

# 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

1  
2 Relating to pseudoephedrine; creating new provisions; amending ORS 475.230; and prescribing an  
3 effective date.

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

5 **SECTION 1.** ORS 475.230 is amended to read:

6 475.230. (1) As used in this section, "**intern**," "pharmacist," "pharmacy" and "pharmacy tech-  
7 nician" have the meanings given those terms in ORS 689.005.

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

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

16 (a) The date and time of the transfer;

17 (b) The name, address and date of birth of the person to whom the transfer will be made;

18 (c) The form of government-issued photo identification and identification number of the person  
19 to whom the transfer will be made;

20 (d) The name of the government agency that issued the photo identification; and

21 (e) The name of the drug that will be transferred and the amount of pseudoephedrine or  
22 ephedrine or a salt, isomer or salt of an isomer of pseudoephedrine or ephedrine, specified in grams,  
23 to be transferred.

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

28 (5)(a) Upon transferring a drug described in subsection (2) of this section, the pharmacist, [*or*]  
29 pharmacy technician **or intern** shall require the person to whom the drug is transferred to sign an  
30 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.

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

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

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

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

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

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

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

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

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

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

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

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

26 (iv) The name of the drug transferred;

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

30 (vi) The name or initials of the pharmacist, [or] pharmacy technician **or intern** who transferred  
 31 the drug;

32 (F) Be free of charge to a pharmacy;

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

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

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

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

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

40 (a) Transferred from behind a pharmacy counter; and

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

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

45 (9) This section does not apply to a drug that contains pseudoephedrine or ephedrine or a salt,

1 isomer or salt of an isomer of pseudoephedrine or ephedrine when the drug is transferred pursuant  
2 to a prescription.

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

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

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

9 **(2) The State Board of Pharmacy may take any action before the operative date specified**  
10 **in subsection (1) of this section that is necessary to enable the board to exercise, on and**  
11 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
12 **and powers conferred on the board by the amendments to ORS 475.230 by section 1 of this**  
13 **2022 Act.**

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

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