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HOUSE RESOLUTION

WHEREAS, Dextromethorphan is a cough suppressant that is available, alone and in combination with other nonprescription medications, in syrup, pill, and softgel form in a wide variety of nonprescription products; and

WHEREAS, When taken in an amount much greater than the therapeutic dosage, dextromethorphan produces hallucinations and intoxication and acts as a disassociative anesthetic and a central nervous system depressant; ingredients used in cough medicines along with dextromethorphan, such as acetaminophen, are extremely hazardous when consumed in high doses and can cause liver damage, heart attack, stroke, and death; and

WHEREAS, Under street names such as "DXM", "robo", and "skittles", dextromethorphan abuse has become widespread among young people in Illinois and overdoses have resulted in seizures, comas, and fatalities; abusers sometimes use dextromethorphan in combination with illegal drugs; the problem grows as websites are created to advise prospective users how to ingest it as a recreational drug; and

WHEREAS, The federal Controlled Substances Act, at 21 USC 811(g)(2), provides that dextromethorphan shall not be deemed to be included in any schedule of controlled substances unless it is controlled pursuant to specified provisions of that Act; the Illinois Controlled Substances Act has a similar provision at 720 ILCS 570/201(f); and

WHEREAS, A 1997 amendment to the federal Food, Drug and Cosmetic Act, at 21 USC 379r, provides that, with certain exceptions, no State may establish or continue in effect any requirement that relates to the regulation of a nonprescription drug that is different from or in addition to, or that is otherwise not identical with specified federal laws, and also

1 provides that a State or political subdivision may apply to the
2 Secretary of Health and Human Services for an exemption from
3 those provisions if the requirement would protect an important
4 public interest that would otherwise be unprotected, including
5 the health and safety of children, would not cause any drug to
6 be in violation of any applicable requirement or prohibition
7 under federal law, and would not unduly burden interstate
8 commerce; and

9 WHEREAS, A number of methods to address the problem of
10 dextromethorphan abuse have been suggested, including:
11 prohibiting the sale of products containing dextromethorphan
12 to minors, limiting the quantity of products containing
13 dextromethorphan that may be purchased at one time by any
14 individual, requiring warning signs where products containing
15 dextromethorphan are sold at retail, restricting the display of
16 products containing dextromethorphan, and prohibiting the
17 sale, over the Internet or or by any other means, of
18 dextromethorphan powder that has been extracted from cough
19 syrup; and

20 WHEREAS, Before deciding whether to take any action
21 regarding this matter of public health concern, the General
22 Assembly should have as much information as possible concerning
23 the steps that must be taken to ensure that any action it may
24 take would be enforceable and in conformity with any applicable
25 federal requirements; therefore, be it

26 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
27 NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
28 the Illinois Department of Public Health is requested to
29 communicate with appropriate federal agencies and submit a
30 report to the General Assembly, no later than December 31,
31 2004, setting forth its findings as to whether any of the
32 suggested methods to regulate products containing
33 dextromethorphan, if enacted, would require any exemptions or

1 waivers from the federal government in order to become
2 enforceable on the State level; the Illinois Department of
3 Public Health is further requested to include with its report
4 copies of any communications with federal agencies concerning
5 its findings; and be it further

6 RESOLVED, That a copy of this resolution be delivered to
7 the Director of the Illinois Department of Public Health.