

April 5, 2011

The Honorable Tom Ammiano  
Chair, Assembly Public Safety Committee  
California State Assembly  
State Capitol, Room 4005  
Sacramento, CA 95814

**RE: Assembly Bill 1280 (Hill) – SUPPORT**

Dear Assembly Member Ammiano:

On behalf of the California Healthcare Institute (CHI), whose more than 250 members include our state's premier life sciences companies and academic research institutions, I am writing in support of AB 1280, which would make California the 11<sup>th</sup> state to bring its retailers and pharmacists into the National Precursor Log Exchange (NPLEx), an industry funded program to prevent illegal sales of products containing pseudoephedrine (PSE).

In 2005, the United States Congress passed the Combat Methamphetamine Epidemic Act (CMEA), which requires pharmacies that sell PSE verify the identity of the purchaser, keep a record of all sales of these products for two years, and limit the amount that any individual may purchase within a 30 day period. PSE is a component part used in the manufacture of methamphetamine. Since the passage of this law nationwide, there has been a 65% decrease of illegal meth lab incidents nationwide, and an 86% decline here in California. Unfortunately, methamphetamine cooks have skirted the limits within CMEA through a practice known as "smurfing," where teams of purchasers are recruited to buy the maximum amount of PSE allowed by law at as many retail locations as possible. As there is no database in California to share information regarding purchases in real time, smurfing teams can acquire the sizeable amounts of PSE required for a meth cook before being detected.

Our industry shares the concerns about the dangers of methamphetamine use and the horrible effects it has on California communities. We do not feel, however, that

restricting access to law-abiding citizens who benefit from the proper use and administration of PSE is the correct approach to lessen the prevalence of methamphetamine use and manufacture in California. Millions of Californians rely on PSE to ameliorate the symptoms of the common cold and seasonal allergies each year. While other nasal decongestant products are on the market as over-the-counter remedies for these symptoms, many consumers find that PSE works best for them. Indeed, since the enactment of CMEA, millions of consumers nationwide have waited patiently to present identification to a pharmacist in order to obtain PSE, even though other alternatives exist and do not require this inconvenience.

AB 1280 strikes the appropriate balance in addressing the problem of PSE sales for illicit uses. The provisions within CMEA when combined with an e-tracking system provide an effective deterrent for those who would purchase PSE for illicit use. Law-abiding citizens will still have access – without having to obtain a prescription – to PSE: a proven, safe, and effective nasal decongestant. Twelve other states have an e-tracking program to ensure that sales of PSE fall within the legal limits established in CMEA. The programs have proven effective in reducing the number of methamphetamine labs. For these reasons, we strongly support AB 1280.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Consuelo Hernandez". The ink is dark and the signature is fluid and legible.

Consuelo Hernandez  
Vice President – State Government Affairs

cc: Members, Assembly Public Safety Committee  
Assembly Member Jerry Hill  
Gary Olson, Assembly Republican Caucus