

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO  
SENATE BILL 743**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete page  
2 2 and insert:

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

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

10 **“(b) An individual who is 17 years of age or younger may not pur-**  
11 **chase or receive a finished drug product containing dextromethorphan**  
12 **from a business that makes retail sales of the finished drug product.**

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

14 **“(A) Is punishable by a warning from a law enforcement agency for**  
15 **the first violation.**

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

18 **“(i) \$150 for the second violation, or for the third or subsequent vi-**  
19 **olation if the court finds that the business or employee demonstrated**  
20 **a good faith effort to comply with subsection (2)(a) of this section; and**

21 **“(ii) \$250 for the third or subsequent violation if the court finds that**

1 the business or employee did not demonstrate a good faith effort to  
2 comply with subsection (2)(a) of this section.

3 “(b) Violation of subsection (2)(b) of this section:

4 “(A) Is punishable by a warning from a law enforcement agency for  
5 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  
9 or an employee who sells or delivers a finished drug product contain-  
10 ing dextromethorphan if:

11 “(a) Based on the outward appearance of the individual to whom the  
12 finished drug product is sold or delivered, a person would reasonably  
13 presume that the individual is 25 years of age or older; or

14 “(b) Before selling or delivering the finished drug product to an in-  
15 dividual:

16 “(A) The business or employee requires the individual to present  
17 one of the following pieces of identification:

18 “(i) A passport;

19 “(ii) A driver license, whether issued in this state or by another  
20 state;

21 “(iii) An identification card issued under ORS 807.400;

22 “(iv) An identification card issued by the United States military;  
23 or

24 “(v) Any other identification card issued by a state that bears a  
25 picture of the individual, the name of the individual, the date of birth  
26 of the individual and a physical description of the individual;

27 “(B) The piece of identification presented establishes that the indi-  
28 vidual is 18 years of age or older;

29 “(C) The piece of identification presented accurately describes the  
30 individual; and

1       **“(D) If the piece of identification presented was falsified, a reason-**  
2 **able person would determine, upon inspecting the piece of identifica-**  
3 **tion under the same or similar circumstances, that the piece of**  
4 **identification was not altered and accurately describes the individual.**

5       **“(5) This section does not apply to the sale, delivery, purchase or**  
6 **receipt of a finished drug product containing dextromethorphan if the**  
7 **finished drug product is sold or delivered pursuant to a valid pre-**  
8 **scription.**

9       **“SECTION 2. Section 1 of this 2017 Act may not be construed to**  
10 **impose on a business that makes retail sales of a finished drug prod-**  
11 **uct, as defined in section 1 of this 2017 Act, containing**  
12 **dextromethorphan any compliance requirement other than manually**  
13 **obtaining and verifying proof of age as a condition of sale. For pur-**  
14 **poses of this section, compliance requirements include any require-**  
15 **ment to place a finished drug product in a specific location within the**  
16 **business, any restriction on an individual’s direct access to the fin-**  
17 **ished drug product and any requirement to keep and maintain records**  
18 **of transactions involving the finished drug product.**

19       **“SECTION 3. Except as expressly authorized by law, the authority**  
20 **to regulate the sale, delivery, purchase, receipt or possession of a**  
21 **product containing dextromethorphan in this state is vested solely in**  
22 **the Legislative Assembly.”.**

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