Testimony of the
CONSUMER HEALTHCARE PRODUCTS ASSOCIATION
concerning
HOUSE BILL 387
presented to the
HOUSE JUDICIARY COMMITTEE
STATE OF ALASKA
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Good afternoon, Chairman Claman and distinguished members of the House Judiciary Committee, my name is Sean Moore and I am testifying today on behalf of the Consumer Healthcare Products Association (CHPA) concerning **House Bill 387** – a bill that would provide the Attorney General authority to schedule a substance under emergency rule.

CHPA is the 137-year-old trade association representing the leading manufacturers and marketers of over-the-counter (OTC) medicines and dietary supplements. Every dollar spent by consumers on OTC medicines saves the U.S. healthcare system $6-$7, contributing a total of $102 billion in savings each year. CHPA is committed to promoting the increasingly vital role of over-the-counter medicines and dietary supplements in America's healthcare system through science, education, and advocacy.

CHPA and our member companies appreciate the intent of this bill, and we are sympathetic to the difficulties of remaining ahead of the ever-evolving nature of synthetic drugs used and distributed by criminals. However, CHPA is concerned that – as drafted – the bill may unintentionally threaten access to OTC medications approved by the Food and Drug Administration (FDA) and used by hundreds of thousands of Alaskans.

To address these concerns, CHPA proposes to amend Section 4 of the bill (p. 3 lines 28-30) as follows:

(e) The attorney general may not adopt an emergency regulation under this section that schedules an alcoholic beverage as defined in AS 04.21.080, marijuana as defined in AS 17.38.900, non-narcotic drugs if such drugs may [under the federal Food, Drug, and Cosmetic Act 921 USC 301 et seq] be lawfully sold over the counter or behind the counter without a prescription, or tobacco.

Non-prescription medicines are subject to an extensive pre-market review process, including thorough inspection of the medication's safety and effectiveness, as well as the potential incidence of adverse events under directions for use and warnings against unsafe use. Furthermore, FDA considers the potential for harm that may result from abuse.

CHPA believes the above amendments provide a straightforward modification that maintains the intent of the bill, while ensuring Alaska's consumers have access to FDA-approved OTC medicines and our member companies are able to operate in a predictable regulatory environment.

For these reasons, we respectfully encourage the committee to amend House Bill 387, which would allow CHPA to take a neutral position on the legislation. I sincerely appreciate your consideration of our position on this important issue. I am happy to answer any questions you might have.