
SUBSTITUTE HOUSE BILL 1797

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Public Safety & Emergency Preparedness
(originally sponsored by Representatives O'Brien, Campbell and Morrell)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to designating responsibilities to the work group
2 for the pilot project to record retail transactions involving
3 ephedrine, pseudoephedrine, or phenylpropanolamine; and amending RCW
4 69.43.170.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 69.43.170 and 2005 c 388 s 8 are each amended to read
7 as follows:

8 (1) The state board of pharmacy, using procedures under chapter
9 34.05 RCW, shall implement and conduct a statewide pilot project
10 requiring the collection and maintenance of written or electronic logs
11 or other alternative means of recording retail transactions involving
12 ephedrine, pseudoephedrine, or phenylpropanolamine. The rules
13 implementing the pilot project shall be in place by January 1, 2006.

14 (2) The pilot project shall be designed to address:

15 (a) Whether a log or other means of recording a transaction is an
16 effective law enforcement tool;

17 (b) What information is needed to make logs or other means of
18 recording a transaction useful as a deterrent to criminal activity;

1 (c) The most effective method of obtaining, recording, and storing
2 log or other electronic data in the least intrusive manner available;

3 (d) How long the information recorded in the logs or other means of
4 recording a transaction should be maintained; and

5 (e) How logs or other means of recording a transaction can be most
6 effectively transmitted to law enforcement and the state board of
7 pharmacy.

8 (3) The board shall convene a work group to evaluate the data
9 collected during the pilot project.

10 (a) The work group shall review and make recommendations regarding
11 the following:

12 (i) The implementation of technology for the scanning of the
13 driver's license or state-issued identification card of any person that
14 procures or purchases any product containing ephedrine,
15 pseudoephedrine, and phenylpropanolamine or any of their salts,
16 isomers, or salts of isomers;

17 (ii) The possibility of requiring all retailers to collect and
18 maintain electronic logs to record retail transactions involving
19 ephedrine, pseudoephedrine, and phenylpropanolamine;

20 (iii) The establishment and maintenance of a central repository of
21 the electronic logs furnished to the board by each retailer that will:

22 (A) Keep each log furnished to the board for a period of two years;

23 (B) Be capable of checking compliance against all local, state, and
24 federal laws, including interfacing with other states to assure
25 comprehensive compliance; and

26 (C) Be accessible to all law enforcement agencies;

27 (iv) How the state of Washington is complying with the federal
28 combat methamphetamine epidemic act of 2005.

29 (b) The work group shall consist of:

30 ~~((a))~~ (i) One representative from law enforcement appointed by
31 the Washington association of sheriffs and police chiefs;

32 ~~((b))~~ (ii) One representative from the Washington state patrol;

33 ~~((c))~~ (iii) One representative appointed by the Washington
34 association of prosecuting attorneys;

35 ~~((d))~~ (iv) One representative appointed by the office of the
36 attorney general;

37 ~~((e))~~ (v) One representative appointed by the state board of
38 pharmacy; and

1 (~~(f)~~) (vi) Two representatives from the retail industry.

2 (c) The work group shall report its findings and recommendations to
3 the legislature by November 1, 2007.

4 (4) The state board of pharmacy shall begin data collection for the
5 pilot project no later than January 1, 2006, and report to the
6 legislature no later than November 1, 2007, regarding the findings of
7 the work group along with any recommendations or proposed legislation.

8 (5) Any orders and rules adopted under this section not in conflict
9 with state law continue in effect until modified, superseded, or
10 repealed. The board may implement rule changes based upon the results
11 of the pilot project and recommendations of the work group.

12 (6)(a) The records required by this section are for the
13 confidential use of the pharmacy, shopkeeper, or itinerant vendor,
14 except that:

15 (i) Every pharmacy, shopkeeper, or itinerant vendor shall produce
16 the records in court whenever lawfully required to do so;

17 (ii) The records shall be open for inspection by the board of
18 pharmacy; and

19 (iii) The records shall be open for inspection by any general or
20 limited authority Washington peace officer to enforce the provisions of
21 this chapter.

22 (b) A person violating this subsection is guilty of a misdemeanor.

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