

**B-Engrossed**  
**House Bill 2303**

Ordered by the Senate May 17  
Including House Amendments dated April 9 and Senate Amendments  
dated May 17

Sponsored by Representatives POST, HAYDEN; Representatives BOSHART DAVIS, KENY-GUYER, LIVELY, NOBLE, PRUSAK, RESCHKE, Senators DEMBROW, ROBLAN (Pre-session filed.)

**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.

*[Allows pharmacist or pharmacy technician to transfer drug containing pseudoephedrine without prescription to person who is at least 18 years of age and presents person's valid government-issued photo identification. Requires pharmacist or pharmacy technician, prior to transfer, to submit specified information into electronic system designed to prevent illegal transfer of drugs containing pseudoephedrine. Requires pharmacist or pharmacy technician to record specified information about transfer of drug containing pseudoephedrine. Specifies maximum amount of pseudoephedrine that person may receive without prescription. Establishes storage requirements for drug containing pseudoephedrine. Clarifies that measure does not apply to drugs transferred pursuant to prescription. Punishes violation by 364 days' imprisonment, \$6,250 fine, or both.]*

**Allows pharmacist to prescribe and dispense pseudoephedrine to person who is at least 18 years of age and who provides to pharmacist person's valid government-issued photo identification. Requires pharmacist to query prescription monitoring program prior to prescription and dispensation. Limits amount of pseudoephedrine person may receive. Allows State Board of Pharmacy to adopt rules. Removes provision subjecting records of specified transactions to inspection by board and law enforcement agencies.**

Becomes operative January 1, 2020.

*[Sunsets December 31, 2023.]*

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to pseudoephedrine; creating new provisions; amending ORS 475.973; and prescribing an  
3 effective date.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 689.**

6 **SECTION 2. (1) A pharmacist may prescribe and dispense pseudoephedrine to a person**  
7 **who is 18 years of age or older and who provides to the pharmacist the person's valid**  
8 **government-issued photo identification.**

9 **(2) Prior to prescribing and dispensing pseudoephedrine under this section, a pharmacist**  
10 **shall query the prescription monitoring program established under ORS 431A.855 to ensure**  
11 **compliance with subsection (3) of this section.**

12 **(3) A person may not receive more than nine grams of pseudoephedrine in a 30-day period**  
13 **under this section.**

14 **(4) The State Board of Pharmacy may adopt rules to carry out this section.**

15 **SECTION 3. ORS 475.973 is amended to read:**

16 **475.973. (1)(a) The State Board of Pharmacy may not adopt rules that exempt a product con-**  
17 **taining ephedrine or pseudoephedrine from classification as a controlled substance. Except as oth-**

**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 erwise provided in this [paragraph] **subsection**, the State Board of Pharmacy shall adopt rules to  
2 classify ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III controlled substances.  
3 The Schedule III classification may be modified by the State Board of Pharmacy if the State Board  
4 of Pharmacy finds that restrictions on products containing ephedrine, pseudoephedrine or  
5 phenylpropanolamine under a Schedule III designation do not significantly reduce the number of  
6 methamphetamine laboratories within the state.

7 *[(b) Records of transactions involving products containing ephedrine, pseudoephedrine or*  
8 *phenylpropanolamine are subject to inspection by the State Board of Pharmacy and law enforcement*  
9 *agencies. A person required to make or maintain records of transactions involving products containing*  
10 *ephedrine, pseudoephedrine or phenylpropanolamine shall forward the records to the Department of*  
11 *State Police if directed to do so by the department. Failure to forward records as required by this*  
12 *paragraph is a Class A misdemeanor.]*

13 (2) This section does not apply to products that the State Board of Pharmacy, upon application  
14 of a manufacturer, exempts by rule because the product is formulated to effectively prevent con-  
15 version of the active ingredient into methamphetamine or its salts or precursors. Upon notification  
16 from the Department of State Police that the department has probable cause to believe that a  
17 product exempted under this subsection does not effectively prevent conversion of the active ingre-  
18 dient into methamphetamine or its salts or precursors, the State Board of Pharmacy may issue an  
19 emergency rule revoking the exemption for the product pending a full hearing.

20 **SECTION 4. (1) Section 2 of this 2019 Act and the amendments to ORS 475.973 by section**  
21 **3 of this 2019 Act become operative on January 1, 2020.**

22 **(2) The State Board of Pharmacy may take any action before the operative date specified**  
23 **in subsection (1) of this section that is necessary to enable the board to exercise, on and**  
24 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
25 **and powers conferred on the board by section 2 of this 2019 Act and the amendments to ORS**  
26 **475.973 by section 3 of this 2019 Act.**

27 **SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
28 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

29