

Am. S. B. No. 59
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1
after "4729.44" insert "and 4729.51" 2

In line 5 of the title, after "prescription" insert "and to 3
authorize other license holders to sell drugs occasionally at wholesale" 4

In line 6, delete "section" and insert "sections"; after "4729.44" 5
insert "and 4729.51" 6

After line 89, insert: 7

"Sec. 4729.51. (A) No person other than a licensed 8
manufacturer of dangerous drugs, outsourcing facility, third- 9
party logistics provider, repackager of dangerous drugs, or 10
wholesale distributor of dangerous drugs shall possess for sale, 11
sell, distribute, or deliver, at wholesale, dangerous drugs or 12
investigational drugs or products, except as follows: 13

(1) A licensed terminal distributor of dangerous drugs 14
that is a pharmacy may make occasional sales of dangerous drugs 15
or investigational drugs or products at wholesale. 16

(2) A licensed terminal distributor of dangerous drugs 17



having more than one licensed location may transfer or deliver 18
dangerous drugs from one licensed location to another licensed 19
location owned by the terminal distributor if the license issued 20
for each location is in effect at the time of the transfer or 21
delivery. 22

(3) A licensed terminal distributor of dangerous drugs 23
that is not a pharmacy may make occasional sales of ~~naloxone~~ the 24
following at wholesale. 25

~~(4) A licensed terminal distributor of dangerous drugs 26
that is not a pharmacy may make occasional sales of dangerous; 27~~

(a) Naloxone; 28

(b) Dangerous drugs at wholesale if the drugs being sold 29
are in shortage, as defined in rules adopted ~~by the state board~~ 30
~~of pharmacy~~ under section 4729.26 of the Revised Code; 31

(c) Dangerous drugs other than those described in 32
divisions (A) (3) (a) and (b) of this section or investigational 33
drugs or products if authorized by rules adopted under section 34
4729.26 of the Revised Code. 35

(B) No licensed manufacturer, outsourcing facility, third- 36
party logistics provider, repackager, or wholesale distributor 37
shall possess for sale, sell, or distribute, at wholesale, 38
dangerous drugs or investigational drugs or products to any 39
person other than the following: 40

(1) Subject to division (D) of this section, a licensed 41
terminal distributor of dangerous drugs; 42

(2) Subject to division (C) of this section, any person 43
exempt from licensure as a terminal distributor of dangerous 44
drugs under section 4729.541 of the Revised Code; 45

(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 46
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(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business. 48
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(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following: 54
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(1) A prescriber who is employed by either of the following: 59
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(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; 61
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(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section. 65
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(2) A business entity described in division (A) (2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following: 70
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(a) A pain management clinic without a license as a 73

terminal distributor of dangerous drugs with a pain management 74
clinic classification issued under section 4729.552 of the 75
Revised Code; 76

(b) A facility, clinic, or other location that provides 77
office-based opioid treatment without a license as a terminal 78
distributor of dangerous drugs with an office-based opioid 79
treatment classification issued under section 4729.553 of the 80
Revised Code if such a license is required by that section. 81

(D) No licensed manufacturer, outsourcing facility, third- 82
party logistics provider, repackager, or wholesale distributor 83
shall possess dangerous drugs or investigational drugs or 84
products for sale at wholesale, or sell or distribute such drugs 85
at wholesale, to a licensed terminal distributor of dangerous 86
drugs, except as follows: 87

(1) In the case of a terminal distributor with a category 88
II license, only dangerous drugs in category II, as defined in 89
division (A) (1) of section 4729.54 of the Revised Code; 90

(2) In the case of a terminal distributor with a category 91
III license, dangerous drugs in category II and category III, as 92
defined in divisions (A) (1) and (2) of section 4729.54 of the 93
Revised Code; 94

(3) In the case of a terminal distributor with a limited 95
category II or III license, only the dangerous drugs specified 96
in the license. 97

(E) (1) Except as provided in division (E) (2) of this 98
section, no person shall do any of the following: 99

(a) Sell or distribute, at retail, dangerous drugs; 100

(b) Possess for sale, at retail, dangerous drugs; 101

(c) Possess dangerous drugs.	102
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section	103
do not apply to any of the following:	104
(i) A licensed terminal distributor of dangerous drugs;	105
(ii) A person who possesses, or possesses for sale or	106
sells, at retail, a dangerous drug in accordance with Chapters	107
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of	108
the Revised Code;	109
(iii) Any of the persons identified in divisions (A) (1) to	110
(5) and (13) of section 4729.541 of the Revised Code, but only	111
to the extent specified in that section.	112
(b) Division (E) (1) (c) of this section does not apply to	113
any of the following:	114
(i) A licensed manufacturer, outsourcing facility, third-	115
party logistics provider, repackager, or wholesale distributor;	116
(ii) Any of the persons identified in divisions (A) (6) to	117
(12) of section 4729.541 of the Revised Code, but only to the	118
extent specified in that section.	119
(F) No licensed terminal distributor of dangerous drugs or	120
person that is exempt from licensure under section 4729.541 of	121
the Revised Code shall purchase dangerous drugs or	122
investigational drugs or products from any person other than a	123
licensed manufacturer, outsourcing facility, third-party	124
logistics provider, repackager, or wholesale distributor, except	125
as follows:	126
(1) A licensed terminal distributor of dangerous drugs or	127
person that is exempt from licensure under section 4729.541 of	128
the Revised Code may make occasional purchases of dangerous	129

drugs or investigational drugs or products that are sold in 130
accordance with division (A)(1) or (3) of this section. 131

(2) A licensed terminal distributor of dangerous drugs 132
having more than one licensed location may transfer or deliver 133
dangerous drugs or investigational drugs or products from one 134
licensed location to another licensed location if the license 135
issued for each location is in effect at the time of the 136
transfer or delivery. 137

(G) No licensed terminal distributor of dangerous drugs 138
shall engage in the retail sale or other distribution of 139
dangerous drugs or investigational drugs or products or maintain 140
possession, custody, or control of dangerous drugs or 141
investigational drugs or products for any purpose other than the 142
distributor's personal use or consumption, at any establishment 143
or place other than that or those described in the license 144
issued by the state board of pharmacy to such terminal 145
distributor. 146

(H) Nothing in this section shall be construed to 147
interfere with the performance of official duties by any law 148
enforcement official authorized by municipal, county, state, or 149
federal law to collect samples of any drug, regardless of its 150
nature or in whose possession it may be. 151

(I) Notwithstanding anything to the contrary in this 152
section, the board of education of a city, local, exempted 153
village, or joint vocational school district may distribute 154
epinephrine autoinjectors for use in accordance with section 155
3313.7110 of the Revised Code and may distribute inhalers for 156
use in accordance with section 3313.7113 of the Revised Code." 157

In line 90, delete "section" and insert "sections"; after "4729.44" 158
insert "and 4729.51" 159

In line 91, delete "is" and insert "are"

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The motion was _____ agreed to.

SYNOPSIS

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Occasional sales at wholesale

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R.C. 4729.51

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Authorizes a licensed terminal distributor of dangerous
drugs that is not a pharmacy to make occasional sales of
prescription drugs and investigational drugs or products at
wholesale if authorized by rules to be adopted by the State
Board of Pharmacy.

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