

SB 743 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 3/2, 3/16

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 an individual or business that sells dextromethorphan to an individual 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. Takes effect, January 1, 2018.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact.

ISSUES DISCUSSED:

- Dextromethorphan is a safe and effective ingredient found in many over-the-counter (OTC) cough medications
- Dextromethorphan is abused by adolescents, nationally
- Several large retail pharmacies voluntary ban OTC sale of dextromethorphan to minors
- Twelve states have enacted laws that prohibit the sale of dextromethorphan to individuals under the age of 18 without a prescription

EFFECT OF AMENDMENT:

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- Allows law enforcement agencies to enforce violations.
- Requires businesses or employees that sell dextromethorphan to verify age if an individual appears to be under 25 years old.
- Requires trade associations that represent manufacturers of OTC medications containing dextromethorphan to provide businesses a list of products that contain the drug, upon request.

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 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 a cough and cold among students in 8th, 10th, and 12th grades was 2.6%, 5.0%, and 6.3%, respectively. The national Drug Abuse Warning Network has reported approximately 3,500 ED visits were associated with DXM in 2004 and 3,900 visits in 2008.