

CHPA 2018 STATE AND LOCAL LEGISLATIVE PRIORITIES

The Consumer Healthcare Products Association (CHPA) represents the leading manufacturers and marketers of over-the-counter (OTC) medicines and dietary supplements. Through science, education, and advocacy, CHPA works to ensure consumer access to safe, effective, and convenient OTC medicines for the treatment and prevention of many ailments and diseases.

CHPA promotes responsible self-care to empower consumers to manage their health and well-being. CHPA advocates the appropriate recognition of the value of self-care, including:

- Making healthy lifestyle choices (including physical activity and healthy eating to maintain good health and prevent illness)
- Making responsible use of all medicines (both prescription and nonprescription)
- Self-recognition of symptoms (assessing and addressing symptoms and seeking the assistance of a healthcare professional when necessary)
- Self-monitoring (checking symptoms for signs of improvement or deterioration)
- Self-management (managing symptoms alone, with the assistance of a healthcare professional when necessary, or in partnership with others with the same condition)

Self-Care is prominent in CHPA's vision – Happier, healthier lives through responsible self-care – as well as our mission: Empower self-care by preserving and expanding choice and availability of consumer healthcare products. The appropriate use of over-the-counter medicines plays an important role in managing one's health, which has both personal and public benefits.

A recent study found that every dollar spent on over-the-counter medicines saves the United States healthcare system \$6-7 dollars each year totaling \$102 billion in annual savings, and that without access to OTC medicine, over 60 million Americans would not seek treatment for their ailments at all.¹

Safe Drug Disposal: CHPA opposes costly and unnecessary drug take-back programs. CHPA advocates broad public awareness on the proper use, storage, and disposal of medicines as the most effective tool for addressing abuse, misuse, and environmental impacts of medicines. CHPA opposes mandatory, manufacturer-funded drug take-back programs, which add costs to otherwise affordable over-the-counter medications and do little to address drug diversion or abuse. CHPA recommends safe medication storage and advises consumers to adhere to guidance published by the White House Office of National Drug Control Policy (ONDCP), the U.S. Food and Drug Administration (FDA), and the United States Drug Enforcement Agency (DEA) on proper medication disposal. CHPA is a strong supporter of the DEA bi-annual drug take-back days currently in place, and use of existing take-back bins at law enforcement locations and retail pharmacies across the country.

Pseudoephedrine: CHPA supports the fight against diverting pseudoephedrine while maintaining access to cold and allergy medications. Pseudoephedrine (PSE), a safe, effective, and widely-used OTC decongestant, is used by some criminals to manufacture methamphetamine. Federal sales

¹ Booz & Co and Consumer Healthcare Products Association. "The Value of OTC Medicines to the United States". January 2012. <http://www.chpa.org/ValueofOTCMeds2012.aspx>.



restrictions on pseudoephedrine products, established by the Combat Methamphetamine Epidemic Act (CMEA) in 2006, have significantly reduced the number of domestic methamphetamine labs. In an effort to continue the fight against clandestine meth labs, CHPA member companies have helped establish and pay for the National Precursor Log Exchange (NPLEx), a multi-state electronic PSE real-time, stop-sale system. NPLEx prevents individuals from evading the purchase limits on PSE while preserving access to consumers and providing law enforcement with tools to help track down meth manufacturers. NPLEx is a real-time, interoperable electronic system that blocks illegal PSE sales and has been adopted by 34 states. CHPA supports a nationwide electronic system as a tool to enforce purchase limits by preventing the illegal purchase of products containing PSE. The system empowers retailers to block illegal sales that attempt to exceed daily and monthly gram limits.

Cough Medicine: CHPA supports prohibiting cough medicine sales to minors.

Every year, millions of Americans use OTC medicines containing dextromethorphan (DXM) to relieve cough symptoms. Cough medicine with DXM has been available over-the-counter in the United States for more than 50 years and is safe and effective when taken as recommended. However, according to the 2017 National Institute on Drug Abuse *Monitoring the Future* study, three percent of teenagers have intentionally taken exceedingly large amounts of cough medicine containing DXM to get high. CHPA supports federal and state efforts prohibiting the sale of cough medicine to those under the age of 18. However, CHPA opposes legislation placing dextromethorphan-containing products behind the counter, which would severely limit consumers' access to a safe, effective, and widely-used medicine. As of April 2018, fifteen states have enacted age-18 restrictions for products containing DXM.

Tax Support for OTCs: CHPA supports favorable tax treatment for OTC medicines.

OTC medicines play an important role in the health status of millions of Americans and are a safe and affordable component of the nation's healthcare system. While 43 of the 45 states with a sales tax currently exempt prescription drugs from sales tax, only 13 states and the District of Columbia exempt OTC medicines. CHPA believes OTC medicines should be exempt from sales tax in all states.

Labeling: CHPA opposes bills that violate federal preemption provisions. Federal drug labeling requirements in the Federal Food, Drug, and Cosmetic Act preempt state and local measures. This ensures that consumers receive consistent, accurate information about how to choose the medicines that are right for them and how to use those medicines appropriately.

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