

110TH CONGRESS
2D SESSION

S. 1276

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAP-**
5 **TURE AND RETENTION FOR ELECTRONIC**
6 **METHAMPHETAMINE PRECURSOR LOGBOOK**
7 **SYSTEMS.**

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

11 “(iv) In the case of a sale to which
12 the requirement of clause (iii) applies, the
13 seller does not sell such a product unless
14 the sale is made in accordance with the fol-
15 lowing:

16 “(I) The prospective purchaser—
17 “(aa) presents an identifica-
18 tion card that provides a photo-
19 graph and is issued by a State or
20 the Federal Government, or a
21 document that, with respect to
22 identification, is considered ac-
23 ceptable for purposes of sections
24 274a.2(b)(1)(v)(A) and
25 274a.2(b)(1)(v)(B) of title 8,
26 Code of Federal Regulations (as

1 in effect on or after March 9,
2 2006); and

3 “(bb) signs the written log-
4 book and enters in the logbook
5 his or her name, address, and the
6 date and time of the sale, or for
7 transactions involving an elec-
8 tronic logbook, the purchaser
9 provides a signature using one of
10 the following means:

11 “(AA) Signing a device
12 presented by the seller that
13 captures signatures in an
14 electronic format. Such de-
15 vice shall display the notice
16 described in clause (v). Any
17 device used shall preserve
18 each signature in a manner
19 that clearly links that signa-
20 ture to the other electroni-
21 cally-captured logbook infor-
22 mation relating to the pro-
23 spective purchaser providing
24 that signature.

1 “(BB) Signing a bound
2 paper book. Such bound
3 paper book shall include, for
4 such purchaser, either (aaa)
5 a printed sticker affixed to
6 the bound paper book at the
7 time of sale which either dis-
8 plays the name of each prod-
9 uct sold, the quantity sold,
10 the name and address of the
11 purchaser, and the date and
12 time of the sale, or a unique
13 identifier which can be
14 linked to that electronic in-
15 formation, or (bbb) a unique
16 identifier which can be
17 linked to that information
18 and which is written into the
19 book by the seller at the
20 time of sale. The purchaser
21 shall sign adjacent to the
22 printed sticker or written
23 unique identifier related to
24 that sale. Such bound paper

1 book shall display the notice
2 described in clause (v).

3 “(CC) Signing a print-
4 ed document that includes,
5 for such purchaser, the
6 name of each product sold,
7 the quantity sold, the name
8 and address of the pur-
9 chaser, and the date and
10 time of the sale. Such docu-
11 ment shall be printed by the
12 seller at the time of the sale.
13 Such document shall contain
14 a clearly identified signature
15 line for a purchaser to sign.
16 Such printed document shall
17 display the notice described
18 in clause (v). Each signed
19 document shall be inserted
20 into a binder or other secure
21 means of document storage
22 immediately after the pur-
23 chaser signs the document.

24 “(II) The seller enters in the log-
25 book the name of the product and the

1 quantity sold. Such information may
2 be captured through electronic means,
3 including through electronic data cap-
4 ture through bar code reader or simi-
5 lar technology.

6 “(III) The logbook maintained by
7 the seller includes the prospective pur-
8 chaser’s name, address, and the date
9 and time of the sale, as follows:

10 “(aa) If the purchaser en-
11 ters the information, the seller
12 must determine that the name
13 entered in the logbook cor-
14 responds to the name provided on
15 such identification and that the
16 date and time entered are cor-
17 rect.

18 “(bb) If the seller enters the
19 information, the prospective pur-
20 chaser must verify that the infor-
21 mation is correct.

22 “(cc) Such information may
23 be captured through electronic
24 means, including through elec-

1 tronic data capture through bar
2 code reader or similar technology.

3 “(v) The written or electronic logbook
4 includes, in accordance with criteria of the
5 Attorney General, a notice to purchasers
6 that entering false statements or misrepresen-
7 tations in the logbook, or supplying
8 false information or identification that re-
9 sults in the entry of false statements or
10 misrepresentations, may subject the pur-
11 chasers to criminal penalties under section
12 1001 of title 18, United States Code,
13 which notice specifies the maximum fine
14 and term of imprisonment under such sec-
15 tion.

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

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

Attest:

Secretary.

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