

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	4/23, 4/28

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**WHAT THE MEASURE DOES:** Requires the State Board of Pharmacy to classify marijuana as a Schedule II - V controlled substance. Requires the State Board of Pharmacy to classify methamphetamine as a Schedule I controlled substance. Classification must occur no later than 180 days after effective date. Increases the penalty to a Class C Felony for a person who manufactures or delivers a Schedule IV controlled substance if the substance plays a substantial role in the death of any person.

**ISSUES DISCUSSED:**

- Authority of the Board of Pharmacy
- Resale of prescription medicine

**EFFECT OF COMMITTEE AMENDMENT:** Replaces original measure. Initial public hearing was on SB 285.

**BACKGROUND:** The Federal Comprehensive Drug Abuse Prevention and Control Act passed in 1970 regulates the manufacture, possession, movement, and distribution of drugs in our country. It places all drugs into one of five schedules, or classifications, and is controlled by the Department of Justice and the Department of Health and Human Services, including the Federal Drug Administration. Schedule I drugs have a high tendency for abuse and have no accepted medical use. This schedule includes drugs such as Marijuana, Heroin, Ecstasy, and LSD. Schedule II drugs have a high tendency for abuse, may have an accepted medical use, and can produce dependency or addiction with chronic use. This schedule includes examples such as Cocaine, Opium, Morphine, Amphetamines, and Methamphetamines. Schedule II drugs may be available with a prescription by a physician, but not all pharmacies may carry them. Schedule III drugs have less potential for abuse and a currently accepted medical use, may lead to moderate or low physical dependence or high psychological dependence. Schedule IV drugs have a low potential for abuse, a currently accepted medical use and limited dependence. Schedule V drugs have a low potential for abuse, a currently accepted medical use and lead to limited dependence.

In Oregon, ORS 475.035 authorizes the Board of Pharmacy to change the classification of a controlled substance based on pharmacological effects, patterns of use and misuse, potential consequences of abuse, and consideration of the judgment of individuals with training and experience with the substance.

SB 728 as originally written increased penalties for manufacturing or delivering controlled substances. SB 728A increased penalty for manufacturing or delivering a Schedule IV controlled substance if the controlled substances played a substantial role in causing a death. Currently, manufacturing or delivering a Schedule IV controlled substance is a Class B misdemeanor, (six months imprisonment and \$2500 fine). SB 728A increases the penalty to a Class C Felony if death results (five years imprisonment and a \$125,000 fine).

5/6/2009 9:09:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***