

A-Engrossed
House Bill 2174

Ordered by the House April 1
Including House Amendments dated April 1

Sponsored by Representative COWAN (at the request of Rob Bovett and Oregon Narcotics Enforcement Association) (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.

[Adds oxycodone, hydrocodone, methadone and amphetamine to controlled substances subject to substantial quantity and commercial drug offense provisions.]

Creates crime of unlawful possession of hydrocodone. Punishes by one year's imprisonment, \$6,250 fine, or both.

Creates crimes of unlawful possession of oxycodone, unlawful possession of methadone, unlawful manufacture of hydrocodone and unlawful delivery of hydrocodone. Punishes by five years' imprisonment, \$125,000 fine, or both. Specifies that unlawful delivery of hydrocodone to person under 18 years of age is punishable by 10 years' imprisonment, \$250,000 fine, or both.

Creates crimes of unlawful manufacture of oxycodone, unlawful delivery of oxycodone, unlawful manufacture of methadone, unlawful delivery of methadone, unlawful manufacture of hydrocodone within 1,000 feet of school and unlawful delivery of hydrocodone within 1,000 feet of school. Punishes by maximum 10 years' imprisonment, \$250,000 fine, or both. Specifies that unlawful delivery of oxycodone or methadone to person under 18 years of age is punishable by 20 years' imprisonment, \$375,000 fine, or both.

Creates crimes of unlawful manufacture of oxycodone within 1,000 feet of school, unlawful delivery of oxycodone within 1,000 feet of school, unlawful manufacture of methadone within 1,000 feet of school and unlawful delivery of methadone within 1,000 feet of school. Punishes by 20 years' imprisonment, \$375,000 fine, or both.

Adds purpose for which moneys in Illegal Drug Cleanup Fund may be used.

Clarifies provisions relating to Schedule V drugs. Repeals provision requiring State Board of Pharmacy to exclude certain nonnarcotic substances from controlled substances schedule.

Adds endangering welfare of minor by allowing minor to enter or remain in place where unlawful activity involving controlled substances is maintained or conducted and frequenting place where controlled substances are used to crimes for which person may be placed on probation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to controlled substances; creating new provisions; amending ORS 342.143, 475.125, 475.135,
3 475.185, 475.245, 475.495, 475.914, 475.967 and 475.973; repealing ORS 475.045; and declaring an
4 emergency.

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

6 **SECTION 1.** ORS 475.495 is amended to read:

7 475.495. (1) The Illegal Drug Cleanup Fund is established separate and distinct from the General
8 Fund in the State Treasury.

9 (2) The following moneys shall be deposited into the State Treasury and credited to the Illegal
10 Drug Cleanup Fund:

11 (a) Moneys recovered or otherwise received from responsible parties for cleanup costs;

12 (b) Moneys received from a state agency, local government unit or any agency of a local gov-
13 ernment unit for cleanup of illegal drug manufacturing sites, including moneys received from forfei-

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 ture proceeds under the provisions of ORS 131A.360 and 131A.365;

2 (c) Moneys received from the federal government for cleanup of illegal drug manufacturing sites;
3 and

4 (d) Any penalty, fine or punitive damages recovered under ORS 475.435, 475.455 or 475.485.

5 (3) The State Treasurer may invest and reinvest moneys in the Illegal Drug Cleanup Fund in the
6 manner provided by law. Interest earned by the fund shall be credited to the fund.

7 (4) The moneys in the Illegal Drug Cleanup Fund are appropriated continuously to the Depart-
8 ment of Environmental Quality to be used as provided for in subsection (5) of this section.

