House Bill 4025

Sponsored by Representatives GEORGE, HAYDEN, PRUSAK; Senator PATTERSON (Presession 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 as introduced.

Allows pharmacy intern to transfer drug containing pseudoephedrine subject to requirements that apply to transfer by pharmacist and pharmacy technician.

Becomes operative January 1, 2023.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to pseudoephedrine; creating new provisions; amending ORS 475.230; and prescribing an effective date.

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

SECTION 1. ORS 475.230 is amended to read:

475.230. (1) As used in this section, “intern,” “pharmacist,” “pharmacy” and “pharmacy technician” have the meanings given those terms in ORS 689.005.

(2) A pharmacist, [or] pharmacy technician or intern may transfer a drug containing pseudoephedrine or ephedrine or a salt, isomer or salt of an isomer of pseudoephedrine or ephedrine without a prescription from a practitioner to a person who is 18 years of age or older and who provides to the pharmacist, [or] pharmacy technician or intern the person’s valid government-issued photo identification.

(3) Prior to the transfer of a drug described in subsection (2) of this section, a pharmacist, [or] pharmacy technician or intern shall submit the following information to the electronic system described in subsection (6) of this section:

(a) The date and time of the transfer;
(b) The name, address and date of birth of the person to whom the transfer will be made;
(c) The form of government-issued photo identification and identification number of the person to whom the transfer will be made;
(d) The name of the government agency that issued the photo identification; and
(e) The name of the drug that will be transferred and the amount of pseudoephedrine or ephedrine or a salt, isomer or salt of an isomer of pseudoephedrine or ephedrine, specified in grams, to be transferred.

(4) If, after receiving the information submitted under subsection (3) of this section, the electronic system generates an alert to not proceed with the transfer, the pharmacist, [or] pharmacy technician or intern may not transfer the drug described in subsection (2) of this section to the person, except as provided in subsection (6) of this section.

(5)(a) Upon transferring a drug described in subsection (2) of this section, the pharmacist, [or] pharmacy technician or intern shall require the person to whom the drug is transferred to sign an electronic or written log that shows the date of the transfer, the name of the person to whom the

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.

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transfer is made and the amount transferred of pseudoephedrine or ephedrine or a salt, or isomer or
salt of an isomer of pseudoephedrine or ephedrine, specified in grams.

(b) The log described in this subsection must be retained at the pharmacy where the transfer
was made for at least two years from the date of the transaction.

(c) A law enforcement agency may obtain information contained in a log described in this sub-
section through a lawfully issued subpoena accepted by the State Board of Pharmacy. The board
shall accept a lawfully issued subpoena under this paragraph, and shall adopt rules to carry out this
paragraph. The board may designate a third party vendor as the custodian of records, including of
a log described in this subsection.

(6)(a) For purposes of tracking the transfer of drugs described in subsection (2) of this section,
a pharmacy shall use an electronic system designed to prevent illegal transfer of drugs described in
subsection (2) of this section. The electronic system must:

(A) Be capable of tracking transfers nationwide in real time;

(B) Be capable of generating an alert described in subsection (4) of this section;

(C) Allow a pharmacist to override an alert described in subsection (4) of this section if, in the
discretion of the pharmacist, the transfer is necessary to protect the person to whom the transfer
will be made from imminent bodily harm;

(D) Be able to communicate in real time with similar systems operated in other states and the
District of Columbia, including with similar systems that contain information submitted by more
than one state;

(E) For each transfer, allow for the recording of:

(i) The information described in subsection (3) of this section;

(ii) The number of packages of the drug transferred;

(iii) The total amount of pseudoephedrine or ephedrine or a salt, or isomer or salt of an isomer of
pseudoephedrine or ephedrine transferred, specified in grams;

(iv) The name of the drug transferred;

(v) Either the signature of the person to whom the drug is transferred or a unique number
connecting the transfer transaction to an electronic or written log described in subsection (5) of this
section; and

(vi) The name or initials of the pharmacist, or pharmacist technician or intern who transferred
the drug;

(F) Be free of charge to a pharmacy;

(G) Be accessible at no charge to law enforcement and to other authorized personnel, as deter-
mined by the board, through an online portal or at the pharmacy;

(H) Retain information submitted for at least two years from the date of transaction; and

(I) Be accompanied by training, 24-hour online support and a toll-free support telephone hotline.

(b) A pharmacist who uses the override function described in this subsection shall record in the
electronic system the use of the override.

(7) A drug described in subsection (2) of this section must be:

(a) Transferred from behind a pharmacy counter; and

(b) Stored behind the pharmacy counter in an area that is closed to the public.

(8) A person, other than a pharmacy, may not receive more than 3.6 grams per transfer, or more
than nine grams in a 30-day period, of pseudoephedrine or ephedrine or a salt, or isomer or salt of an
isomer of pseudoephedrine or ephedrine.

(9) This section does not apply to a drug that contains pseudoephedrine or ephedrine or a salt,
isomer or salt of an isomer of pseudoephedrine or ephedrine when the drug is transferred pursuant
to a prescription.

(10) In addition to rules adopted under subsection (5) of this section, the board may adopt other
rules as necessary to carry out this section.

(11) Violation of this section, or a rule adopted pursuant to this section, is a Class A
misdemeanor.

SECTION 2. (1) The amendments to ORS 475.230 by section 1 of this 2022 Act become
operative on January 1, 2023.

(2) The State Board of Pharmacy may take any action before the operative date specified
in subsection (1) of this section that is necessary to enable the board to exercise, on and
after the operative date specified in subsection (1) of this section, all of the duties, functions
and powers conferred on the board by the amendments to ORS 475.230 by section 1 of this
2022 Act.

SECTION 3. This 2022 Act takes effect on the 91st day after the date on which the 2022
regular session of the Eighty-first Legislative Assembly adjourns sine die.