

## HB 2303 -2 STAFF MEASURE SUMMARY

### House Committee On Health Care

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**Prepared By:** Oliver Droppers, LPRO Analyst

**Meeting Dates:** 3/7

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#### WHAT THE MEASURE DOES:

Authorizes the State of Board of Pharmacy (Board) to adopt rules to allow pharmacies to dispense pseudoephedrine. Specifies criteria for safekeeping and dispensing pseudoephedrine; checking and verifying identification of a purchaser; establishes requirements for reporting and tracking the dispensing of pseudoephedrine. Requires the Board to adopt rules consistent with the federal Controlled Substances Act. Repeals affirmative defense for unlawful possession of pseudoephedrine. Specifies violation is a Class C felony.

*REVENUE: May have revenue impact, but no statement yet issued.*

*FISCAL: May have fiscal impact, but no statement yet issued.*

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-2 Authorizes the State of Board of Pharmacy (Board) to adopt rules to allow pharmacists to dispense pseudoephedrine. Specifies criteria for safekeeping and dispensing pseudoephedrine; checking and verifying identification of a purchaser; establishes requirements for reporting and tracking the dispensing of pseudoephedrine. Repeals affirmative defense for unlawful possession of pseudoephedrine. Specifies violation is a Class C felony.

##### BACKGROUND:

In July 2005, Oregon became the first state to require a prescription for products containing pseudoephedrine and ephedrine, such as cold and allergy medications as the law (House Bill 2845) reclassified cold medications pseudoephedrine as Schedule III controlled substances. The law was in response to the increase in the production, distribution, and use of methamphetamine in Oregon, which can be produced using pseudoephedrine.

In 2005, Congress passed the Combat Methamphetamine Epidemic Act (CMEA) (Public Law 109-177). The federal legislation implemented new pseudoephedrine sales restrictions: (1) requiring pharmacies to place products containing pseudoephedrine behind counters or in locked cabinets to prevent unsupervised access; (2) amending existing federal law to set a daily sales limit of 3.6 grams of pseudoephedrine per customer and a monthly limit of 9 grams per customer; and (3) requiring pharmacies to maintain a logbook recording all sales of pseudoephedrine products and the verified identity of purchasers (Government Accountability Office, 2013).

As of 2012, 20 states had implemented “electronic tracking of OTC sales of medications containing meth precursors” systems, with 17 of those states using the National Precursor Log Exchange (NPLEx), an electronic logging system used by pharmacies and law enforcement. Oregon does not currently use NPLEx as dispensing pseudoephedrine requires a prescription from a health professional.

House Bill 2303 allows Oregon pharmacies to dispense pseudoephedrine without a prescription.