



Taking healthcare personally.

September 5, 2023

Representative John Galloway, Chair
House Commerce Committee
301 Irvis Office Building
P.O. Box 202140
Harrisburg, PA 17120-2140

Re: HB 1201– Act providing for Consumer Data Privacy

Dear Chairman Galloway,

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, I'm writing to express opposition to HB 1201 as currently drafted. While we support the overall goal of expanding consumer control over personal data, we have concerns about the compatibility of this bill with federal regulations on controlled substances. Current federal laws have specific data collection requirements that could conflict with HB 1201 as currently written. We, therefore, cannot endorse the bill without amendments to address these federal obligations.

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. Unfortunately, HB 1201 does not provide an exemption for such transactions from its privacy provisions.

Amendment Recommendation

To avoid potential conflict with already existing federal law, CHPA recommends the following amendment in red be added to page 33, beginning on line 21:

(17) 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

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

Respectfully submitted,

A handwritten signature in black ink that reads "Carlos I. Gutiérrez". The signature is written in a cursive style with a large, stylized "G" at the end.

Carlos I. Gutiérrez
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Washington, D.C.
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cc: Members of the House Commerce Committee