

124.212B Pseudoephedrine sales — tracking — penalty — contingent applicability.

1. The office shall establish a real-time electronic repository to monitor and control the sale of schedule V products containing any detectable amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine. A pharmacy dispensing such products shall report all such sales electronically to a central repository under the control of the office.

2. The information collected in the central repository is confidential unless otherwise ordered by a court, or released by the lawful custodian of the records pursuant to state or federal law.

3. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be provided access to the stored information in the electronic central repository. However, a pharmacy, an employee of a pharmacy, or a licensed pharmacist shall be provided access to the stored information for the limited purpose of determining what sales have been made by the pharmacy. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to view the stored information.

4. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to seek information from the central repository if the real-time electronic logbook becomes unavailable for use.

5. If the electronic logbook is unavailable for use, a paper record for each sale shall be maintained including the purchaser's signature. Any paper record maintained by the pharmacy shall be provided to the office for inclusion in the electronic real-time central repository as soon as practicable.

6. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be liable, if acting reasonably and in good faith, to any person for any claim which may arise when reporting sales of products enumerated in [subsection 1](#) to the central repository.

7. A person who discloses information stored in the central repository in violation of [this section](#) commits a simple misdemeanor.

8. Both the office and the board shall adopt rules to administer [this section](#).

9. The office and the board* shall report to the board on an annual basis, beginning January 1, 2010, regarding the repository, including the effectiveness of the repository in discovering unlawful sales of pseudoephedrine products.

10. [This section](#) is not applicable unless sufficient funding is received to implement and maintain [this section](#) and the office establishes the statewide real-time central repository.

2009 Acts, ch 25, §4

Referred to in [§124.212C](#)

*The words "and the board" probably not intended; corrective legislation is pending

Governor's office of drug control policy to notify Code editor when establishment of statewide repository complete; Code editor to remove subsection 10 upon such completion; 2009 Acts, ch 25, §9