

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2303

By COMMITTEE ON JUDICIARY

May 17

1 On page 1 of the printed A-engrossed bill, line 2, delete “475.950” and insert “475.973”.

2 Delete lines 5 through 18 and delete pages 2 through 5 and insert:

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

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

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

10 “**(3) A person may not receive more than nine grams of pseudoephedrine in a 30-day pe-**  
11 **riod under this section.**

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

13 “**SECTION 3.** ORS 475.973 is amended to read:

14 “475.973. (1)(a) The State Board of Pharmacy may not adopt rules that exempt a product con-  
15 taining ephedrine or pseudoephedrine from classification as a controlled substance. Except as oth-  
16 erwise provided in this *[paragraph]* **subsection**, the State Board of Pharmacy shall adopt rules to  
17 classify ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III controlled substances.  
18 The Schedule III classification may be modified by the State Board of Pharmacy if the State Board  
19 of Pharmacy finds that restrictions on products containing ephedrine, pseudoephedrine or  
20 phenylpropanolamine under a Schedule III designation do not significantly reduce the number of  
21 methamphetamine laboratories within the state.

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

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

35 “**SECTION 4. (1) Section 2 of this 2019 Act and the amendments to ORS 475.973 by section**

1 **3 of this 2019 Act become operative on January 1, 2020.**

2 **“(2) The State Board of Pharmacy may take any action before the operative date speci-**  
3 **fied in subsection (1) of this section that is necessary to enable the board to exercise, on and**  
4 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
5 **and powers conferred on the board by section 2 of this 2019 Act and the amendments to ORS**  
6 **475.973 by section 3 of this 2019 Act.**

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

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