

Requested by Representative POST

**PROPOSED AMENDMENTS TO
HOUSE BILL 2128**

1 On page 1 of the printed bill, line 5, delete “Section 2” and insert
2 “Sections 2 and 3” and delete “is” and insert “are”.

3 On page 2, delete line 6 and insert “(c) Monitoring and reporting re-
4 quirements for dispensing pseudoephedrine, including the requirement to use
5 the real-time electronic sales tracking system described in section 3 of this
6 2017 Act when dispensing pseudoephedrine without a prescription, and the
7 requirement to use the electronic system established, maintained and oper-
8 ated as described in ORS 431A.855 when dispensing pseudoephedrine with a
9 prescription; and”.

10 After line 13, insert:

11 **“SECTION 3. (1)(a) The State Board of Pharmacy shall establish**
12 **and maintain a real-time electronic sales tracking system for moni-**
13 **toring and reporting pseudoephedrine dispensed without a prescription**
14 **by persons registered to dispense controlled substances under ORS**
15 **475.135.**

16 **“(b)(A) To fulfill the requirements of this subsection, the board**
17 **shall establish, maintain and operate a tracking system to monitor**
18 **and report pseudoephedrine that is dispensed without a prescription.**

19 **“(B) The tracking system must operate and be accessible by persons**
20 **registered to dispense controlled substances under ORS 475.135 24**
21 **hours a day, seven days a week.**

1 **“(C) The board may contract with another state agency or a private**
2 **entity to ensure the effective establishment and operation of the**
3 **tracking system.**

4 **“(2)(a) At a minimum, the tracking system established and main-**
5 **tained pursuant to subsection (1) of this section must retain the fol-**
6 **lowing information:**

7 **“(A) The identification information of each person who purchases**
8 **pseudoephedrine; and**

9 **“(B) The amount of pseudoephedrine purchased during each trans-**
10 **action.**

11 **“(b) Information retained in the tracking system pursuant to sub-**
12 **section (1) of this section is confidential and not subject to public**
13 **disclosure under ORS 192.410 to 192.505. Information retained in the**
14 **tracking system pursuant to subsection (1) of this section may only**
15 **be disclosed:**

16 **“(A) To designated representatives of the board or any contractor**
17 **with whom the board has contracted to establish or maintain the**
18 **tracking system;**

19 **“(B) Pursuant to a valid court order based on probable cause and**
20 **issued at the request of a federal, state or local law enforcement**
21 **agency; or**

22 **“(C) To the State Medical Examiner or designee of the State Med-**
23 **ical Examiner, for the purpose of conducting a medicolegal investi-**
24 **gation or autopsy.**

25 **“(3) The tracking system established and maintained pursuant to**
26 **subsection (1) of this section must be capable of alerting a person**
27 **registered to dispense controlled substances under ORS 475.135 that the**
28 **person is dispensing pseudoephedrine in quantities that exceed the**
29 **limits specified in section 2 (2)(a)(A) and (B) of this 2017 Act. The**
30 **mechanism that alerts the person must be capable of being overridden**

1 **by the person in the event that the person has a reasonable fear of**
2 **imminent bodily harm.**

3 **“(4) The board shall adopt rules to implement this section, including**
4 **rules that exempt a person registered to dispense controlled sub-**
5 **stances under ORS 475.135 from the requirement to use the tracking**
6 **system established under this section if it is economically infeasible**
7 **for the person to use the tracking system established and maintained**
8 **pursuant to subsection (1) of this section. The board may require per-**
9 **sons exempt from this section to establish and maintain an alternate**
10 **process for monitoring and reporting the dispensing of**
11 **pseudoephedrine without a prescription.”.**

12 In line 14, delete “3” and insert “4”.

13 In line 36, delete “4” and insert “5”.

14 On page 3, line 33, delete “5” and insert “6”.

15 In line 34, delete “6” and insert “7” and delete “Section 2” and insert
16 “Sections 2 and 3”.

17 In line 35, delete “3 and 4” and insert “4 and 5” and delete “5” and insert
18 “6”.

19 In line 36, delete “7” and insert “8”.

20 In line 38, delete “7” and insert “8” and delete “Section 2” and insert
21 “Sections 2 and 3”.

22 In line 39, delete “3 and 4” and insert “4 and 5” and delete “5” and insert
23 “6”.

24 In line 44, delete “section 2” and insert “sections 2 and 3”.

25 In line 45, delete “3 and 4” and insert “4 and 5”.

26 On page 4, line 1, delete “5” and insert “6”.

27 In line 2, delete “8” and insert “9”.

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