9 (5) Moneys in the Illegal Drug Cleanup Fund may be used for the following purposes:

10 (a) Payment of the state's cleanup costs; [and]

11 (b) Funding any action or activity authorized by ORS 475.415 to 475.455, 475.475 and 475.485[.];

12 **and**

13 **(c) Funding safety certification training and personal protective equipment for law**
14 **enforcement personnel assigned to respond to illegal drug manufacturing sites.**

15 (6) In addition to the purposes provided for in subsection (5) of this section, moneys in the Illegal
16 Drug Cleanup Fund received from forfeiture proceeds under the provisions of ORS 131A.360 and
17 131A.365 may be transferred to the Department of Human Services to support the administration
18 of the illegal drug manufacturing cleanup program provided for in ORS 453.855 to 453.912.

19 (7) The department may not expend more than \$250,000 in each biennium of the forfeiture pro-
20 ceeds that are paid into the Illegal Drug Cleanup Fund by political subdivisions under the provisions
21 of ORS 131A.360. If at the end of a biennium more than \$250,000 has been paid into the Illegal Drug
22 Cleanup Fund under the provisions of ORS 131A.360, the department shall refund to each political
23 subdivision that made payments into the fund a pro rata share of the excess amount, based on the
24 amount of forfeiture proceeds paid into the fund by the political subdivision.

25 **SECTION 2.** ORS 475.245 is amended to read:

26 475.245. Whenever any person pleads guilty to or is found guilty of possession of a controlled
27 substance under ORS 475.840 (3), 475.854, 475.864, 475.874, 475.884 or 475.894 **or section 10, 15 or**
28 **20 of this 2011 Act, of endangering the welfare of a minor under ORS 163.575 (1)(b), of fre-**
29 **quenting a place where controlled substances are used under ORS 167.222** or of a property of-
30 fense that is motivated by a dependence on a controlled substance, the court, without entering a
31 judgment of guilt and with the consent of the district attorney and the accused, may defer further
32 proceedings and place the person on probation. Upon violation of a term or condition of probation,
33 the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment
34 of the terms and conditions, the court shall discharge the person and dismiss the proceedings against
35 the person. Discharge and dismissal under this section shall be without adjudication of guilt and
36 is not a conviction for purposes of this section or for purposes of disqualifications or disabilities
37 imposed by law upon conviction of a crime. There may be only one discharge and dismissal under
38 this section with respect to any person.

39 **SECTION 3.** ORS 475.185 is amended to read:

40 475.185. (1) Except when dispensed directly by a practitioner to an ultimate user, [no] a con-
41 trolled substance in Schedule II may **not** be dispensed without the written prescription of a practi-
42 tioner.

43 (2) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II
44 drugs may be dispensed upon oral or electronically transmitted prescription of a practitioner, re-
45 duced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity

1 with the requirements of ORS 475.165. [No] A prescription for a Schedule II substance may **not** be
2 refilled.

3 (3) Except when dispensed directly by a practitioner to an ultimate user, a controlled substance
4 included in [*Schedule III, IV or V, which is a prescription drug, shall*] **Schedule III or IV may not**
5 be dispensed without a written, oral or electronically transmitted prescription of a practitioner. The
6 prescription [*shall*] **may** not be filled or refilled more than six months after the date on which it
7 was issued and [*no*] a prescription authorized to be refilled may **not** be refilled more than five times.
8 Additional quantities of the controlled substances listed in [*Schedule III, IV or V*] **Schedule III or**
9 **IV may only be authorized by a practitioner through issuance of a new prescription.**

10 (4) **Except when dispensed directly by a practitioner to an ultimate user, a controlled**
11 **substance included in Schedule V that is a prescription drug may not be dispensed without**
12 **a written, oral or electronically transmitted prescription of a practitioner. The prescription**
13 **may not be filled or refilled more than six months after the date on which it was issued and**
14 **a prescription authorized to be refilled may not be refilled more than five times. Additional**
15 **quantities of the controlled substances listed in Schedule V may only be authorized by a**
16 **practitioner through issuance of a new prescription.**

17 [(4)] (5) A controlled substance [*shall*] **may** not be delivered or dispensed other than for a
18 medical purpose.

19 [(5)] (6) Except in good faith and in the course of professional practice only, a practitioner or
20 a pharmacist may not dispense controlled substances.

