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S.B. 59
133rd General Assembly

Bill Analysis

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Version: As Reported by House Health

Primary Sponsor: Sen. Antonio

Elizabeth Molnar, Attorney

SUMMARY

- Requires the State Board of Pharmacy to develop a program to educate certain license holders and others about the authority of pharmacists and pharmacy interns to dispense naloxone without a prescription.
- Extends to licensed terminal distributors of dangerous drugs that are not pharmacies the authority to sell occasionally at wholesale investigational drugs or products or certain prescription drugs, but only if authorized by rules adopted by the Board of Pharmacy.

DETAILED ANALYSIS

Naloxone education program

The drug naloxone, commonly known by the brand name Narcan, can reverse the effects of an opioid overdose.¹ Current law authorizes pharmacists and pharmacy interns to dispense naloxone without a prescription pursuant to a protocol established by the State Board of Pharmacy (see “**Naloxone access without a prescription**,” below).²

The bill requires the Board to develop a program to educate the following individuals who engage in the sale or dispensing of naloxone without a prescription about the authority of pharmacists and pharmacy interns to dispense naloxone without a prescription:

- Holders of licenses issued by the Board, including pharmacies, pharmacists, and pharmacy interns;

¹ U.S. National Library of Medicine, National Institutes of Health, *Naloxone Injection*, available at <https://medlineplus.gov/druginfo/meds/a612022.html>.

² R.C. 4729.44(B).

- Registered pharmacy technicians, certified pharmacy technicians, and pharmacy technician trainees registered by the Board;
- Other individuals who are employed by license holders.³

As part of the program, the Board also must educate these license holders, pharmacy technicians, and employees about (1) maintaining an adequate supply of naloxone and (2) methods for determining a pharmacy's naloxone stock. The bill authorizes the Board to use its website to share information under the program.

Naloxone access without a prescription

Current law maintained by the bill allows a physician or local board of health to authorize one or more pharmacists and pharmacy interns to dispense naloxone without a prescription in accordance with a protocol established by the Board.⁴ Under this law, the pharmacist or intern may dispense naloxone without a prescription to either of the following:

- An individual who there is reason to believe is experiencing or at risk of experiencing an opioid-related overdose;
- A family member, friend, or other person in a position to assist such an individual.

Licensed terminal distributors of dangerous drugs

Occasional sales at wholesale

At present, a licensed terminal distributor of dangerous drugs **that is not a pharmacy** may make occasional sales at wholesale, but only for certain drugs.⁵ These include naloxone and prescription drugs that are in shortage. The bill would extend to these licensed terminal distributors the authority to sell occasionally at wholesale investigational drugs or products or prescription drugs other than naloxone or drugs in shortage – but only if authorized by rules adopted by the State Board of Pharmacy.⁶ The bill also maintains their authority to sell occasionally at wholesale naloxone and drugs in shortage.

Background

Ohio law recognizes both wholesale distributors and terminal distributors of dangerous drugs and requires each type to be licensed by the Board of Pharmacy.⁷ (Note that a “dangerous drug” is a prescription drug under Ohio law.⁸) A licensed wholesale distributor is authorized to sell prescription drugs at wholesale, while a licensed terminal distributor may

³ R.C. 4729.44(H).

⁴ R.C. 3707.56, not in the bill, 4729.44(B), and 4731.942, not in the bill.

⁵ R.C. 4729.51(A)(3).

⁶ R.C. 4729.51(A)(3)(c).

⁷ R.C. Chapter 4729.

⁸ R.C. 4729.01(F).

engage in the retail sale of prescription drugs.⁹ A pharmacy is one example of a licensed terminal distributor.

A terminal distributor may also include an individual or entity who has possession, custody, or control of prescription drugs for any purpose other than the distributor's own use or consumption. Examples of these licensed terminal distributors include hospitals, nursing homes, emergency medical service organizations, and laboratories.¹⁰

In general, a wholesale distributor cannot engage in the retail sale of prescription drugs.¹¹ Conversely, a terminal distributor is generally prohibited from selling drugs at wholesale.¹² However, current law does provide for terminal distributors to make occasional sales at wholesale.

HISTORY

Action	Date
Introduced	02-21-19
Reported, S. Health, Human Services & Medicaid	10-10-19
Passed Senate (31-0)	10-23-19
Reported, H. Health	06-02-20

S0059-RH-133/ar

⁹ R.C. 4729.52 and 4729.54.

¹⁰ <https://www.pharmacy.ohio.gov/Licensing/TDDD.aspx>.

¹¹ See e.g., R.C. 4729.01(K) and (L).

¹² R.C. 4729.51(A).