

**As Reported by the House Health Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 193**

**Representatives Cutrona, Pavliga**

**Cosponsors: Representatives Gross, Miller, J., LaRe, Click, Schmidt, Russo, Bird,  
West, White**

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**A BILL**

To amend sections 3719.05 and 3719.06 of the 1  
Revised Code regarding electronic prescriptions 2  
and schedule II controlled substances. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3719.05 and 3719.06 of the 4  
Revised Code be amended to read as follows: 5

**Sec. 3719.05.** (A) A pharmacist may dispense controlled 6  
substances to any person upon a prescription issued in 7  
accordance with section 3719.06 of the Revised Code. When 8  
dispensing controlled substances, a pharmacist shall act in 9  
accordance with rules adopted by the state board of pharmacy and 10  
in accordance with the following: 11

(1) The prescription shall be retained on file by the 12  
owner of the pharmacy in which it is filled for a period of 13  
three years, so as to be readily accessible for inspection by 14  
any public officer or employee engaged in the enforcement of 15  
Chapter 2925., 3719., or 4729. of the Revised Code. 16

(2) Each oral prescription shall be recorded by the 17

pharmacist and the record shall show the name and address of the 18  
patient for whom, or of the owner of the animal for which the 19  
controlled substance is dispensed, the full name, address, and 20  
registry number under the federal drug abuse control laws of the 21  
prescriber, the name of the controlled substance dispensed, the 22  
amount dispensed, and the date when dispensed. The record shall 23  
be retained on file by the owner of the pharmacy in which it is 24  
filled for a period of three years. 25

~~(3) (a) Except as provided in divisions (A) (3) (b) and 26  
(c) of this section, a schedule II controlled substance shall be 27  
dispensed only upon a written or an electronic prescription, 28  
except that it. 29~~

(b) A schedule II controlled substance may be dispensed 30  
upon an oral prescription in emergency situations as provided in 31  
the federal drug abuse control laws. 32

(c) A schedule II controlled substance may be dispensed 33  
upon a written prescription if either of the following applies: 34

(i) A temporary technical, electrical, or broadband 35  
failure prevents the pharmacist from dispensing upon an 36  
electronic prescription. 37

(ii) The written prescription was issued as described in 38  
division (C) of section 3719.06 of the Revised Code. 39

(d) A pharmacist who receives a faxed, oral, or written 40  
prescription for a schedule II controlled substance is not 41  
required to verify that the prescription was issued under an 42  
exception to the requirement that a prescriber issue such a 43  
prescription electronically, including an exception described in 44  
divisions (A) (3) (b) and (c) of this section or division (C) of 45  
section 3719.06 of the Revised Code. 46

A pharmacist may continue to dispense any other drug upon 47  
an otherwise valid faxed, oral, or written prescription that is 48  
consistent with state and federal statutes, rules, and 49  
regulations. 50

(4) A prescription for a schedule II controlled substance 51  
shall not be refilled. 52

(5) Prescriptions for schedule III and IV controlled 53  
substances may be refilled not more than five times in a six- 54  
month period from the date the prescription is given by a 55  
prescriber. 56

(B) The legal owner of any stock of schedule II controlled 57  
substances in a pharmacy, upon discontinuance of dealing in 58  
those drugs, may sell the stock to a manufacturer, wholesaler, 59  
or owner of a pharmacy registered under the federal drug abuse 60  
control laws pursuant to an official written order. 61

**Sec. 3719.06.** (A) (1) A licensed health professional 62  
authorized to prescribe drugs, if acting in the course of 63  
professional practice, in accordance with the laws regulating 64  
the professional's practice, and in accordance with rules 65  
adopted by the state board of pharmacy, may, except as provided 66  
in division (A) (2) or (3) of this section, do the following: 67

(a) Prescribe schedule II, III, IV, and V controlled 68  
substances; 69

(b) Administer or personally furnish to patients schedule 70  
II, III, IV, and V controlled substances; 71

(c) Cause schedule II, III, IV, and V controlled 72  
substances to be administered under the prescriber's direction 73  
and supervision. 74

(2) A licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to both of the following:

(a) A schedule II controlled substance may be prescribed only in accordance with division (C) of section 4723.481 of the Revised Code.

(b) No schedule II controlled substance shall be personally furnished to any patient.

(3) A licensed health professional authorized to prescribe drugs who is a physician assistant is subject to all of the following:

(a) A controlled substance may be prescribed or personally furnished only if it is included in the physician-delegated prescriptive authority granted to the physician assistant in accordance with Chapter 4730. of the Revised Code.

(b) A schedule II controlled substance may be prescribed only in accordance with division (B)(4) of section 4730.41 and section 4730.411 of the Revised Code.

(c) No schedule II controlled substance shall be personally furnished to any patient.

(B) No licensed health professional authorized to prescribe drugs shall prescribe, administer, or personally furnish a schedule III anabolic steroid for the purpose of human muscle building or enhancing human athletic performance and no pharmacist shall dispense a schedule III anabolic steroid for either purpose, unless it has been approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended.

(C) When issuing a prescription for a schedule II controlled substance, a licensed health professional authorized to prescribe drugs shall do so only upon an electronic prescription, except that the prescriber may issue a written prescription if any of the following apply: 104  
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(1) A temporary technical, electrical, or broadband failure occurs preventing the prescriber from issuing an electronic prescription. 109  
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(2) The prescription is issued for a nursing home resident or hospice care patient. 112  
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(3) The prescriber is employed by or under contract with the same entity that operates the pharmacy. 114  
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(4) The prescriber determines that an electronic prescription cannot be issued in a timely manner and the patient's medical condition is at risk. 116  
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(5) The prescriber issues the prescription from a health care facility, which may include an emergency department, and reasonably determines that an electronic prescription would be impractical for the patient or would cause a delay that may adversely impact the patient's medical condition. 119  
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(6) The prescriber issues per year not more than fifty prescriptions for schedule II controlled substances. 124  
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(D) Each written or electronic prescription for a controlled substance shall be properly executed, dated, and signed by the prescriber on the day when issued and shall bear the full name and address of the person for whom, or the owner of the animal for which, the controlled substance is prescribed and the full name, address, and registry number under the federal drug abuse control laws of the prescriber. If the 126  
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prescription is for an animal, it shall state the species of the 133  
animal for which the controlled substance is prescribed. 134

**Section 2.** That existing sections 3719.05 and 3719.06 of 135  
the Revised Code are hereby repealed. 136