21 [(6)] (7) Any oral or electronically transmitted prescription authorized by statute or rule [*shall*]
22 **must** be stored by electronic means or reduced promptly to writing and filed by the pharmacy.

23 [(7)] (8) Issuance, preparation, labeling, dispensing, recordkeeping and filing of prescriptions or
24 medication orders [*shall*] **must** be in conformance with the requirements of the federal law and rules
25 of the board.

26 **SECTION 4. ORS 475.045 is repealed.**

27 **SECTION 5. Sections 6 to 20 of this 2011 Act are added to and made a part of ORS 475.846**
28 **to 475.894.**

29 **SECTION 6. (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it**
30 **is unlawful for any person to manufacture oxycodone.**

31 **(2) Unlawful manufacture of oxycodone is a Class B felony.**

32 **SECTION 7. (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it**
33 **is unlawful for any person to manufacture oxycodone within 1,000 feet of the real property**
34 **comprising a public or private elementary, secondary or career school attended primarily by**
35 **minors.**

36 **(2) Unlawful manufacture of oxycodone within 1,000 feet of a school is a Class A felony.**

37 **SECTION 8. (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it**
38 **is unlawful for any person to deliver oxycodone.**

39 **(2) Unlawful delivery of oxycodone is a Class B felony.**

40 **(3) Notwithstanding subsection (2) of this section, unlawful delivery of oxycodone is a**
41 **Class A felony if the delivery is to a person under 18 years of age.**

42 **SECTION 9. (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it**
43 **is unlawful for any person to deliver oxycodone within 1,000 feet of the real property com-**
44 **prising a public or private elementary, secondary or career school attended primarily by**
45 **minors.**

1 (2) Unlawful delivery of oxycodone within 1,000 feet of a school is a Class A felony.

2 **SECTION 10.** (1) It is unlawful for any person knowingly or intentionally to possess
3 oxycodone unless the oxycodone was obtained directly from, or pursuant to, a valid pre-
4 scription or order of a practitioner while acting in the course of professional practice, or
5 except as otherwise authorized by ORS 475.005 to 475.285 and 475.840 to 475.980.

6 (2) Unlawful possession of oxycodone is a Class C felony.

7 **SECTION 11.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
8 is unlawful for any person to manufacture hydrocodone.

9 (2) Unlawful manufacture of hydrocodone is a Class C felony.

10 **SECTION 12.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
11 is unlawful for any person to manufacture hydrocodone within 1,000 feet of the real property
12 comprising a public or private elementary, secondary or career school attended primarily by
13 minors.

14 (2) Unlawful manufacture of hydrocodone within 1,000 feet of a school is a Class B felony.

15 **SECTION 13.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
16 is unlawful for any person to deliver hydrocodone.

17 (2) Unlawful delivery of hydrocodone is a Class C felony.

18 (3) Notwithstanding subsection (2) of this section, unlawful delivery of hydrocodone is a
19 Class B felony if the delivery is to a person under 18 years of age.

20 **SECTION 14.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
21 is unlawful for any person to deliver hydrocodone within 1,000 feet of the real property
22 comprising a public or private elementary, secondary or career school attended primarily by
23 minors.

24 (2) Unlawful delivery of hydrocodone within 1,000 feet of a school is a Class B felony.

25 **SECTION 15.** (1) It is unlawful for any person knowingly or intentionally to possess
26 hydrocodone unless the hydrocodone was obtained directly from, or pursuant to, a valid
27 prescription or order of a practitioner while acting in the course of professional practice, or
28 except as otherwise authorized by ORS 475.005 to 475.285 and 475.840 to 475.980.

29 (2) Unlawful possession of hydrocodone is a Class A misdemeanor.

30 **SECTION 16.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
31 is unlawful for any person to manufacture methadone.

32 (2) Unlawful manufacture of methadone is a Class B felony.

