



North Carolina Department of Health and Human Services
Division of Mental Health, Developmental Disabilities and Substance Abuse Services
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Michael F Easley, Governor
Carmen Hooker Odom, Secretary

Michael Moseley, Director

TO: All North Carolina Pharmacy Permit Holders

FROM: The Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

DATE: December 2, 2005

RE: New Training and Training Log Requirements for the Sale of Certain Pseudoephedrine Products in North Carolina

Session Law 2005-434 placed new duties on the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services (the "Commission") regarding methamphetamines in North Carolina. As you may be aware, methamphetamines can be manufactured by combining just a few products commonly sold in many retail stores. One of the necessary products to manufacture methamphetamine is pseudoephedrine. Pseudoephedrine is commonly found in many over-the-counter cold medications.

In an attempt to limit access to pseudoephedrine, the North Carolina General Assembly has imposed strict requirements on where and how certain pseudoephedrine products may be sold in North Carolina. Effective January 15, 2006, pseudoephedrine products in the form of tablets and caplets ("restricted pseudoephedrine products") will only be available from behind the counter of a pharmacy. Along with this increased awareness of the methamphetamine issue comes new responsibilities for pharmacies with regard to the sale of restricted pseudoephedrine products. In addition to strict requirements on where restricted pseudoephedrine products may be sold, the new legislation limits the amount of restricted pseudoephedrine products that can be sold in one transaction, requires the maintenance of records of disposition or logs ("transaction logs"), mandates the posting of signs and calls for the training of employees.

The Commission is charged with 1) development and approval of training for employees involved in the sale of restricted pseudoephedrine products, and 2) development and approval of transaction logs detailing the sale of restricted pseudoephedrine products. In the attached document, you will find the directions the Commission adopted on November 14, 2005, which outline what constitutes both an approved methamphetamine training program and the transaction log. You should review the required components for both the approved methamphetamine program and transaction log to ensure your pharmacy is in full-compliance with these requirements. Once your pharmacy has developed an approved training program and an approved transaction log you should

complete the attached documents certifying that your pharmacy is in fact in compliance with the new legislation. This document should be returned to the Commission prior to January 15, 2006 by mailing it to: Commission for Mental Health, Developmental Disabilities and Substance Abuse Services, 3018 Mail Service Center, Raleigh, NC 27699-3001 Attention: Ms. W. Denise Baker. Please note that if your company operates more than one pharmacy in North Carolina, you may submit one document certifying that all of the stores operated by you or your company are in compliance with the new legislation.

cc: Commission for MH/DD/SA Services
DMH/DD/SAS Executive Leadership Team
DMH/DD/SAS Executive Management Team
State Bureau of Investigation
North Carolina Retail Merchant Association

REQUIRED METHAMPHETAMINE TRAINING

N.C.G.S. 90-113.55 requires employees of establishments involved in the sale of pseudoephedrine products in the form of tablets and caplets receive training in a program conducted or approved by the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services (the "Commission"). At this time, pseudoephedrine products in the form of tablets and caplets may only be stored and sold from behind a pharmacy counter. Pharmacies failing to train such employees are subject to a fine of up to \$500 for the first violation, up to \$750 for a second violation, and up to \$1,000 for a third and subsequent violations.

In order to be deemed an approved training program pursuant to N.C.G.S. 90-113.55, the Commission has determined that a methamphetamine training program shall include the following topics:

- 1) Methamphetamines
 - a) What is "meth"?
 - b) Common ingredients used to manufacture methamphetamines, including examples of chemical and brand names of common ingredients.
- 2) North Carolina law concerning the sale of pseudoephedrine products:
 - a) Pseudoephedrine products that are restricted to being stored and sold from behind a pharmacy counter;
 - b) Pseudoephedrine products that are not restricted to being stored and sold from behind a pharmacy counter;
 - c) Sales limits for the purchaser and seller for single transactions and transactions per month both by number of packages and amounts;
 - d) Identification requirements;
 - e) Age requirements to purchase pseudoephedrine products;
 - f) Package requirements – for example, single-entity products must be sold in "blister packages"
 - g) Proper completion and storage of the purchase log, including information required to be entered into the log;
 - h) Who has authority to access the purchase log;
 - i) Sign-posting requirements;
 - j) Violations and applicable penalties for violations, including criminal penalties and fines; and
 - k) Immunity for good faith reports to law enforcement of alleged criminal activity related to the sale or purchase a pseudoephedrine product or for refusal to sell a pseudoephedrine product to a person reasonably believed to be an ineligible purchaser of pseudoephedrine products.
- 3) Acknowledgement by the employees involved in the sale of pseudoephedrine products in the form of tablets and caplets that they have received training on the sale of pseudoephedrine products.

