

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 602

PRINTER'S NO. 2020

AMOUNT

No Significant Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 8, 2013

PRIME SPONSOR

Representative Quinn

HISTORY OF BILL

ferred to HEALTH, Feb. 8, 2013
ported as committed, March 13, 2013
st consideration, March 13, 2013
id on the table, March 13, 2013
moved from table, March 18, 2013
cond consideration, with amendments, March 19, 2013
-committed to APPROPRIATIONS, March 19, 2013
emarks see House Journal Page), March 19, 2013
-reported as committed, March 20, 2013
ird consideration and final passage, March 20, 2013 (200-0)
emarks see House Journal Page), March 20, 2013

In the Senate

ferred to PUBLIC HEALTH AND WELFARE, April 8, 2013
ported as amended, June 12, 2013
st consideration, June 12, 2013
-referred to APPROPRIATIONS, June 18, 2013
-reported as committed, June 26, 2013

DESCRIPTION AND PURPOSE OF BILL

House Bill 602 amends the Controlled Substance, Drug, Device and Cosmetic Act to provide for controls on the sale of ephedrine and pseudoephedrine by retailers.

Defines "real-time stop sale system."

Repeals provisions in current law related to controls on retail sale.

Prohibits retailers from making sales to an individual and prohibits an individual from purchasing ephedrine or pseudoephedrine base or their salts, isomers or salts of isomers in excess of specified amounts.

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Requires nonprescription products containing ephedrine or pseudoephedrine to be maintained behind the counter or in a locked case where customers do not have direct access.

Provides that a retailer shall require a person purchasing such products to produce a valid government-issued photo ID.

Requires the retailer to record certain information about identity of the customer.

Requires the retailer to submit the information to the real-time stop sale system administered by the Department of Health prior to completing the sale.

Provides that a retailer shall not be civilly liable for certain acts or omissions relating to the use of the real-time stop sale system.

Provides that a retailer who experiences technical difficulties using the system shall keep a written log or alternative electronic recordkeeping mechanism. Permits the use of such alternative recordkeeping if the retailer does not have access to the Internet.

Authorizes a vendor to operate the real-time stop sale system for the department. Provides that a retailer shall not complete the sale if the electronic system generates a stop sale alert, but provides for an override function if the retailer has a reasonable fear of imminent bodily harm if it does not complete the sale.

Provides that a violation of the provision of the act is a misdemeanor and punishable by a fine only.

Stipulates that it does not apply to a person who obtains a product pursuant to a valid prescription and that this act supersedes any other laws or regulations governing the sale of these products.

This act shall take effect in 270 days.

FISCAL IMPACT:

House Bill 602 will have no significant fiscal impact to the Commonwealth. The NPLeX system is provided through the National Association of Drug Diversion Investigators (NADDI) and funded by the pseudoephedrine manufacturers (Consumers Healthcare Products Association). The system can be made available free of charge to state government and to law enforcement agencies as well as pharmacies. The system is free of charge to states that enact legislation requiring a retailer to report precursor sales using the system. It is estimated there will be personnel costs associated with the review of paper logs and coordination with the real-time stop sale system which will be absorbed by the department's General Government Operations.