

HB 2303 A -A10 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 5/8, 5/9, 5/13

WHAT THE MEASURE DOES:

Allows pharmacist or pharmacy technician to transfer product containing pseudoephedrine, ephedrine, or salt, isomer, or salt of an isomer of pseudoephedrine or ephedrine without prescription. Requires products to be stored behind pharmacy counter and limits transfer to less than 3.6 grams per transfer and less than 9 grams in 30-day period. Mandates individual receiving product (transferee) must be over 18, provide government-issued photo identification, and sign log that will be retained for two years and be assessable to law enforcement after issuance of subpoena. Requires pharmacist or pharmacy technician to enter transferee's identifying information and information on sale into national electronic database as specified. Prohibits transfer if entry of information into database generates alert unless transfer is necessary to protect transferee from imminent bodily harm. Provides that violation of statute or future rules adopted by State Board of Pharmacy is Class A violation. Sets sunset date of December 31, 2023. Takes effect 91 days after adjournment sine die.

ISSUES DISCUSSED:

- Current process for accessing pseudoephedrine products
- Overview of NPLeX database system
- Sunset provision in measure
- Content of amendments

EFFECT OF AMENDMENT:

-A10 Replaces measure. Allows pharmacist to prescribe and dispense pseudoephedrine after searching the Oregon Prescription Drug Monitoring Program starting January 1, 2020. Requires individual receiving product to be over 18 and provide government-issued photo identification. Limits transfer of pseudoephedrine to 9 grams per individual in a 30-day period. Directs State Board of Pharmacy to adopt rules. Takes effect 91 days after adjournment sine die.

BACKGROUND:

In 2005, Oregon reclassified pseudoephedrine as a Schedule III controlled substance, requiring a doctor's prescription in order to purchase products containing it. Pseudoephedrine is an ingredient in some cold and allergy medications but it can also be used to produce methamphetamine. A majority of other states do not require a prescription to access products containing pseudoephedrine, instead requiring pharmacies to electronically track and log the sale of such products using the National Precursor Log Exchange (NPLeX). This system is used to ensure that individuals are not purchasing more than the limit of 3.6 grams of pseudoephedrine per day or more than 9 grams per month as set by federal law. Oregon uses a similar program, the Prescription Drug Monitoring Program (PDMP), to monitor Schedules II, III, and IV controlled substances being dispensed within Oregon.

House Bill 2303 A allows a pharmacist or pharmacy technician to transfer products containing pseudoephedrine, ephedrine, or salt, isomer, or salt of an isomer of pseudoephedrine or ephedrine without a prescription. It requires that such products be stored behind the pharmacy counter and limits the transfer to less than 3.6 grams per person per day and less than 9 grams per person in a 30-day period to comply with federal law. HB 2303 A also mandates that an individual receiving the product (transferee) must be over 18, provide government-issued

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photo identification, and sign a paper or electronic log that will be retained for two years and be assessable to law enforcement after issuance of subpoena. Additionally, it requires the pharmacist or pharmacy technician to enter the transferee's identifying information and information on the sale into a national electronic database that tracks nationwide transfers and prohibits the transfer if the database generates an alert unless the transfer is necessary to protect the transferee from imminent bodily harm. Finally, HB 2303 A provides that violation of statute or future rules adopted by State Board of Pharmacy is Class A violation and sets a sunset date of December 31, 2023.