33 **SECTION 17.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
34 is unlawful for any person to manufacture methadone within 1,000 feet of the real property
35 comprising a public or private elementary, secondary or career school attended primarily by
36 minors.

37 (2) Unlawful manufacture of methadone within 1,000 feet of a school is a Class A felony.

38 **SECTION 18.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
39 is unlawful for any person to deliver methadone.

40 (2) Unlawful delivery of methadone is a Class B felony.

41 (3) Notwithstanding subsection (2) of this section, unlawful delivery of methadone is a
42 Class A felony if the delivery is to a person under 18 years of age.

43 **SECTION 19.** (1) Except as authorized by ORS 475.005 to 475.285 and 475.840 to 475.980, it
44 is unlawful for any person to deliver methadone within 1,000 feet of the real property com-
45 prising a public or private elementary, secondary or career school attended primarily by

1 minors.

2 (2) Unlawful delivery of methadone within 1,000 feet of a school is a Class A felony.

3 **SECTION 20.** (1) It is unlawful for any person knowingly or intentionally to possess
4 methadone unless the methadone was obtained directly from, or pursuant to, a valid pre-
5 scription or order of a practitioner while acting in the course of professional practice, or
6 except as otherwise authorized by ORS 475.005 to 475.285 and 475.840 to 475.980.

7 (2) Unlawful possession of methadone is a Class C felony.

8 **SECTION 21.** ORS 342.143 is amended to read:

9 342.143. (1) No teaching, personnel service or administrative license [*shall*] **may** be issued to any
10 person until the person has attained the age of 18 years and has furnished satisfactory evidence of
11 proper educational training.

12 (2) The Teacher Standards and Practices Commission may require an applicant for a teaching,
13 personnel service or administrative license or for registration as a public charter school teacher or
14 administrator to furnish evidence satisfactory to the commission of good moral character, mental
15 and physical health, and such other evidence as it may deem necessary to establish the applicant's
16 fitness to serve as a teacher or administrator.

17 (3) Without limiting the powers of the Teacher Standards and Practices Commission under sub-
18 section (2) of this section:

19 (a) No teaching, personnel service or administrative license or registration as a public charter
20 school teacher or administrator [*shall*] **may** be issued to any person who:

21 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
22 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,
23 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
24 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,
25 167.007, 167.012, 167.017, 167.054, 167.057, 167.062, 167.075, 167.080, 167.090, 475.848, 475.852, 475.858,
26 475.860, 475.862, 475.864 (4), 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892,
27 475.904 or 475.906 **or section 7, 8, 9, 12, 13, 14, 17, 18 or 19 of this 2011 Act.**

28 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in
29 subparagraph (A) of this paragraph.

30 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as
31 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

32 (D) Has had a teaching, personnel service or administrative license or registration revoked in
33 another jurisdiction for a reason that is substantially equivalent, as defined by rule, to a reason
34 described in ORS 342.175 and the revocation is not subject to further appeal. A person whose priv-
35 ilege to apply for a license or registration is denied under this subparagraph may apply for rein-
36 statement of the privilege as provided in ORS 342.175 (4).

37 (b) The Teacher Standards and Practices Commission may refuse to issue a license or registra-
38 tion to any person who has been convicted of a crime involving the illegal use, sale or possession
39 of controlled substances.

40 (4) In denying the issuance of a license or registration under this section, the commission shall
41 follow the procedure set forth in ORS 342.176 and 342.177.

42 (5) The Department of Education shall provide school districts and public charter schools a copy
43 of the list contained in subsection (3) of this section.

44 **SECTION 22.** ORS 475.967 is amended to read:

45 475.967. (1) A person commits the crime of possession of a precursor substance with intent to

1 manufacture a controlled substance if the person possesses one or more precursor substances with
2 the intent to manufacture a controlled substance in violation of ORS 475.840 (1), 475.846, 475.848,
3 475.866, 475.868, 475.876, 475.878, 475.886 or 475.888 **or section 6, 7, 11, 12, 16 or 17 of this 2011**
4 **Act.**

5 (2) Possession of a precursor substance with intent to manufacture a controlled substance is a
6 Class B felony.

