

2017 CHPA 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.

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 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 31 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 Medicines Containing Dextromethorphan (DXM): CHPA supports prohibiting DXM cough medicine sales to minors. Millions of Americans use OTC cough medicines to safely and effectively relieve coughs due to the common cold or flu, but some teenagers are abusing the active ingredient, dextromethorphan. 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.

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 costly and unnecessary drug take-back programs, which are no more effective than in-home disposal. CHPA recommends in-home disposal and advises consumers to adhere to guidance published by the White House Office of National Drug Control Policy (ONDCP) and the U.S. Food and Drug Administration (FDA), to not flush or pour unused medicines down a sink or drain unless directed to do so by instructions on the product label; place unwanted medicines in a sealable plastic bag; add an undesirable substance, such as cat litter; and dispose of the sealed bag in the household trash. CHPA also promotes the use of voluntary community-based take-back programs where available.

Sunscreen: CHPA supports providing consumers with access to a wide variety of safe and effective sunscreens to use as an important part of an overall safe sun program. Recently, oxybenzone, an active ingredient in many of the most widely-used sunscreens, has come under attack for its alleged role in the degradation of coral reefs. These attacks cite a study published in *Archives of Environmental Contamination and Toxicology* suggesting oxybenzone could be harmful

to coral, but the study failed to accurately reflect the complexity of the natural marine environment in which coral exists. There is no scientific evidence that under naturally-occurring conditions, sunscreen ingredients, which have been safely used around the world for decades, are contributing to this issue. According to the U.S. National Oceanic and Atmospheric Administration's (NOAA) Coral Reef Conservation Program, coral reefs are threatened by an increasing array of impacts – primarily from global climate change, unsustainable fishing and other factors. Sunscreen is a first line of defense for individuals seeking protection from the sun's cancer-causing UV rays. Oxybenzone has been an FDA-approved sunscreen ingredient since 1978 and is proven effective against both UVA and UVB radiation, which is why the American Academy of Dermatology recommends the use of sunscreens containing oxybenzone. There is no evidence that restricting the availability of oxybenzone will improve the health of coral reefs, but it will certainly reduce the selection of sunscreen products available to consumers.

Flushable Claims for Disposable Wipes: CHPA opposes misguided restrictions on flushable claims.

Recently state and local governments have sought to restrict the use of flushable claims on disposable wipes. This activity is based on a mistaken belief that flushable wipes are not adequately breaking down in sewer systems, leading to clogs at water treatment facilities. However, industry and water officials in a handful of cities have partnered to collect and analyze materials clogging pump station inlet screens. The vast majority of those materials (>90%) were products that were not designed to be flushed, including paper towels, baby wipes, hard-surface cleaning wipes etc. More recently, the New York City Department of Environmental Protection conducted its own independent study at the city's Wards Island Wastewater Treatment Plant, and determined flushable wipes comprised less than two percent of the clogs. This analysis of the actual materials impeding the wastewater treatment process indicates that this is not a problem caused by wipes marketed as flushable, but rather a problem caused by inappropriately flushing items that should not be flushed. CHPA believes that it would be more effective to address wastewater concerns through an awareness campaign highlighting the importance of properly disposing of products that do not belong in a toilet.

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.

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 44 states with a sales tax currently exempt prescription drugs from sales tax, only 15 states and the District of Columbia exempt OTC medicines. OTC medicines should be exempt from sales tax in all states.

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CHPA is the 136-year-old-trade association representing U.S. manufacturers and marketers of over-the-counter medicines and dietary supplements.