



State of North Dakota
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Senate Bill No 2294 – Scheduled Chemical Products

Senate Human Services Committee – Sakakawea Room
10:00 AM - Tuesday – February 9th , 2021

Madam Chair Lee, members of the Senate Human Services Committee, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy. Thank you for the opportunity to be here to speak to you today and offer our support of Senate Bill 2294.

Very simply, this Bill makes one change to the law by adjusting the limit on the package size of the scheduled listed chemical products to two and four-tenths (2.4) grams. To provide some context to “Scheduled listed chemical products”, these are mostly ephedrine and pseudoephedrine containing products which are often sold behind the counter as OTC items to prevent large sales or diversions for the purpose of creating the street drug meth. If you recall, North Dakota, as well as many other states, went through an epidemic of “home grown” methamphetamine labs. Ephedrine and pseudoephedrine containing products were being bought and diverted for the purposes of creating this deadly street drug Methamphetamine. Due to Law Enforcement’s work on this issue, to my knowledge, they have not come upon a methamphetamine lab in quite some time in our state.

Historically, North Dakota was ahead of the Federal action on the restricting of the sale of scheduled listed chemical products and creating the language in this bill which restricts sales. The Federal laws have subsequently created their own restrictions. Importantly, the Federal restrictions do not create a package size limit and just restrict individual sales to people, both on a daily and a monthly basis. North Dakota, like many other states utilizes the National Precursor Log Exchange (NPLEx) system, which is a software system pharmacies and other retailers stocking and selling these products track sales of these products to individuals by way of scanning in their identification, scanning in the code of the medication and knowing at the point of purchase if that sale can legally be made.

This change will allow retailers to be able to sell commercially packaged products, most often 10 count boxes of 24 hours pseudoephedrine containing products. At the existing limit, retailers are having to watch what they purchase according to what is commercially available. We did communicate with the Attorney General as well as the Bureau of Criminal Investigations about making this change. Both did not raise any concerns with the increase in the limit.

As I have stated, the Board of Pharmacy does support this Bill and we respectfully ask for a do pass on Senate Bill 2294.

If you have any questions, I would be happy to answer them at this time.