

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2303**

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

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

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

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

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

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

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

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

19 **“475.973. (1)[(a)] The State Board of Pharmacy may not adopt rules that**
20 **exempt a product containing ephedrine or pseudoephedrine from classifica-**
21 **tion as a controlled substance. Except as otherwise provided in this [para-**

1 *graph*] **subsection**, the State Board of Pharmacy shall adopt rules to classify
2 ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III con-
3 trolled substances. The Schedule III classification may be modified by the
4 State Board of Pharmacy if the State Board of Pharmacy finds that re-
5 strictions on products containing ephedrine, pseudoephedrine or
6 phenylpropanolamine under a Schedule III designation do not significantly
7 reduce the number of methamphetamine laboratories within the state.

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

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

24 “**SECTION 4. (1) Section 2 of this 2019 Act and the amendments to**
25 **ORS 475.973 by section 3 of this 2019 Act become operative on January**
26 **1, 2020.**

27 “(2) **The State Board of Pharmacy may take any action before the**
28 **operative date specified in subsection (1) of this section that is neces-**
29 **sary to enable the board to exercise, on and after the operative date**
30 **specified in subsection (1) of this section, all of the duties, functions**

1 and powers conferred on the board by section 2 of this 2019 Act and
2 the amendments to ORS 475.973 by section 3 of this 2019 Act.

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

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