LOG REQUIREMENTS FOR PURCHASE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS

N.C.G.S. 90-113.52(c) mandates that a pharmacy record specific information concerning the purchase and purchaser of pseudoephedrine products sold in the form of tablets or caplets in a record of disposition or log ("transaction log"). This transaction log must be maintained by the pharmacy for a period of two years and made available to law enforcement within forty-eight hours of a request.

The required information must be entered into a transaction log that is approved by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (the "Commission"). The required transaction log may be either in a written or electronic format. To be deemed an approved transaction log by the Commission, the transaction log must:

- 1) Be constructed so as to minimize disclosure of personal information;
- 2) Contain the following statement in at least 10-point boldface type at the top of every page:

"NORTH CAROLINA LAW STRICTLY PROHIBITS A SINGLE TRANSACTION PURCHASE OF MORE THAN TWO PACKAGES OF CERTAIN PRODUCTS CONTAINING PSEUDOEPHEDRINE (SIX GRAMS TOTAL), AND NO MORE THAN THREE PACKAGES (NINE GRAMS TOTAL) OF CERTAIN PRODUCTS CONTAINING PSEUDOEPHEDRINE WITHIN A 30-DAY PERIOD. BY MY SIGNATURE, I ATTEST THAT THE INFORMATION I HAVE PROVIDED IN CONNECTION WITH THIS TRANSACTION IS TRUE AND CORRECT AND THAT THIS TRANSACTION DOES NOT EXCEED THE PURCHASE RESTRICTIONS. I ACKNOWLEDGE THAT KNOWING AND WILLFUL VIOLATION OF THE PURCHASE RESTRICTIONS OR THE FURNISHING OF FALSE INFORMATION IN CONNECTION THEREWITH MAY SUBJECT ME TO CRIMINAL PENALTIES."

- 3) Contain the following data:
 - a) Pseudoephedrine product purchased;
 - b) The number of grams the product contains;
 - c) The purchase date of the transaction;
 - d) The name of the purchaser;
 - e) The address of the purchaser; and
 - f) The purchaser's signature attesting to the validity of the information entered into the transaction log.

**ACKNOWLEDGEMENT OF APPROVED METHAMPHETAMINE
TRAINING AND RECORD OF DISPOSITION OR LOG FOR THE
SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS**

I, _____, am the permit-holder for _____
pharmacy located at _____. I hereby acknowledge that I
have reviewed the required components adopted by the Commission for Mental Health,
Developmental Disabilities and Substance Abuse Services which are necessary to
constitute an approved Methamphetamine Training Program and Record of Disposition or
Log for the Sale of Certain Pseudoephedrine Products and that I have implemented:

- 1) A training program in my pharmacy to train those employees involved in the sale of pseudoephedrine products in the form of tablets and caplets meeting these requirements; and
- 2) A record of disposition or log for the sale of pseudoephedrine products in the form of tablets or caplets meeting these requirements.

NAME

DATE

ACKNOWLEDGEMENT OF APPROVED METHAMPHETAMINE
TRAINING AND RECORD OF DISPOSITION OR LOG FOR THE
SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS FOR ALL
NORTH CAROLINA PHARMACIES OPERATED BY ONE
COMPANY

I, _____, hereby acknowledge that on behalf of _____, I have reviewed the required components adopted by the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services which are necessary to constitute an approved Methamphetamine Training Program and Record of Disposition or Log for the Sale of Certain Pseudoephedrine Products and that the following has been implemented by all _____ pharmacies located within North Carolina:

- 1) A training program in my pharmacy to train those employees involved in the sale of pseudoephedrine products in the form of tablets and caplets meeting these requirements; and
- 2) A record of disposition or log for the sale of pseudoephedrine products in the form of tablets or caplets meeting these requirements.

NAME

DATE