



STATEMENT BY THE
ASTHMA AND ALLERGY FOUNDATION OF AMERICA (AAFA)
OPPOSING “PRESCRIPTION-ONLY” MANDATES FOR PRODUCTS THAT CONTAIN
PSEUDOEPHEDRINE (PSE)

On behalf of asthma, allergy cold and flu patients across the nation, the Asthma and Allergy Foundation of America (AAFA) urges the public and policy-makers to reject “prescription mandates,” restrictions that will make it difficult, expensive, and inconvenient to get decongestant medications that contain pseudoephedrine (PSE). Instead, we ask that policy-makers give the state-wide electronic tracking system a chance to work.

More than 60 million American adults and children are living with asthma and allergies, making these among the most common chronic diseases in the U.S. Additionally, more than 300 million Americans get the common cold an average of five times a year, and up to 60 million people get the flu each year. These conditions have a major negative effect on public health, school absenteeism, productivity and on the economy, unless treated properly.

For many people, PSE-containing medicines are the only oral decongestants that work. In fact, more than 16 million patients in the U.S. purchase medications containing PSE each year. PSE is clinically shown to reduce congestion due to cold, flu and allergies, and it is the *only* decongestant available for 12-hour and 24-hour relief – an important tool for allergy sufferers. Further, for the past few decades, these highly effective medications have helped patients manage their cold, flu, asthma and allergy symptoms without the need for a physician’s prescription. It is this freedom of immediate access to safe and effective PSE medications that patients rely on to live a better quality of life.

Unfortunately, criminals who produce illegal methamphetamines (meth) have relied in the past on PSE to “cook” their illicit drug and thus have resorted to stockpiling cold, flu and allergy medications containing PSE for this purpose.

Everyone wants the meth problem stopped, but we do not support a prescription-only mandate as the best solution. On behalf of asthma, allergy cold and flu patients across the nation, AAFA urges the public and policy-makers to reject “prescription mandates,” restrictions that will make it difficult, expensive and inconvenient to get decongestant medications that contain PSE. Instead, consider electronic tracking (or “e-tracking”), the smart, effective alternative that patients are demanding which promotes patient freedom and supports law enforcement in the fight against meth.

NATIONAL SURVEY RESULTS: Restrict Criminals not Patients

Everyone wants the meth problem stopped. To do this, some people are advocating new extreme measures – such as changing over-the-counter medications with PSE to “prescription only” – which they believe will stop the illegal purchases by meth cooks. But patients and medical experts overwhelmingly disagree with this approach.



A few states and localities have considered this measure even though federal laws and medical treatment guidelines do not require prescriptions for these safe and important therapies.

We must support policies that can effectively restrict criminals while also upholding the freedoms of law-abiding patients. However, a “prescription-only” mandate for medications with PSE will do neither of these.

A recent landmark national survey – The Pseudoephedrine (PSE) Awareness Study – of over 2,000 asthma, allergy, cold and flu patients was conducted by AAFA with the Harris Interactive research organization. An overwhelming majority of patients (71%) oppose laws that would require a doctor’s prescription for over-the-counter medications with PSE.

The patients responding to the survey were very knowledgeable about the meth problem in the U.S., with nearly three-quarters (71%) saying they know that medications with PSE are sold behind-the-counter because of their use in illegal meth labs. And, more than half report they had “seen, heard or read something” about the PSE over the past year.

When asked why they oppose a “prescription-only” mandate for medications with PSE, patients were clear that:

- It would create an undue burden on law-abiding patients;
- It would significantly increase the cost of their healthcare; and
- It would not stop illegal use of PSE.

In addition to huge patient opposition to a prescription mandate, medical and policy experts have taken positions against this extreme measure. This policy would severely restrict patient freedom to purchase to these important therapies, it would flood doctors’ office with patients who could self-manage, and this policy would not actually solve the meth problem.

THE RIGHT SOLUTION: Stop Meth not Meds

There is universal agreement among patients, professionals and policymakers, that the meth problem must be stopped. The leading strategy – which preserves patient freedom to purchase while also preventing criminal access – is to close the logbook loophole with electronic tracking (or “e-tracking”). E-tracking is already working in twelve states. E-tracking laws require retailers and pharmacists to use real-time statewide electronic sales systems that can block illegal PSE purchases – no matter which store they’re in – and allow law enforcement to track down meth cooks. These systems process PSE sales much like a credit card transaction, declining sales that would put a purchaser over the legal limit.

E-tracking systems simply keep purchase records already required by federal law in one place, rather than in scattered logbooks inside each store, ensuring meth cooks are stopped before they buy the illegal quantities of PSE for use in meth labs.

These systems can also alert law enforcement to repeated attempts by meth cooks to circumvent the system, while also preserving patient privacy.



In AAFA's landmark national patient PSE Awareness Study, two-thirds (66%) of patients said they support and prefer an e-tracking law to monitor the sale of medications with PSE. When asked why they support the e-tracking approach, patients were clear that:

- It has already been proven effective in many states;
- It would be far less burdensome than a prescription mandate;
- It would provide real-time information to law enforcement; and,
- It protects patient freedom and privacy.

Kentucky reports that e-tracking has blocked more than 5,000 monthly purchases of cold and allergy medicines that would otherwise have exceeded the legal limits. The National Sheriffs Association, Louisiana State Police and the National Consumers League and others already favor this approach.

SUMMARY: Support Policies that Catch Criminals and Help Patients

AAFA has considered the arguments presented by proponents of prescription-only mandates, and we find that they are not persuasive reasons to restrict the freedoms of law-abiding patients to access the critical medications they need.

Meth abuse is a serious health and law enforcement issue. There are practical, economic options to strengthening law enforcement to combat meth abuse without inordinately restricting a patient's freedom to obtain effective medications with PSE. AAFA favors an approach that will close the logbook loophole and strengthen the current behind-the-counter system with an e-tracking strategy. Statewide – and eventually nationwide – e-tracking offers a more comprehensive, robust law enforcement tool because it can link with other states to prevent criminals from crossing state lines to purchase supplies.

On behalf of asthma, allergy cold and flu patients across the nation, AAFA urges the public and policy-makers to reject "prescription mandates," and, instead, encourages consideration of e-tracking, the smart, effective alternative that patients are demanding which promotes patient freedom and supports law enforcement in the fight against meth.

December 2010