

SENATE AMENDMENTS TO SENATE BILL 596

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

March 19

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”
2 and after “453.005” insert “, 453.025”.

3 On page 4, delete line 29 and insert:

4 “(b) Replacement parts for products containing more than one-tenth of one percent by mass of
5 pentabrominated diphenyl ether or octabrominated diphenyl ether introduced into commerce before
6 January 1, 2006, or replacement parts for products containing more than one-tenth of one percent
7 by mass of decabrominated diphenyl ether introduced into commerce before January 1, 2011.

8 “**SECTION 3.** ORS 453.025 is amended to read:

9 “453.025. (1) Nothing in ORS 453.005 to 453.135 and 453.990 (2) is intended to interfere with or
10 prevent the legitimate sale of completely denatured alcohol or methyl alcohol (methanol) by garages
11 and filling stations, when used for antifreeze purposes and poured directly into the radiator of any
12 automobile or motor vehicle by the seller thereof.

13 “(2) Stores and shops other than pharmacies may sell completely denatured alcohol or methyl
14 alcohol (methanol) in quantities of not less than one gallon only in original containers and only
15 when properly labeled by distiller or wholesale distributor and bearing also seller’s label. The name
16 and address of seller must be applied by label on the container. The record of such wholesale
17 quantities must be kept by the seller and information including date, means of identification and
18 purported use must also be kept.

19 “(3) Sellers of denatured alcohol or methyl alcohol (methanol) only are not required to obtain
20 a shopkeepers’ license under ORS 689.305.

21 “(4)(a) Subject to the exemption under paragraph (b) of this subsection, retail sales of completely
22 denatured alcohol, methyl alcohol (methanol), heating fuel mixtures and other forms of denatured
23 alcohol except heating fuel mixtures and other forms of denatured alcohol containing less than five
24 percent methanol by weight and containing additives that render them unpalatable for human con-
25 sumption, in quantities of less than one gallon, shall be confined to pharmacists and registration of
26 the sales must be made in their poison register.

27 “(b) Hotel, restaurant or food catering wholesalers or suppliers of heating fuel mixtures and
28 other forms of denatured alcohol are exempt from paragraph (a) of this subsection when the sup-
29 plying of these products is restricted for use solely in the preparation of commercially prepared
30 foods in businesses supplying food needs directly to the public for immediate consumption. Products
31 so classified when purchased shall be used only for this specified purpose and shall not be resold,
32 given away or in any way made available to the public.

33 “(5) Distributors and transporters, stores and shops, other than pharmacies, may deliver, or sell
34 carbolic acid (phenol), for commercial use only in quantities of at least one pound but only when the
35 container is properly labeled by the manufacturer or wholesaler and also bears a label containing

1 the name and address of the seller or deliverer. Record of sales or deliveries of quantities of one
2 pound or more of carbolic acid (phenol) shall be kept by the seller and deliverer. The record shall
3 contain information, including the date, name of purchaser or person receiving the delivery and
4 purported use.

5 “(6) A distributor, transporter, store or shop shall not by reason of the delivery or sale of
6 carbolic acid (phenol) in quantities of at least one pound be required to obtain a shopkeepers’ li-
7 cense under ORS 689.305. Retail sales of carbolic acid (phenol) in quantities of less than one pound
8 shall be confined to pharmacies and registration of such sales shall be made on their poison register.

9 “(7) Except as specifically provided by law, the provisions of laws governing the sale and dis-
10 tribution of poisons do not apply to the sale or distribution of compounds, preparations or remedies
11 which do not contain more than two grains of opium, or more than one-fourth grain of morphine,
12 or more than one-eighth grain of heroin, or more than one grain of codeine, or any salt or derivative
13 of any of them in one fluid ounce, or, if solid or semisolid preparations, in one avoirdupois ounce;
14 or to liniments, ointments or other preparations which are prepared for external use only, when sold
15 or distributed for use as medicines.

16 “(8)(a) Whenever poisons are dispensed in accordance with a written prescription by a practi-
17 tioner, and such written prescription is filed and retained by the pharmacist as required by law, all
18 of the requirements of ORS 453.005 to 453.135 and 453.990 (2) are satisfied.

19 “(b) A pharmacist shall affix a poison label to a prescription when the prescribing practitioner
20 so directs.

21 “(9) Nothing in ORS 453.005 to 453.135 and 453.990 (2) applies to the manufacture or wholesale
22 of any poisons. However, each box, vessel or package, other than prescriptions, in which any poison
23 is contained must be labeled as provided in ORS 453.035.

24 “(10) **Nothing in ORS 453.005 to 453.135 and 453.990 (2) applies to:**

25 “(a) **The manufacture, sale, repair, distribution, maintenance, refurbishment or modifi-**
26 **cation of any new raw material or component part used in a motor vehicle, as that term is**
27 **defined in ORS 801.360, or an airplane with component parts, including but not limited to**
28 **original spare parts, that contain decabrominated diphenyl ether.**

29 “(b) **The use of commercial decabrominated diphenyl ether in the maintenance,**
30 **refurbishment or modification of equipment used for purposes related to transportation.**

31 “**SECTION 4. Except as provided in section 5 of this 2009 Act, the amendments to ORS**
32 **453.005, 453.025 and 453.085 by sections 1 to 3 of this 2009 Act become operative January 1,**
33 **2011.**

34 “**SECTION 5. The Director of Human Services may adopt rules before the operative date**
35 **specified in section 4 of this 2009 Act or take any action before that date that is necessary**
36 **to carry out the amendments to ORS 453.005, 453.025 and 453.085 by sections 1 to 3 of this**
37 **2009 Act.”.**