.~~

9
 10 ~~5-64-1105.—Definitions.~~

11 ~~As used in this subchapter:~~

12 ~~(1) “Ephedrine”, “pseudoephedrine”, and “phenylpropanolamine”~~
 13 ~~means any product containing ephedrine, pseudoephedrine, or~~
 14 ~~phenylpropanolamine or any of their salts, isomers, or salts of isomers,~~
 15 ~~alone or in a mixture;~~

16 ~~(2)(A) “Proof of age” and “proof of identity” means any document~~
 17 ~~issued by a governmental agency that contains a description of the person or~~
 18 ~~a photograph of the person, or both, and gives the person’s date of birth.~~

19 ~~(B) “Proof of age” and “proof of identity” includes~~
 20 ~~without limitation, a passport, military identification card, or driver’s~~
 21 ~~license;~~

22 ~~(3)(A) “Retail distributor” means a grocery store, general~~
 23 ~~merchandise store, drugstore, convenience store, or other related entity, the~~
 24 ~~activities of which, as a distributor of ephedrine, pseudoephedrine, or~~
 25 ~~phenylpropanolamine products, are limited exclusively to the sale for~~
 26 ~~personal use of ephedrine, pseudoephedrine, or phenylpropanolamine products,~~
 27 ~~both in number of sales and volume of sales, either directly to walk-in~~
 28 ~~customers or in face to face transactions by direct sales.~~

29 ~~(B) “Retail distributor” includes any person or entity~~
 30 ~~that makes a direct sale or has knowledge of the direct sale.~~

31 ~~(C) “Retail distributor” does not include:~~

32 ~~(i) Any manager, supervisor, or owner not present~~
 33 ~~and not otherwise aware of the direct sale; or~~

34 ~~(ii) The parent company of a grocery store, general~~
 35 ~~merchandise store, drugstore, convenience store, or other related entity if~~
 36 ~~the parent company is not involved in direct sales regulated by this~~

1 subchapter; and

2 ~~(4) "Sale for personal use" means the sale in a single~~
3 ~~transaction to an individual customer for a legitimate medical use of a~~
4 ~~product containing ephedrine, pseudoephedrine, or phenylpropanolamine in a~~
5 ~~quantity at or below that specified in § 5-64-1103, and includes the sale of~~
6 ~~those products to an employer to be dispensed to employees from a first-aid~~
7 ~~kit or medicine chest.~~

8
9 ~~5-64-1106. Real-time electronic logbook.~~

10 ~~(a)(1) Subject to available funding, on or before May 15, 2008, the~~
11 ~~Arkansas Crime Information Center shall provide pharmacies in this state~~
12 ~~access to a real-time electronic logbook for the purpose of entering into the~~
13 ~~real-time electronic logbook any transaction required to be reported by § 5-~~
14 ~~64-1104.~~

15 ~~(2) The real-time electronic logbook shall have the capability~~
16 ~~to calculate both state and federal ephedrine, pseudoephedrine, or~~
17 ~~phenylpropanolamine purchase limitations.~~

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

20 ~~(c) The center shall not charge a pharmacy any fee.~~

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

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

25
26 ~~5-64-1107. Confidentiality of information.~~

27 ~~(a) Information entered into the real-time electronic logbook is~~
28 ~~confidential and is not subject to the Freedom of Information Act of 1967, §~~
29 ~~25-19-101 et seq.~~

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

34
35 ~~5-64-1108. Authorized access to the real-time electronic logbook.~~

36 ~~The Arkansas Crime Information Center shall provide access to the real-~~

1 ~~time electronic logbook to the following:~~

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

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

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

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

12
 13 ~~5-64-1109. Promulgation of rules.~~

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

16 ~~(1) Implement the provisions of §§ 5-64-1104(a)(2) and 5-64-1106~~
 17 ~~—5-64-1112;~~

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

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

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

27
 28 ~~5-64-1110. Destruction of records.~~

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

33
 34 ~~5-64-1111. Liability of pharmacy.~~

35 ~~A pharmacy in this state is not liable civilly for a sale of ephedrine,~~
 36 ~~pseudoephedrine, or phenylpropanolamine that occurs at another pharmacy in~~

1 ~~this state.~~

2
 3 ~~5-64-1112. Penalty for unauthorized disclosure and unauthorized~~
 4 ~~access.~~

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

6 ~~(1) Releases or discloses to any unauthorized person any~~
 7 ~~confidential information collected and maintained under § 5-64-1107 or § 5-~~
 8 ~~64-1108; or~~

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

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

13
 14 SECTION 5. DO NOT CODIFY. Within thirty (30) days after the effective
 15 date of this act, records created under § 5-64-1101 et seq., including all
 16 data included in a real-time electronic logbook, shall be destroyed unless
 17 the records or data are being used in an ongoing criminal investigation or an
 18 ongoing criminal proceeding. Records or data being used in an ongoing
 19 criminal investigation or an ongoing criminal proceeding shall be destroyed
 20 at the conclusion of the criminal investigation or the criminal proceeding.