

# D R A F T

## SUMMARY

Creates violation prohibiting business that makes retail sales of product containing dextromethorphan, or employee of business, from selling or delivering product to individual under 18 years of age.

Creates violation prohibiting individual who is 17 years of age or younger from purchasing or receiving product containing dextromethorphan.

Preempts local governments from further regulating sale, delivery, purchase, receipt or possession of product containing dextromethorphan, except as is necessary to enforce Act.

## A BILL FOR AN ACT

Relating to dextromethorphan.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) For purposes of this section, “finished drug product” means a drug marketed in accordance with federal Food and Drug and Administration requirements that is in a finished dosage form.**

**(2)(a) A business that makes retail sales of a finished drug product containing dextromethorphan, or an employee of the business, may not sell or deliver the finished drug product to an individual who is under 18 years of age.**

**(b) An individual who is 17 years of age or younger may not purchase or receive a finished drug product containing dextromethorphan from a business that makes retail sales of the finished drug product.**

**(3)(a) Violation of subsection (2)(a) of this section:**

**(A) Is punishable by a warning for the first violation.**

**(B) Is punishable by a specific fine violation in an amount not to**

1 **exceed:**

2 (i) **\$150 for the second violation; and**

3 (ii) **\$250 for the third or subsequent violation.**

4 (b) **Violation of subsection (2)(b) of this section:**

5 (A) **Is punishable by a warning for the first violation.**

6 (B) **Is punishable by a specific fine violation in an amount not to**  
7 **exceed \$50 for the second or subsequent violation.**

8 (4) **Subsection (2)(a) of this section does not apply to a business or**  
9 **an employee who sells or delivers a finished drug product containing**  
10 **dextromethorphan if, before selling or delivering the finished drug**  
11 **product to an individual:**

12 (a) **The business or employee requires the individual to present one**  
13 **of the following pieces of identification:**

14 (A) **A passport;**

15 (B) **A driver license, whether issued in this state or by another**  
16 **state;**

17 (C) **An identification card issued under ORS 807.400;**

18 (D) **An identification card issued by the United States military; or**

19 (E) **Any other identification card issued by a state that bears a**  
20 **picture of the individual, the name of the individual, the date of birth**  
21 **of the individual and a physical description of the individual;**

22 (b) **The piece of identification presented establishes that the indi-**  
23 **vidual is 18 years of age or older;**

24 (c) **The piece of identification presented accurately describes the**  
25 **individual; and**

26 (d) **If the piece of identification presented was falsified, a reasonable**  
27 **person would determine, upon inspecting the piece of identification**  
28 **under the same or similar circumstances, that the piece of identifica-**  
29 **tion was not altered and accurately describes the individual.**

30 **SECTION 2. (1)(a) Except as expressly authorized by this section,**  
31 **the authority to regulate the sale, delivery, purchase, receipt or pos-**

1 **session of a product containing dextromethorphan in this state is**  
2 **vested solely in the Legislative Assembly.**

3 **(b) Except as expressly authorized by this section, the governing**  
4 **body of a county, city or other municipal corporation or district may**  
5 **not adopt or enact ordinances regulating the sale, delivery, purchase,**  
6 **receipt or possession of a product containing dextromethorphan.**

7 **(2) The governing body of a city or county may adopt or enact or-**  
8 **dinances necessary to enforce section 1 of this 2017 Act.**

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