

Tennessee Pharmacists Association

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TPA Will Produce Logbook for Pseudoephedrine Sales

After lengthy conversations with Tennessee Bureau of Investigation (TBI) Director Mark Gwyn, Tommy Farmer with the South/East Tennessee Methamphetamine Task Force, and the U.S. Drug Enforcement Administration (DEA), and after reviewing an opinion from the Tennessee Attorney General's Office and examining the DEA's Interim Final Rule regarding the CMEA requirements (issued midday on Wednesday, September 20), the Tennessee Pharmacists Association (TPA) has determined that it will produce a Scheduled Listed Chemical Product Sales Record and Logbook ("Logbook") that satisfies the requirements of both the Meth-Free Tennessee Act of 2005 (MFTA) and the federal Combat Methamphetamine Epidemic Act of 2005 (CMEA), with regards to the sale of ephedrine, pseudoephedrine and phenylpropranolamine.

The Logbooks, currently in production, are legal sized, spiral bound, and have spaces to record 1,000 sales. Because production was stopped and restarted to include changes deemed necessary in light of new information in yesterday's release of the DEA's Interim Final Rule, the cost is higher than anticipated. The cost per Logbook is \$15 for members and \$25 for nonmembers, plus tax. Shipping is \$6 per book to allow delivery within one or two days of mailing. **TPA will make every effort to assure that Logbooks ordered by fax on or before Monday, September 25, will be received by Friday, September 29. Remember, the deadline for compliance with the CMEA is September 30, 2006. A Logbook Order Form is attached.** *Note: An Order Form and payment must still be submitted, even if you already notified TPA that you were interested in purchasing one or more Logbooks.*

Members are strongly urged to review and thoroughly familiarize themselves with TPA's September 8 Federal Legislative Update, as well as accompanying documents that help to explain key elements of and differences between the federal and state laws (such as restrictions on product sales, including quantity limits and packaging requirements; restrictions on product placement; logbook requirements; and staff training requirements). This information is available in the Members-Only section of the TPA website: visit www.tnpharm.org and scroll to the "Urgent Notice" dated September 8, 2006. Members unable to access these documents online are welcomed to contact TPA (tpa@tnpharm.org or 615-256-3023) to request fax copies.

TBI has confirmed that there is NO requirement for the Logbook to be made in triplicate or duplicate. The Tennessee Attorney General's office has issued an opinion that use of such a logbook does NOT violate HIPAA regulations. Regarding the CMEA photo ID requirement, the DEA Interim Final Rule states that "...an individual must present an identification card that includes a photograph and is issued by a State or the Federal government" OR one of the following documents (this list is subject to change):

- United States passport (unexpired or expired).
- Alien Registration Receipt Card or Permanent Resident Card,

Form I-551.

- An unexpired foreign passport that contains a temporary I-551 stamp.
- An unexpired Employment Authorization Document issued by the Immigration And Naturalization Service which contains a photograph, Form I-766; Form I-688, Form I-688A, or Form I-688B.
- In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, an unexpired foreign passport with an Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, so long as the period of endorsement has not yet expired and the 14 proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.
- For individuals 16 years of age or older:
 - A driver's license or identification card containing a photograph, issued by a State or an outlying possession of the United States. If the driver's license or identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address.
 - School identification card with a photograph.
 - Voter's registration card.
 - U.S. military card or draft record.
 - Identification card issued by Federal, State, or local government agencies or entities. If the identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address.
 - Military dependent's identification card.
 - Native American tribal documents.
 - United States Coast Guard Merchant Mariner Card.
 - Driver's license issued by a Canadian government authority.
- For individuals under age 18 who are unable to produce a document from the list above of acceptable documents for persons age 16 years and older:
 - School record or report card.
 - Clinic doctor or hospital record.
 - Daycare or nursery school record.

Pharmacies may choose to create their own printed logbooks or electronic sales records to satisfy all CMEA and MFTA requirements. Those who choose to do so should be aware that the new federal regulation requires logbooks to be bound and to include specific language as a notice of misrepresentations, among other requirements. To ensure that your logbook satisfies all requirements of the CMEA, download the 76-page Interim Final Rule at www.deadiversion.usdoj.gov/meth/iruleretailsales091906.pdf. Additional information about the CMEA can be found at www.deadiversion.usdoj.gov/meth/index.html. For information about satisfying the requirements of the MFTA, download the documents found at www.state.tn.us/commerce/boards/pharmacy/methfree.html.

ORDER FORM

Scheduled Listed Chemical Product Sales Record and Logbook

• *Ephedrine, Pseudoephedrine, and Phenylpropanolamine* •

for compliance with the

Combat Methamphetamine Epidemic Act of 2005 and Meth-Free Tennessee Act of 2005

This Tennessee Pharmacists Association publication satisfies both state and federal recordkeeping requirements for the sale of methamphetamine, including the Meth-Free Tennessee Act of 2005 (MFTA) and the federal Combat Methamphetamine Epidemic Act of 2005 (CMEA).* **In order for pharmacies to be in compliance with both sets of regulations beginning September 30, 2006, ALL information requested in the *Sales Record and Logbook* must be obtained for ALL over-the-counter sales of ephedrine, pseudoephedrine, and phenylpropanolamine.**

The *Scheduled Listed Chemical Product Sales Record and Logbook* is legal-sized, spiral bound, and accommodates records of 1,000 sales.

* Information about the key elements of and differences between the federal and state laws is available in the Members-Only section of the TPA website: visit www.tnpharm.org and scroll to the "Urgent Notice" dated September 8, 2006.

Name of Purchaser: _____ License No. _____
TPA Membership Receipt Number: _____ OR ___Not a TPA Member
Pharmacy Name: _____
Shipping Address: _____
Shipping City, State, Zip: _____
E-mail Address: _____
Phone Number: _____

- Quantity:
 - TPA Members:
_____ copies @ \$15.00 per book \$ _____
 - TPA Nonmembers:
_____ copies @ \$25.00 per book \$ _____
- Sales Tax: 9.25% \$ _____
- Shipping/Handling: \$6.00 per book \$ _____
- TOTAL:** \$ _____

Check enclosed, payable to TPA MasterCard Visa AmEx

Card Number _____

Security Code* _____ * Security Code (required): 3 digits after card number on back of Visa and MasterCard; 4 digits above card number on front of AmEx

Expiration Date _____

Name on Card _____

Signature _____

Credit Card Billing Address (if different from Shipping Address): _____

TO EXPEDITE YOUR ORDER:

- If paying by **credit card**, **FAX** this form ASAP.
- If paying by **check**, **FAX** this form ASAP, then **MAIL** the form and check immediately.

FAX: 615-255-3528

MAILING ADDRESS:

TPA
500 Church Steet, Suite 650
Nashville, TN 37219

Questions?

Call TPA, 615-256-3023.