



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on SB 587

*February 6, 2018*

Good morning Chairman Vukmir and members of the Senate Committee on Health and Human Services. Drug abuse is a scourge that has inflicted all of our communities. It knows no geographic boundary. It confines itself to no single demographic. The measure that you are considering today, SB 587, is another small but important piece in our ongoing work to end the cycle of self-destruction and addiction that comes with drug abuse.

This bill is a straightforward reform that deals with how products containing DXM (dextromethorphan) are sold in Wisconsin. DXM is an active ingredient in more than 120 over-the-counter cough and cold medicines. It is not a narcotic and it was first approved for use by the federal Food and Drug Administration more than sixty years ago.

In the past several years there has been an uptick in the number of people – most of them minors – consuming large quantities of DXM-containing products in order to get high. This effect is only possible when DXM is consumed in amounts equal to between 8 and 25-times the maximum labeled dosage. The negative effects are increased when the cold or cough medicine is consumed in conjunction with alcohol.

According to the Centers for Disease Control, misuse of DXM in conjunction with other substances may lead to drug abuse – including opioid addiction. The American Association of Poison Control Centers reports there were 23,692 separate incidents nationwide involving a DXM overdose in 2016, the latest year for which annual data is available. Closer to home, the Milwaukee County Medical Examiner's Office confirms that DXM mixed with other substances was a factor in several overdose deaths in the county.

To address the problem of abuse this legislation limits the sale of over-the-counter products containing DXM to individuals over the age of 18. Minors will still be able to purchase cough and cold medicine containing this ingredient if they present a valid prescription for it. There is no limit, prescription requirement, or record keeping mandate on sales of DXM products to non-minors. Parents will still be able to buy necessary quantities, adults will not have to obtain a prescription for dosages, and retailers will not be required to place these products behind the counter.

Two provisions in this bill allow for the enforcement of its requirements. First, the bill requires retailers to verify the age of purchasers by checking an identification card. This is a common practice for retailers of pharmaceutical products. Second, the bill provides for a civil forfeiture of \$250 for retailers who violate the law and \$50 for consumers who violate the law. This modest penalty will provide the incentive that is needed to ensure these requirements are followed.

Through reasonable and practical reform like this we as a state can continue to fight back against drug abuse. Thank you and I will be happy to answer any questions that you may have.



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# JESSE KREMER

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STATE REPRESENTATIVE • 59<sup>TH</sup> ASSEMBLY DISTRICT

*Testimony before the Senate Committee on Health & Human Services*

*State Representative Jesse Kremer*

*February 6, 2018*

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Good morning Chair Vukmir and Health & Human Services Committee members,

I appreciate the opportunity today for the discussion of Senate Bill 587 to address a situation that has been identified in some Wisconsin communities and their associated pharmacies.

DXM (dextromethorphan) is a synthetically produced opioid related to codeine that is found in many cough medicines. DXM is found in many household medications including Robitussin, Tylenol Cough, Cold & Flu, Triaminic, and Alka Seltzer Plus. Because DXM can be misused and abused, many well-intentioned pharmacies such as Walgreens and CVS have been moving DXM products behind the counter. On a parallel note, some pharmacies, including a chain operating in the 59<sup>th</sup> Assembly District, have started requiring a prescription for all consumers to purchase Sudafed products. As pharmacies start moving over-the-counter medicines off the shelves to stem theft or drug abuse, it restricts consumers and law abiding individual's legitimate access to these medicines to alleviate their illnesses.

With the assistance of the Consumer Healthcare Products Association, we have identified a possible solution to prevent the looming removal of over-the-counter medicines. Over the past few years more than a dozen states have taken similar actions. *In short, unless there is a prescription, sale of a DXM product to a minor will be banned.*

If signed into law, this legislation will be a very simple resolution to a challenge facing Wisconsin pharmacies and law-abiding consumers.

Thank you again for the opportunity of this public hearing today and I encourage you to support Senate Bill 587.



Kids deserve the best.



knowledge changing life

**TO:** Chairwoman Vukmir and Members of the Committee on Health & Human Services  
**FROM:** Dr. Robert Rohloff  
Director of Quality & Safety for Children's Medical Group  
Children's Hospital of Wisconsin  
Associate Clinical Professor of Pediatrics, Medical College of Wisconsin  
**DATE:** Tuesday, February 6, 2018  
**RE:** Support for SB 587 – Prohibiting the sale of dextromethorphan (DXM)

Thank you for allowing Children's Hospital of Wisconsin and the Medical College of Wisconsin (MCW) this opportunity to submit testimony in support of SB 587 which restricts the sale of medicines containing dextromethorphan (DXM) in retail settings to children under age 18 without a prescription.

Children's Hospital of Wisconsin serves children from every county in the state. We care for every part of a child's health from routine checkups to critical care in the hospital. Children's Hospital focuses on all elements of pediatric well-being by providing school health nurses, dental care, foster care services, adoption services, family resource centers, child health advocacy, health education, pediatric medical research and the statewide poison hotline.

MCW is a growing health science institution dedicated to excellence in education, patient care, research, and community engagement. MCW's approximately 1,650 physicians and 525 advanced practice providers care for approximately 530,000 patients annually, representing more than 2.4 million patient visits. MCW's research enterprise is the second largest in Wisconsin, with nearly \$225.3 million per year invested in research, teaching, training and related purposes.

While medicines with DXM have not been found to be an effective cough suppressant in children, millions of adult Americans use over 100 over-the-counter cough and cold medicines containing DXM each year. When used as directed, DXM is a safe and effective ingredient for adults with no pain-relieving properties and is not physically addictive. However, according to the National Institute on Drug Abuse's recent study, approximately three percent of teens are abusing medicines containing DXM to get high.

When ingested in high dosages, as much as 25 times the recommended amount, side effects can include confusion, dizziness, double or blurred vision, slurred speech, rapid heartbeat, loss of physical coordination and vomiting. In addition to the harmful effects of DXM overdose, these cough medicines contain many other chemicals which are dangerous to consume in large quantities. DXM abuse can lead to hospitalizations and further mental, behavioral and physical health concerns.

Age restrictions provide an effective way to limit access to the small teen population likely to abuse cough medicine. 14 states have passed similar legislation, giving parents and caregivers greater control over their children's access to medicines. At Children's Hospital, we care for the most vulnerable kids and it is our mission to keep them healthy and safe. As such, we support SB 587 and respectfully urge the committee to support his measure to help prevent DXM abuse by teens in Wisconsin.

Chairwoman Vukmir and committee members, thank you for consideration of this testimony in support of SB 587. If you have any questions, you may contact me at [rrohloff@chw.org](mailto:rrohloff@chw.org) or 414-266-7588.