

2021 SENATE HUMAN SERVICES

SB 2294

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

SB 2294
2/9/2021

A BILL for an Act to amend and reenact subsection 1 of section 19-03.4-08 of the North Dakota Century Code, relating the sale of scheduled listed chemical products.

Madam Chair Lee opened the hearing on SB 2294 at 10:54 a.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Limit increase of scheduled chemical products
- NPLeX system

[10:55] Senator Howard Anderson, District 8. Introduced BS 2294.

[10:56] Dr. Mark Hardy, Executive Director, Board of Pharmacy. Provided testimony #6052 in favor.

Senator Hogan moves **DO PASS**.

Senator Clemens seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	Y

The motion passed 6-0-0

Senator K. Roers will carry SB 2294.

Additional written testimony: N/A

Madam Chair Lee closed the hearing on SB 2294 at 11:00 a.m.

Justin Velez, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2294: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the Eleventh order on the calendar.

North Dakota SB 2343

		Source
PMPM from FN	\$ 20.37	Fiscal Note
Members from FN	83,233	Fiscal Note
Estimated Annual Exp from FN	\$ 20,345,475	Fiscal Note
Current Biennium Appropriation from FN	\$ 14,309,744	Fiscal Note
Members from FN	83,233	Fiscal Note
		Computed from Fiscal Note
Est PMPM budgeted	\$ 14.33	(14,309,744/83,233/12)
Est PMPM budgeted	\$ 14.33	Computed from Fiscal Note from above
		Computed based on Fiscal Note's 10%
Agency's 10% DBM admin	\$ 1.43	est.
Agency's 1% DBM profit	\$ 0.14	Computed based on Fiscal Note's 1% est.
Total PMPM w/admin & profit	\$ 15.90	Computation
Total PMPM w/admin & profit	\$ 15.90	Computation from above
Members from FN	83,233	Fiscal Note
Total Estimated Annual Exp	\$ 15,883,816	Computation (\$15.90 * 83,233 * 12)
Current Biennium Appropriation from FN	\$ 14,309,744	Fiscal Note
		(assuming current spend +10% admin
Total Estimated Annual Exp	\$ 15,883,816	+1% profit)
Variance	\$ (1,574,072)	
State	\$ (749,258)	
Federal (52.40% FMAP)	\$ (824,814)	

2021 HOUSE HUMAN SERVICES

SB 2294

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2294
3/9/2021

Relating to the sale of scheduled listed chemical products
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Chairman Weisz opened the committee hearing at 9:22 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	A
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Larger packages
- Tracking system
- Commercially packaged products

Sen. Howard Anderson, District 8 (9:22) introduced the bill and submitted testimony #8084.

Mark Hardy, North Dakota Board of Pharmacy (9:24) testified in favor and submitted testimony #8057.

Chairman Weisz adjourned at 9:29 a.m.

Tamara Krause, Committee Clerk

Senate Bill 2294

Testimony of Senator Howard C. Anderson Jr. of District 8.

Chairman Weisz and members of the House Human Services Committee.

Senate Bill 2294 seeks to expand the ability of North Dakota consumers to purchase larger packages of some decongestant containing products without going over the Federal Limits.

Dr, Hardy will explain how many products are affected and how the tracking system works to keep those seeking to obtain product for the illicit manufacture of methamphetamine under control.

Thank you,

Howard



#8057

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STATE BOARD OF PHARMACY

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**Mark J. Hardy, PharmD, R.Ph.
Executive Director**

Senate Bill No 2294 – Scheduled Chemical Products

**House Human Services Committee – Pioneer Room
9:15 AM - Tuesday – March 9th, 2021**

Chairman Weisz, members of the House 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 non-prescription items. The intention of a limit is to prevent large sales for the purpose of creating the street drug methamphetamine. 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 the 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. This system allows pharmacies and other retailers stocking and selling these products to 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.

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2294
3/10/2021

Relating to the sale of scheduled listed chemical products
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Chairman Weisz opened the committee meeting at 3:13 p.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Larger packages

Rep. Todd Porter (3:13) moved **Do Pass**

Rep. Gretchen Dobervich (3:13) second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y
Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	Y
Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion Carried Do Pass 14-0-0

Bill Carrier: Rep. Kathy Skroch

Chairman Weisz adjourned at 3:15 p.m.

Tamara Krause, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2294: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the
Fourteenth order on the calendar.