

SB 743 A STAFF MEASURE SUMMARY

Carrier: Sen. Steiner Hayward

Senate Committee On Health Care

Action Date: 03/16/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-0-1-0

Yeas: 4 - Beyer, Kruse, Monnes Anderson, Steiner Hayward

Exc: 1 - Knopp

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Creates a violation for retail sale of dextromethorphan (DXM) to individuals under the age of 18. Requires businesses and their employees to verify whether an individual attempting to purchase DXM is 18 years of age or older. Establishes fines for an individual or business that sells DXM to an individual younger than 17 years old. Allows law enforcement to enforce violations. Requires trade associations that represent manufacturers of products containing DXM to provide businesses a list of products that contain the drug. Prohibits local municipalities from enacting ordinances regulating retail products that contain DXM beyond the regulations created by the measure. Takes effect January 1, 2018.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

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 medications containing dextromethorphan to provide businesses a list of products that contain the drug, upon request.

BACKGROUND:

Dextromethorphan (DXM) is the active ingredient most widely used in cough medicines in the United States. The cough suppressant is available in more than 125 over-the-counter (OTC) products that include capsules, liquids, lozenges and tablet forms. The drug is reportedly safe and effective when taken according to labeling instructions. In recent years, the drug has been 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. There is extensive “how-to” abuse information on the Internet, which is available to minors.

The federal Food and Drug Agency (2005) states that the 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 2015 report by the National Institute on Drug Abuse indicated that the annual prevalence of non-medical use of a cough and cold medicine among adolescents was three percent. The national Drug Abuse Warning Network reported approximately 3,500 Emergency Department visits were associated with DXM in 2004, and 3,900 visits in 2008. In an attempt to decrease the abuse rate among school-age children, eight states have adopted laws to prohibit sales of the drug to minors.

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Senate Bill 743 A prohibits sales of OTC cough medicines containing DXM to minors.