



## Lincoln County District Attorney

225 West Olive Street, Room 100, Newport, Oregon 97365  
541-265-4145, FAX 541-265-3461, [www.co.lincoln.or.us/da/](http://www.co.lincoln.or.us/da/)

**Rob Bovett**  
District Attorney

**Marcia Buckley**  
Chief Deputy

### MEMORANDUM

TO: Kent Shaw, California BNE

FROM: Rob Bovett, ONEA

DATE: June 8, 2009

SUBJECT: PSE Prices – Oregon and California

This memo is to document our conversation the other day regarding yet another of the items in the false parade of horrors presented by the industry in opposition to California Senate Bill 484, which would move pseudoephedrine products to prescription-only. As you know, this issue was again raised last week by California State Senator Samuel Aanestad (R- Grass Valley) during the Senate floor debate on SB 484. During that debate, Senator Aanestad repeatedly showed the Senate his own nasal decongestant spray, which he pulled from his pocket, and asserted that its cost would go from \$4 to \$40 or more if SB 484 is passed.<sup>1</sup>

At my request, back in October of 2008, our Pharmacy Board staff surveyed some pharmacists in Oregon to answer the question regarding pseudoephedrine product prices in Oregon before and after the switch to prescription-only (I made that request due to the industry raising that same red herring in yet another state). Here is the result:

For Sudafed® (30mg, #60), which typically sold for around \$5.99 per box in Oregon before moving to prescription-only, after moving pseudoephedrine to prescription-only, here were the prices at some of our most frequented pharmacies in Oregon: Bi-Mart, \$5.99; Costco, \$7.11; Fred Meyer, \$9.99; Safeway, \$12.49; Walgreens, \$11.99; and Wal-Mart, \$6.46.

That being said, what I find equally fascinating is a comparison of California and Oregon pseudoephedrine product pricing. As you noted, comparing prices between California (OTC) and Oregon (prescription-only) reveals that pseudoephedrine products appear to be less expensive in Oregon. For example, Oregon pharmacies are selling 100 tablet bottles of pseudoephedrine for the same price as a 48 tablet box of pseudoephedrine in California (52% more product for the same price). Go figure.

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<sup>1</sup> As an ironic aside, pseudoephedrine was not approved by the FDA in 1976 for use in OTC nasal decongestant sprays. 41 Fed Reg 38,312 (1976), codified at 21 CFR Part 341. That remains so today. 21 CFR § 341.20(b)(2008). Therefore, it appears that the product actually flashed repeatedly by Senator Aanestad to prove his point in opposition to SB 484 (likely a phenylephrine or oxymetazoline product) was actually proving the very point that had just made by Senator Rod Wright in support of SB 484. So it goes.