

**SB 743 STAFF MEASURE SUMMARY**

**Senate Committee On Health Care**

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**Meeting Dates:** 3/2

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**WHAT THE MEASURE DOES:**

Creates a violation for retail sale of dextromethorphan to individuals under the age of 18 without a prescription from a health care professional. Requires businesses and their employees to verify whether an individual attempting to purchase dextromethorphan is 18 years of age or older. Establishes fines for individuals and businesses that sell dextromethorphan to individuals younger than 17 years old. Prohibits local municipalities from in acting ordinances regulating retail products that contain dextromethorphan beyond the regulations created by the measure.

*REVENUE: May have revenue impact, but no statement yet issued.*

*FISCAL: May have fiscal impact, but no statement yet issued.*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Dextromethorphan (DXM), found in many over-the-counter cough and cold medicines, is abused by adolescents and young adults for its' euphoriant properties when ingested, often in doses 10-20 times greater than the dose recommended for cough suppression. The drug has gradually replaced codeine as the most widely used cough suppressant in the United States and is available in more than 125 over-the-counter (OTC) products that include capsules, liquids, lozenges, and tablet forms with extensive "how-to" abuse information available on the Internet.

According to the federal Food and Drug Agency (2005), misuse and overdose of the drug can cause death as well as other serious adverse events such as brain damage, seizure, loss of consciousness, and irregular heartbeat. A 2009 report by the National Drug Abuse Institute indicated that the annual prevalence of non-medical use of cough and cold medicines among students in 8th, 10th, and 12th grades was 2.6%, 5.0%, and 6.3%, respectively. The national Drug Abuse Warning Network reported approximately 3,500 ED visits were associated with DXM in 2004 and 3,900 visits in 2008.

Federal and state policymakers have explored strategies for assessing the severity of misuse and possible solutions such as limiting the drug's availability as an over-the-counter product. Senate Bill 743 prohibits retail business from selling DXM to individuals younger than 17 years old without a prescription.