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February 22, 2023

The Honorable Deb Patterson, Chair  
The Honorable Cedric Hyden, Vice Chair  
Senate Committee on Health Care  
900 Court St. NE.  
Salem, OR 97301

**RE: S.B. 411 - Relating to the disposal of covered drugs at incinerators subject to federal requirements - SUPPORT**

Dear Chair Patterson and Vice Chair Hayden:

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter (OTC) medicines, dietary supplements, and consumer medical devices, I'm writing to express strong support for S.B. 411. Allowing use of medical waste incinerators as a destruction method for collected pharmaceuticals pursuant to Oregon's drug take-back program will create operational efficiencies that the current law prevents.

Of the seven states that have a manufacturer-funded drug take-back law, the State of Oregon is the only one which prohibits the use of medical waste incineration. By doing so, it limits a program operator's ability to fulfill the requirements of the law in the most competitive, low-cost method available while still meeting or exceeding all local, state, and federal requirements.

S.B. 411 improves Oregon's current law by aligning it with an appellate case decided by the 9<sup>th</sup> Circuit Court of Appeals in 2018. In *Daniels Sharpsmart v. Smith*, 889 F.3d 608, the 9<sup>th</sup> Circuit asserts that a state cannot restrict commerce occurring entirely outside of its borders by disallowing the use of federal permitted waste destruction facilities in other states.

CHPA urges the Oregon Senate Committee on Health Care to pass S.B. 411, and to consider adding an emergency clause to the bill for immediate implementation. Thank you for your consideration and please feel free to contact me directly with any questions.

Respectfully submitted,

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Consumer Healthcare Products Association  
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cc: Senate Committee on Health Care  
The Honorable Senator Deb Patterson