

HB 2303 -3, -5 STAFF MEASURE SUMMARY

House Committee On Health Care

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Meeting Dates: 3/7, 3/21

WHAT THE MEASURE DOES:

Authorizes the State of Board of Pharmacy (Board) to adopt rules to allow pharmacies to dispense pseudoephedrine. Specifies criteria for safekeeping and dispensing pseudoephedrine; checking and verifying identification of a purchaser; establishes requirements for reporting and tracking the dispensing of pseudoephedrine. Requires the Board to adopt rules consistent with the federal Controlled Substances Act. Repeals affirmative defense for unlawful possession of pseudoephedrine. Specifies violation is a Class C felony.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Replaces measure. Authorizes a pharmacist to prescribe and dispense pseudoephedrine to an individual who is 18 years of age or older and who provides a valid government-issued photo identification. Requires a pharmacist to query the prescription drug monitoring program. Prohibits an individual from receiving nine grams of pseudoephedrine in a 3-day period. Authorizes the State Board of Pharmacy to adopt rules.

-5 Replaces measures. Authorizes a pharmacist or pharmacy technician to dispense a drug containing pseudoephedrine, ephedrine, or a salt, isomer, or salt of isomer of pseudoephedrine or ephedrine without a prescription to an individual 18 years of age or older with a valid government-issued photo identification. Mandates that pseudoephedrine or ephedrine containing products must be stored behind pharmacy counter that is closed to the public. Prior to dispensing, requires a pharmacist or pharmacy technician to verify specific information in an electronic monitoring system. Requires a dispensing log to be retained at the pharmacy for at least two years from date of transaction. Allows law enforcement to obtain information contained in log through a subpoena accepted by the State Board of Pharmacy (Board). Requires Board to accept a lawfully issued subpoena. Specifies requirements for the electronic tracking system.

BACKGROUND:

In July 2005, Oregon became the first state to require a prescription for products containing pseudoephedrine and ephedrine, such as cold and allergy medications as the law (House Bill 2845) reclassified cold medications pseudoephedrine as Schedule III controlled substances. The law was in response to the increase in the production, distribution, and use of methamphetamine in Oregon, which can be produced using pseudoephedrine.

In 2005, Congress passed the Combat Methamphetamine Epidemic Act (CMEA) (Public Law 109-177). The federal legislation implemented new pseudoephedrine sales restrictions: (1) requiring pharmacies to place products containing pseudoephedrine behind counters or in locked cabinets to prevent unsupervised access; (2) amending existing federal law to set a daily sales limit of 3.6 grams of pseudoephedrine per customer and a monthly limit of 9 grams per customer; and (3) requiring pharmacies to maintain a logbook recording all sales of pseudoephedrine products and the verified identity of purchasers (Government Accountability Office, 2013).

As of 2012, 20 states had implemented “electronic tracking of OTC sales of medications containing meth precursors” systems, with 17 of those states using the National Precursor Log Exchange (NPLEx), an electronic

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logging system used by pharmacies and law enforcement. Oregon does not currently use NPLEx as dispensing pseudoephedrine requires a prescription from a health professional.

House Bill 2303 allows Oregon pharmacies to dispense pseudoephedrine without a prescription.

PRELIMINARY