Statement on

The Status of Meth: Oregon's Experience Making Pseudoephedrine Prescription Only

United States Senate Caucus on International Narcotics Control

April 13, 2010
10:00 a.m.
Independent Community Pharmacy Perspectives on Possible Reclassification of Pseudoephedrine Products to Prescription Only Status

Chairman Feinstein, Co-Chairman Grassley, and Members of the Caucus. The National Community Pharmacists Association (NCPA) appreciates the opportunity to share the community pharmacy perspective regarding issues relating to the current availability of pseudoephedrine and efforts to curb its abuse. NCPA represents America’s community pharmacists, including the owners of more than 22,700 community pharmacies, pharmacy franchises, and chains.

**Importance of access to over-the-counter (OTC) medications**

Community pharmacists recognize the importance of addressing the serious problem of illicit methamphetamine production and abuse. NCPA encourages community pharmacists to commit themselves to supporting national and local efforts to prevent the abuse of both prescription and non-prescription drugs, and supports current federal law that ensures that entities who sell pseudoephedrine products self-certify with the Drug Enforcement Administration.

NCPA has a strong interest in this issue, as independent community pharmacies provide vital access to non-prescription medications and counseling services that allow patients to receive the most benefit from their drug therapies. Non-prescription products containing pseudoephedrine have been proven safe and effective when used properly for nasal and sinus congestion. Studies have indicated that products with ingredients such as phenylephrine are not as effective as pseudoephedrine, therefore signifying the
importance of maintaining access to a non-prescription product that millions of responsible Americans rely on annually for relief from cold and sinus symptoms.

As discussions surrounding meth production are ongoing, it is important to note that the number of national meth labs in the United States have drastically decreased over the past several years, with various state restrictions in place and new controls that were implemented as part of the enactment of the Federal Combat Methamphetamine Epidemic Act of 2005.

It is also important to understand whether meth labs are actually obtaining their ingredients primarily via OTC medications sold in retail outlets, or from other sources like super labs in locations such as Mexico that obtain large quantities of bulk chemicals illegally. NCPA contends that the provisions currently in place that limit sales to specific quantities and allow for tracking of patients who purchase pseudoephedrine-containing products help prevent the diversion of these products for illegitimate purposes, while still allowing consumers with legitimate needs to access these necessary medications.

**NCPA is opposed to requiring a prescription for pseudoephedrine products**

NCPA is committed to working with Members of Congress and state and local law enforcement officials to combat the inappropriate use of pseudoephedrine. However, NCPA is opposed to Federal legislation that would move pseudoephedrine from OTC to prescription status. This will, in our view, hinder the ability of patients to purchase legal products containing pseudoephedrine by forcing them to have a prescription to acquire the product. A recent survey of our members found that 56% opposed making it a
prescription item. Making pseudoephedrine a prescription product will have the detrimental effect of unreasonably burdening patients who rely on their local community pharmacists to provide timely access to beneficial OTC medications, including the counseling services that allow patients to make the right decision on which therapy will best suit their symptoms.

With health care costs continuing to increase, legislation that would require a prescription for pseudoephedrine will undoubtedly further increase costs to the health care system, patients, and employers, due to more physician visits and lost productivity at work. In fact, in Mississippi, where legislation recently passed requiring a prescription for pseudoephedrine, it was estimated that added costs to the system would total millions of dollars, including lost sales tax revenue and increased costs to public programs such as Medicaid.

**Potential alternative to prescription status**

As an alternative to prescription status, efforts that allow for electronic tracking of OTC medications containing pseudoephedrine have been adopted in several states to fight illicit meth production while maintaining access to these products.

When considering expansion of electronic tracking systems, it is imperative to realize the fact that approximately 35% of independent pharmacies do not have point-of-sale capabilities to log sales transactions and would have to utilize the Internet instead. This approach is oftentimes not conducive to pharmacy workflow and OTC sales.
In addition, as over-limit sales are denied at point of purchase of the pseudoephedrine product, community pharmacists and their staff are placed in a potentially dangerous situation of having to deny sale of the product. Even though opportunities may exist to override the transaction, this still puts the burden of determining whether a potential criminal can obtain pseudoephedrine on the pharmacist. Simply stated, community pharmacists should not be put in the position to serve as OTC drug police.

Lastly, consideration must be given to the cost of implementation of an electronic tracking system on pharmacy operations. We expect the manufacturers would bear the full short- and long-term cost of developing, maintaining, updating and installing the systems in pharmacies. This has to be a long term commitment, and cannot be an unfunded mandate on community pharmacies.

**In conclusion**

In conclusion, community pharmacists have demonstrated the ability to responsibly manage the distribution of pseudoephedrine, thereby maintaining access for patients and keeping system costs to a minimum. While we disagree with combating the problem by requiring a prescription for pseudoephedrine, NCPA shares law enforcement’s goal of preventing illegal sales and is committed to working towards sensible solutions.

Thank you for your time and for the opportunity to share the viewpoints of independent community pharmacy.