7 **SECTION 23.** ORS 475.125 is amended to read:

8 475.125. (1) Every person who manufactures, delivers or dispenses any controlled substance
9 within this state or who proposes to engage in the manufacture, delivery or dispensing of any con-
10 trolled substance within this state, must obtain annually a registration issued by the State Board
11 of Pharmacy in accordance with its rules.

12 (2) Persons registered by the board under ORS 475.005 to 475.285 and 475.840 to 475.980 to
13 manufacture, deliver, dispense or conduct research with controlled substances may possess, manu-
14 facture, deliver, dispense or conduct research with those substances to the extent authorized by
15 their registration and in conformity with the other provisions of ORS [475.045,] 475.095 and 475.125
16 to 475.185 and other applicable laws of this state.

17 (3) The following persons need not register and may lawfully possess controlled substances un-
18 der ORS 475.005 to 475.285 and 475.840 to 475.980:

19 (a) An agent or employee of any registered manufacturer, distributor or dispenser of any con-
20 trolled substance if the agent or employee is acting in the usual course of business or employment.

21 (b) A common or contract carrier or warehouseman, or an employee thereof, whose possession
22 of any controlled substance is in the usual course of business or employment.

23 (c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful
24 order of a practitioner or in lawful possession of a Schedule V substance, unless otherwise prohib-
25 ited.

26 (d) A practitioner otherwise licensed under the laws of this state and authorized to dispense or
27 administer a controlled substance by the licensing authority.

28 (4) The board may waive by rule the requirement for registration of certain manufacturers or
29 dispensers if it finds it consistent with the public health and safety.

30 (5) A separate registration is required at each principal place of business or professional prac-
31 tice where the applicant manufactures, delivers or dispenses controlled substances.

32 (6) The board may inspect the establishment of a registrant or applicant for registration in ac-
33 cordance with the rules of the board.

34 **SECTION 24.** ORS 475.135 is amended to read:

35 475.135. (1) The State Board of Pharmacy shall register or renew the registration of an applicant
36 to manufacture or dispense controlled substances included in schedules under procedures defined in
37 ORS 475.035, unless it determines that the issuance of that registration would be inconsistent with
38 the public interest. In determining the public interest, the board shall consider the following fac-
39 tors:

40 (a) Failure to maintain effective controls against diversion of controlled substances into other
41 than legitimate medical, scientific or industrial channels;

42 (b) Failure to comply with applicable state or local laws;

43 (c) Any convictions of the applicant under any federal or state laws relating to any controlled
44 substance;

45 (d) Past experience in the manufacture, delivery or dispensing of controlled substances and the

1 existence in the applicant's establishment of effective controls against diversion;

2 (e) Furnishing by the applicant of false or fraudulent material in any application filed under ORS
3 475.005 to 475.285 and 475.840 to 475.980;

4 (f) Suspension or revocation of the applicant's federal registration to manufacture, deliver or
5 dispense controlled substances as authorized by federal law; or

6 (g) Any other factors relevant to and consistent with the public health and safety.

7 (2) Registration under subsection (1) of this section does not entitle a registrant to manufacture,
8 deliver or dispense controlled substances in Schedule I or II other than those specified in the reg-
9 istration.

10 (3) Practitioners must be registered to conduct research with controlled substances in Schedules
11 I through V if they are authorized to conduct research under the law of this state. The board need
12 not require separate registration under ORS [475.045,] 475.095 and 475.125 to 475.185 for practition-
13 ers engaging in research with controlled substances in Schedules I through V where the registrant
14 is already registered under ORS [475.045,] 475.095 and 475.125 to 475.185 in another capacity. Per-
15 sons with valid registration from the Drug Enforcement Administration for research on controlled
16 substances may conduct research within this state in compliance with other state law upon fur-
17 nishing the board evidence of that federal registration, and are exempt from state prosecution for
18 possession and distribution of controlled substances to the extent of the registration. Registration
19 under ORS 475.005 to 475.285 and 475.840 to 475.980 does not exempt the registrant from compliance
20 with any other relevant law of this state or the United States, unless such exemption is expressly
21 provided under ORS 475.005 to 475.285 and 475.840 to 475.980.

