

HB 2648 STAFF MEASURE SUMMARY

Carrier: Rep. Post

House Committee On Health Care**Action Date:** 04/13/21**Action:** Do Pass.**Vote:** 9-0-1-0**Yeas:** 9 - Alonso Leon, Campos, Dexter, Hayden, Moore-Green, Noble, Prusak, Salinas, Schouten**Exc:** 1 - Drazan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 4/1, 4/13**WHAT THE MEASURE DOES:**

Authorizes a pharmacist or pharmacy technician to transfer 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 transfer, requires a pharmacist or pharmacy technician to verify specific information in an electronic monitoring system. Requires 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). Specifies requirements for the electronic tracking system. Specifies violation is a Class A misdemeanor. Becomes operative January 1, 2022. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Inclusion of pseudoephedrine in common over-the-counter (OTC) allergy medications
- Other states current use of technology (NPLEx) to assist OTC sales of pseudoephedrine
- Privacy protections and access by law enforcement to information in NPLEx
- Diversion of pseudoephedrine

EFFECT OF AMENDMENT:

No amendment.

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 2017, more than 30 states have implemented a system to electronically track "OTC sales of medications containing meth precursors" by using the National Precursor Log Exchange (NPLEx), an electronic logging system used by pharmacies and law enforcement. Oregon does not currently use NPLEx as dispensing pseudoephedrine

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requires a prescription from a health professional. In 2019, House Bill 2303 sought to allow pharmacists to dispense pseudoephedrine to individuals 18 years of age.

House Bill 2648 allows Oregon pharmacies to dispense pseudoephedrine without a prescription if the pharmacy uses an electronic tracking system and the individual provides valid identification.