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April 10, 2019

The Honorable Mike Shower
Senate State Affairs Committee, Chair
120 4th Street
Juneau, AK 99801

The Honorable John Coghill
Senate State Affairs Committee, Vice Chair
120 4th Street
Juneau, AK 99801

RE: Opposition to SB 32 (Request of the Governor) – An Act Relating to Criminal Procedure

Dear Chairs Shower and Coghill,

On behalf of the Consumer Healthcare Products Association (CHPA), the 138-year-old trade association representing the leading manufacturers of over-the-counter (OTC) medicines, I'm writing to express our concerns with Senate Bill 32. This legislation would amend existing law regarding possession of pseudoephedrine as prima facia evidence of methamphetamine manufacturing.

Pseudoephedrine – commonly abbreviated “PSE” – is a safe and effective active ingredient found in leading cold, allergy, and sinus medicines to provide congestion relief. Common brand-named medicines containing PSE include Sudafed, Mucinex D, and Claritin-D, among many others.

While more than 18 million American families rely on these medicines every year, PSE can at times be used in the illegal manufacture of methamphetamine. CHPA recognizes the misuse and diversion of PSE products as a serious issue, and accordingly have partnered with states in preventing the illegal sale of PSE by funding a real-time, stop-sale system known as the National Precursor Log Exchange (NPLEx). Today, 35 states have adopted this system which blocks the illegal sale of PSE at the point-of-sale, in real-time, and across state lines. Alaska, unfortunately, has not adopted the NPLEx system.

While we have no objection to the change in penalty associated with illegal possession of PSE, we do have concerns about the amount of PSE possession that qualifies as prima facia evidence of domestic meth production. Most states, and the federal government have a 9 gram per month PSE purchase limit. This limit ensures a consumer the ability to purchase the maximum allowable daily dose of PSE allowed by the Food and Drug Administration (FDA) for an entire month – an important consideration particularly during the allergy seasons.

Unfortunately, under Alaska's current law, consumers are only allowed to purchase 6 grams of PSE per month. 6 grams amounts to roughly a 25 days supply of congestion relief whereas 7.2 grams allows for a full month's supply – an important consideration for an allergy sufferer. This legislation provides an opportunity for the legislature to reconsider the PSE purchase limits

currently in place. CHPA recommends Alaska adjust its monthly PSE purchase cap for consumers be adjusted from 6 grams to a more medically appropriate 7.2 grams. We also recommend the state consider enforcing the daily gram limit of 3.6 grams and the monthly grams limit with the NPLEx system that has been adopted by 35 other states. To reiterate, this system is provided free of charge to any state that mandates its use by retailers that sell PSE containing medications. Manufacturers of PSE provide 100% of the system's funding. We have no issue with a possession threshold of 7.2 grams or higher as prima facie evidence of meth manufacturing.

The vast majority of medications containing PSE are purchased by law abiding citizens with a sincere need for congestion relief. Increasing the monthly gram limit to match Federal law, or at least 7.2 grams, ensures consumers will continue to have access to the medicines they need to alleviate their allergy and sinus symptoms.

For these reasons, we respectfully urge the Committee to consider amending the monthly PSE possession limit to 7.2 grams or higher and also consider adopting the NPLEx system to help electronically enforce those limits.

Thank you for considering our concerns. Please feel free to contact me directly with any questions on our position per the information below.

Respectfully submitted,



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cc: Senate State Affairs Committee