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ASSOCIATION

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October 16, 2023

Representative Matt Moonen, Co-Chair  
Joint Standing Committee on Judiciary  
State House, Room 333  
2 State House Station  
Augusta, Maine 04333-0002

Senator Anne Carney, Co-Chair  
Joint Standing Committee on Judiciary  
State House, Room 333  
3 State House Station  
Augusta, Maine 04333

**Re: LD 1977 (An Act to Create the Data Privacy and Protection Act)**

Dear Chairs Moonen & Carney,

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 LD 1977 as currently drafted. While we support the overall goal of this bill, we cannot endorse it without amendments to address our federal obligations under current controlled substances law.

**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, LD 1977 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 amendment in red be added to LD 1977 as part (P) on page 7, line 26:

(P) 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 Joint Standing Committee on Judiciary 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,



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cc: Members of the Joint Standing Committee on Judiciary