

# Senate Bill 743

Sponsored by COMMITTEE ON HEALTH CARE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates violation prohibiting business that makes retail sales of product containing dextromethorphan, or employee of business, from selling or delivering product to individual 17 years of age or younger unless individual has valid prescription.

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

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

1  
2 Relating to dextromethorphan.

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

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

7 **(2)(a) A business that makes retail sales of a finished drug product containing**  
8 **dextromethorphan, or an employee of the business, may not sell or deliver the finished drug**  
9 **product to an individual who is 17 years of age or younger unless the individual has a valid**  
10 **prescription for the finished drug product.**

11 **(b) An individual who is 17 years of age or younger may not purchase or receive a fin-**  
12 **ished drug product containing dextromethorphan from a business that makes retail sales of**  
13 **the finished drug product unless the individual has a valid prescription for the finished drug**  
14 **product.**

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

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

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

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

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

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

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

22 **(B) Is punishable by a specific fine violation in an amount not to exceed \$50 for the sec-**  
23 **ond or subsequent violation.**

24 **(4) Subsection (2)(a) of this section does not apply to a business or an employee who sells**  
25 **or delivers a finished drug product containing dextromethorphan if, before selling or deliv-**  
26 **ering the finished drug product to an individual:**

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1       **(A) A passport;**
- 2       **(B) A driver license, whether issued in this state or by another state;**
- 3       **(C) An identification card issued under ORS 807.400;**
- 4       **(D) An identification card issued by the United States military; or**
- 5       **(E) Any other identification card issued by a state that bears a picture of the individual,**  
6 **the name of the individual, the date of birth of the individual and a physical description of**  
7 **the individual;**
- 8       **(b) The piece of identification presented establishes that the individual is 18 years of age**  
9 **or older;**
- 10       **(c) The piece of identification presented accurately describes the individual; and**
- 11       **(d) If the piece of identification presented was falsified, a reasonable person would de-**  
12 **termine, upon inspecting the piece of identification under the same or similar circumstances,**  
13 **that the piece of identification was not altered and accurately describes the individual.**
- 14       **SECTION 2. (1)(a) Except as expressly authorized by this section, the authority to regu-**  
15 **late the sale, delivery, purchase, receipt or possession of a product containing**  
16 **dextromethorphan in this state is vested solely in the Legislative Assembly.**
- 17       **(b) Except as expressly authorized by this section, the governing body of a county, city**  
18 **or other municipal corporation or district may not adopt or enact ordinances regulating the**  
19 **sale, delivery, purchase, receipt or possession of a product containing dextromethorphan.**
- 20       **(2) The governing body of a city or county may adopt or enact ordinances necessary to**  
21 **enforce section 1 of this 2017 Act.**

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