22 (4) Notwithstanding this section, the manufacture, delivery or dispensing of any controlled sub-
23 stance excluded from any medical use by federal law is prohibited, except:

24 (a) For research authorized under subsection (3) of this section and ORS 475.225; or

25 (b) As otherwise provided by state or federal law.

26 (5) Compliance by manufacturers and distributors with the provisions of the federal law re-
27 specting registration, excluding fees, entitles them to be registered under ORS [475.045,] 475.095 and
28 475.125 to 475.185.

29 **SECTION 25.** ORS 475.914 is amended to read:

30 475.914. (1) It is unlawful for any person:

31 (a) Who is subject to ORS [475.045,] 475.095 and 475.125 to 475.185 to deliver or dispense a
32 controlled substance in violation of ORS 475.185;

33 (b) Who is a registrant, to manufacture a controlled substance not authorized by this registra-
34 tion, or to deliver or dispense a controlled substance not authorized by the registration to another
35 registrant or other authorized person;

36 (c) To refuse or fail to make, keep or furnish any record, notification, order form, statement,
37 invoice or information required under ORS 475.005 to 475.285 and 475.840 to 475.980;

38 (d) To refuse an entry into any premises for any inspection authorized by ORS 475.005 to 475.285
39 and 475.840 to 475.980; or

40 (e) To keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft
41 or other structure or place, while knowingly permitting persons to use controlled substances in such
42 places in violation of ORS 475.005 to 475.285 and 475.840 to 475.980, or which is used for keeping
43 or selling them in violation of ORS 475.005 to 475.285 and 475.840 to 475.980.

44 (2) Any person who violates this section with respect to:

45 (a) A controlled substance in Schedule I, is guilty of a Class C felony.

1 (b) A controlled substance in Schedule II, is guilty of a Class A misdemeanor.

2 (c) A controlled substance in Schedule III, is guilty of a Class B misdemeanor.

3 (d) A controlled substance in Schedule IV or V, is guilty of a Class C misdemeanor.

4 **SECTION 26.** ORS 475.973 is amended to read:

5 475.973. (1)(a) [*Notwithstanding ORS 475.045,*] The State Board of Pharmacy may not adopt rules
6 that exempt a product containing ephedrine or pseudoephedrine from classification as a controlled
7 substance. Except as otherwise provided in this paragraph, the State Board of Pharmacy shall adopt
8 rules to classify ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III controlled
9 substances. The Schedule III classification may be modified by the State Board of Pharmacy if the
10 State Board of Pharmacy finds that restrictions on products containing ephedrine, pseudoephedrine
11 or phenylpropanolamine under a Schedule III designation do not significantly reduce the number of
12 methamphetamine laboratories within the state.

13 (b) Records of transactions involving products containing ephedrine, pseudoephedrine or
14 phenylpropanolamine are subject to inspection by the State Board of Pharmacy and law enforcement
15 agencies. A person required to make or maintain records of transactions involving products con-
16 taining ephedrine, pseudoephedrine or phenylpropanolamine shall forward the records to the De-
17 partment of State Police if directed to do so by the department. Failure to forward records as
18 required by this paragraph is a Class A misdemeanor.

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

26 **SECTION 27.** Sections 6 to 20 of this 2011 Act and the amendments to ORS 342.143,
27 475.185, 475.245, 475.914 and 475.967 by sections 2, 3, 21, 22 and 25 of this 2011 Act apply to
28 conduct occurring on or after the effective date of this 2011 Act.

29 **SECTION 28.** This 2011 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
31 on its passage.

32