

Public Law 110–415
110th Congress

An Act

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

Oct. 14, 2008
[S. 1276]

*Be it enacted by the Senate and House of Representatives 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”.

Methampe-
tamine
Production
Prevention Act of
2008.
21 USC 801 note.

**SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND
RETENTION FOR ELECTRONIC METHAMPHETAMINE PRE-
CURSOR 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 consid-
ered 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 trans-
actions 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 dis-
play the notice described in clause (v).
Any device used shall preserve each signa-
ture in a manner that clearly links that
signature to the other electronically-cap-
tured logbook information relating to the
prospective purchaser providing that sig-
nature.

“(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 logbook 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 electronic 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 misrepresentations in the logbook, or supplying false information or identification that results in the entry of false statements or misrepresentations, may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

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

Approved October 14, 2008.

LEGISLATIVE HISTORY—S. 1276:

CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 25, considered and passed Senate.

Sept. 29, considered and passed House.