

OREGON**PRODUCTS:**

- All products containing ephedrine (EPH), pseudoephedrine (PSE) and phenylpropanolamine (PPA) as Schedule III controlled substances (ORS 475.973);
- *Under current regulations non-liquid PSE products or other products not otherwise exempted by the board products may only be sold in a licensed pharmacy.* (OR BReg 855-050-0038)

PRODUCT EXEMPTIONS:

- The Board of Pharmacy may, by regulation, modify the CIII classification for PSE, EPH and PPA products if it finds that the restrictions under CIII do not significantly reduce the number of meth labs in the state. (ORS 475.973) However, the Board of Pharmacy may not adopt rules that exempt a product containing PSE or EPH from classification as controlled substances.

SALES LIMITS:

- A person commits the crime of unlawful distribution if the person sells or otherwise transfers EPH, PSE or PPA products in violation of board rules or more than 9 grams to a person other than a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman or common carrier in the regular course of lawful business activities (ORS 475.973);
- A person may possess less than 24 grams of EPH, PSE or PPA products in his or her home or residence under circumstances consistent with typical medicinal or household use except that this does not apply if the person purchased more than 9 grams within a period of 7 consecutive days.

SALES RESTRICTIONS:

- By July 1, 2006, the Board of Pharmacy must promulgate regulations classifying PSE, EPH and PPA containing products as C-III substances. The C-III classification for these products may be modified by the State Board of Pharmacy if the board finds that restrictions under a C-III designation do not significantly reduce the number of methamphetamine laboratories within the state (ORS 475.973);
- Existing regulations require that non-liquid PSE products or other products not otherwise exempted by the board products may only be sold in a licensed pharmacy (OR BReg 855-050-0038);
- However, from the effective date of Act (August 16, 2005) until the date the new board regulations take effect, the Board of Pharmacy may adopt rules placing requirements and limitations on the sale or transfer of PSE, EPH and PPA containing products. (ORS 475.973)

RECORDKEEPING REQUIREMENTS:

- EPH, PSE and PPA sales and transaction records are subject to inspection by the State Board of Pharmacy and law enforcement agencies. Transaction records shall be forwarded to the Department of State Police if directed to do so by the department (ORS 475.973);
- *Note: Existing regulations require purchasers to present a photo ID and sign electronic or paper log recording name, driver's license or state ID number, the initials of seller and quantity purchased.* (OR BReg 855-050-0038)

PRODUCT PLACEMENT:

- Note: Existing regulations require non-liquid PSE products or other products not otherwise exempted by the board be sold in licensed pharmacy. Products must be kept in the prescription area or in a locked storage space (shelf, safe, cabinet, etc.) that is close to and within full view of the licensed pharmacy where only licensed pharmacists or registered technician may be allowed to remove products from storage space (OR BReg 855-050-0038);
- However, from the effective date of Act (August 16, 2005) until the date the new board regulations take effect, the Board of Pharmacy may adopt rules placing requirements and limitations on the sale or transfer of PSE, EPH and PPA containing products. (ORS 475.973)

PENALTIES:

- A person commits the crime of distribution with intent to facilitate the manufacture of a controlled substance if the person sells or otherwise transfers equipment, a solvent, a reagent or a precursor substance with knowledge that the equipment, solvent, reagent or precursor substance is intended to be used in the manufacture of a controlled substance in violation of ORS 475.992. Distribution of equipment, a solvent, a reagent or a precursor substance with intent to facilitate the manufacture of a controlled substance is a Class B felony (ORS 475.973);
- Failure to forward transaction records to the Department of State Policy upon request is a Class A misdemeanor (ORS 475.973);
- Selling more than 9 g of EPH, PSE or PPA to non-authorized individuals is a crime of unlawful distribution and is a Class A misdemeanor.

RETAILER LIABILITY EXEMPTION:

- A person who, in good faith, makes a report of a violation of ORS 475.940 to 475.999 and has reasonable grounds for making the report are immune from civil or criminal liability that might otherwise be incurred or imposed with respect to making the report or to the content of the report. Such person has the same immunity with respect to participating in a judicial proceeding resulting from the report. (ORS 475.973)