

**GEORGIA****PRODUCTS:**

- Sole active ingredient and combination pseudoephedrine and ephedrine products. (GA Code 16-13-30.3)

**SALES LIMITS:**

- No person shall distribute or purchase any nonprescription product containing more than 3.6 grams of ephedrine or pseudoephedrine per day in dosage form or more than 9 grams of ephedrine or pseudoephedrine per 30 day period in dosage form of any product. These limits shall apply to the total amount of ephedrine or pseudoephedrine contained in the product and not the overall weight of such product. (GA Code 16-13-30.3)

**SALES RESTRICTIONS:**

- Products with pseudoephedrine as the sole active ingredient may only be sold in blister packaging. (GA Code 16-13-30.3)
- Nonprescription products whose sole active ingredient is ephedrine or pseudoephedrine 67 shall only be sold in a pharmacy in a manner which complies with State Board of 68 Pharmacy rules established pursuant to Code Section 16-13-29.2. (GA Code 16-13-30.3)

**PRODUCT PLACEMENT:**

- Sole active ingredient products may only be sold from behind a counter or other barrier so that such products are not directly accessible by the public but only by a retail store employee or agent – no retail sales by self-service. (GA Code 16-13-30.3)

**PREEMPTION:**

- All local ordinances or regulations that existed on or after January 1, 2005 are preempted immediately. Those that existed on or before December 31, 2004 will be preempted after January 1, 2006. (GA Code 16-13-30.3)

**PENALTIES:**

- Persons convicted of violating sales limits and restrictions shall be guilty of a misdemeanor which, upon the first conviction, shall be punished by a fine of not more than \$500.00, and, upon the second or subsequent conviction, shall be punished by not more than six months' imprisonment or a fine of not more than \$1,000.00, or both (GA Code 16-13-30.3);
- Retailers / persons convicted of purchasing products from anyone other than an entity licensed by the Board of Pharmacy shall, upon the first conviction, be guilty

of a misdemeanor and, upon the second or subsequent conviction, be guilty of a misdemeanor of a high and aggravated nature. (GA Code 16-13-30.3)

**RECORDKEEPING:**

- Whenever any firm or person located in Georgia receives, purchases, or otherwise gains access to products containing pseudoephedrine from any wholesale distributor, whether located in or outside this state, such firm or person must maintain a copy of the wholesale distributor's license issued by the Georgia State Board of Pharmacy. Such firm or person must maintain copies of all invoices, receipts, and other records regarding pseudoephedrine products for a minimum of three years from the date of receipt, purchase, or access. Failure to maintain records to verify the presence of any and all products containing pseudoephedrine shall subject pseudoephedrine products to being embargoed or seized by proper law enforcement authorities until such time as proof can be shown that such products containing pseudoephedrine were obtained from a Georgia licensed wholesale distributor (GA Code 16-13-30.4).
- The pharmacy shall maintain a record of required information for each sale of a nonprescription product which contains ephedrine or pseudoephedrine for a period of two years from the date of each transaction. Except as to law enforcement agencies in this state which shall be provided immediate access by a pharmacy to all written and electronic logs or records upon request, the records maintained by a pharmacy pursuant to this Code section shall not be disclosed. Pharmacies may destroy the required information collected pursuant to this subsection after two years from the date of the transaction. (GA Code 16-13-30.3)

**REAL-TIME ELECTRONIC LOGGING SYSTEM: GEORGIA METH WATCH**

- On and after January 1, 2017, pharmacies shall, before completing a sale of a nonprescription product which contains ephedrine or pseudoephedrine, electronically track all such sales and submit the required information to a real-time electronic logging system. A pharmacy shall not complete the sale of a nonprescription product which contains ephedrine or pseudoephedrine if the real-time electronic logging system generates a stop sale alert except as provided in subparagraph (a)(4)(A) of this Code 92 section (GA Code 16-13-30.3).
- 'Real-time electronic logging system' means an electronic system approved by the Georgia Bureau of Investigation which is operated in real time and which can track required information and generate a stop sale alert to notify a pharmacy that a purchase of ephedrine or pseudoephedrine which exceeds the quantity limits set forth in this Code section is being attempted. Such system shall: (A) Contain an override function that will not only allow a pharmacy to complete a sale in violation of this Code section when the person making the sale is in

reasonable fear of imminent bodily harm if he or she does not complete the sale but also will track any override sales made; (B) Be accessible to the state, pharmacies, and law enforcement agencies, without a charge or fee, including a transaction fee; and (C) Have real-time interstate communicability with similar systems in other states. (GA Code 16-13-30.3)

- 'Required information' includes the full name and address of the purchaser; the type of government issued photographic identification presented, including the issuer and identification number; a description of the nonprescription product purchased which contains ephedrine or pseudoephedrine, including the number of grams of pseudoephedrine in the product; and the date and time of the purchase. (GA Code 16-13-30.3)
- If a pharmacy selling a nonprescription product which contains ephedrine or pseudoephedrine experiences mechanical or electronic failure of the real-time electronic logging system and is unable to comply with the requirements of this paragraph, the pharmacy shall maintain a written log or an alternative electronic recording mechanism until such time as the pharmacy is able to comply with the electronic logging requirement. (GA Code 16-13-30.3).

#### **RETAILER LIABILITY EXEMPTION:**

- It shall be a defense to a prosecution of a retail business or owner or operator thereof for violating sales limits and restrictions that, at the time of the alleged violation, all of the employees of the retail business had completed training under Georgia Meth Watch, the retail business was in compliance with Georgia Meth Watch, and the defendant did not knowingly, willfully, or intentionally violate paragraph the sales limits or restrictions. For purposes of this subsection only, the term 'Georgia Meth Watch' shall mean that program entitled 'Georgia Meth Watch' or similar program which has been promulgated, approved, and distributed by the Georgia Council on Substance Abuse. (GA Code 16-13-30.3)
- Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the real-time electronic logging system in accordance with this paragraph shall not be civilly liable as a result of any act or omission in carrying out the duties required by this paragraph and shall be immune from liability to any third party unless the pharmacy has violated any provision of this paragraph in relation to a claim brought for such violation. (GA Code 16-13-30.3)

#### **WHOLESALE DISTRIBUTION REQUIREMENTS:**

- All wholesale distributors must obtain license from the Board of Pharmacy. Those that are already licensed under 26-4-113 do not need another license (GA Code 16-13-30.4);
- Wholesale distributors must submit reports to account for all transactions with persons or firms located within this state. Reportable transactions include all sales, distribution, or transactions dealing with products containing

pseudoephedrine. Wholesaler must also report within 7 days any purchases it judges to be excessive (GA Code 16-13-30.4);

- Licenses or permits for the sale, receipt, transfer, or possession of pseudoephedrine products are not required when lawful distribution takes place in the usual course of business between agents or employees of a single regulated person or entity or when pseudoephedrine products are delivered to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman. (GA Code 16-13-30.4)

**OTHER:**

- Pharmacies may not purchase any product containing ephedrine or pseudoephedrine from any person or entity other than a manufacturer or a wholesale distributor licensed by the Georgia Board of Pharmacy. (GA Code 16-13-30.3)