

March 4, 2024

Senator Matt D. Klein
Chair, Senate Commerce and Consumer Protection Committee
2105 Minnesota Senate Building
St. Paul, MN 55155

Re: S.F. 2915 – Minnesota Consumer Data Privacy Act

Dear Chairman Klein,

On behalf of the Consumer Healthcare Products Association (CHPA), the Washington, D.C. based national trade organization representing the leading manufacturers of over-the-counter (OTC) medicines, dietary supplements, and consumer medical devices, thank you for the opportunity to comment on S.F. 2915. While we support the legislation's laudable goal of enhancing consumer control over personal data, I regret that CHPA must oppose the bill as written. Our primary concern is that the bill, in its present form, may conflict with existing federal regulations related to controlled substances. This potential incompatibility could create significant challenges for the dispensation of some over-the-counter medications.

Controlled Substances Act

The Controlled Substances Act (CSA), also referred to as the Comprehensive Drug Abuse Prevention and Control Act, was enacted by Congress in 1970 with the aim of regulating the production, distribution, and utilization of controlled substances. As per 21 U.S.C. Section 830 of this Act, individuals or entities involved in transactions concerning listed chemicals (such as pharmacies selling allergy medications containing ephedrine or pseudoephedrine) are obligated to gather and retain identifiable personal records pertaining to these transactions and to share the data with law enforcement as required. Unfortunately, this bill does not provide an exemption for such transactions from its privacy provisions.

Amendment Recommendations

To avoid potential conflict with already existing federal law, CHPA recommends the following exemption amendment to S.F. 2915:

Personal data collected and used for purposes of the federal policy under the Controlled Substances Act Section on the Regulation of Listed Chemicals under 21 U.S.C. SEC. 830 is exempt.

Conclusion

CHPA and its members are committed to safeguarding the privacy of our customers' data. We commend the Senate Commerce and Consumer Protection Committee for taking on this important issue, but unfortunately, we cannot support this bill in its current form. We look forward to continued dialogue with the hope we can come to an equitable resolution.

Respectfully submitted,



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Cc: Members of the Senate Commerce and Consumer Protection Committee