AN ACT

To facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Methamphetamine Production Prevention Act of 2008”.

SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND RETENTION FOR ELECTRONIC METHAMPHETAMINE PRECURSOR LOGBOOK SYSTEMS.

Section 310(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(A)) is amended by striking clauses (iv) through (vi) and inserting the following:

“(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does not sell such a product unless the sale is made in accordance with the following:

“(I) The prospective purchaser—

“(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as
in effect on or after March 9, 2006); and

“(bb) signs the written logbook and enters in the logbook his or her name, address, and the date and time of the sale, or for transactions involving an electronic logbook, the purchaser provides a signature using one of the following means:

“(AA) Signing a device presented by the seller that captures signatures in an electronic format. Such device shall display the notice described in clause (v). Any device used shall preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature.
“(BB) Signing a bound paper book. Such bound paper book shall include, for such purchaser, either (aaa) a printed sticker affixed to the bound paper book at the time of sale which either displays the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale, or a unique identifier which can be linked to that electronic information, or (bbb) a unique identifier which can be linked to that information and which is written into the book by the seller at the time of sale. The purchaser shall sign adjacent to the printed sticker or written unique identifier related to that sale. Such bound paper
book shall display the notice described in clause (v).

“(CC) Signing a printed document that includes, for such purchaser, the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale. Such document shall be printed by the seller at the time of the sale. Such document shall contain a clearly identified signature line for a purchaser to sign. Such printed document shall display the notice described in clause (v). Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.

“(II) The seller enters in the log-book the name of the product and the
quantity sold. Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

“(III) The logbook maintained by the seller includes the prospective purchaser’s name, address, and the date and time of the sale, as follows:

“(aa) If the purchaser enters the information, the seller must determine that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct.

“(bb) If the seller enters the information, the prospective purchaser must verify that the information is correct.

“(cc) Such information may be captured through electronic means, including through elec-
tronic data capture through bar
code reader or similar technology.

“(v) The written or electronic logbook
includes, in accordance with criteria of the
Attorney General, a notice to purchasers
that entering false statements or misrepre-
sentations in the logbook, or supplying
false information or identification that re-
sults in the entry of false statements or
misrepresentations, may subject the pur-
chasers to criminal penalties under section
1001 of title 18, United States Code,
which notice specifies the maximum fine
and term of imprisonment under such sec-
tion.

“(vi) Regardless of whether the log-
book entry is written or electronic, the sell-
er maintains each entry in the logbook for
not fewer than 2 years after the date on
which the entry is made.”.

Passed the Senate September 25 (legislative day,
September 17), 2008.

Attest:

Secretary.
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purposes.

S. 1276

110TH CONGRESS
2D SESSION