

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 657**

**Representative Ingram**

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**A BILL**

To amend section 4729.553 and to enact section 1  
5119.369 of the Revised Code to require 2  
community addiction services providers and 3  
office-based opioid treatment providers to 4  
conduct tobacco use assessments and develop 5  
treatment plans. 6

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

**Section 1.** That section 4729.553 be amended and section 7  
5119.369 of the Revised Code be enacted to read as follows: 8

**Sec. 4729.553.** (A) As used in this section: 9

(1) "Advanced practice registered nurse" has the same 10  
meaning as in section 4723.01 of the Revised Code. 11

(2) "Controlled substance" has the same meaning as in 12  
section 3719.01 of the Revised Code. 13

(3) "Hospital" means a hospital registered with the 14  
department of health under section 3701.07 of the Revised Code. 15

(4) "Office-based opioid treatment" means the treatment of 16  
opioid dependence or addiction using a controlled substance. 17

(5) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(6) "Physician assistant" means an individual who is licensed under Chapter 4730. of the Revised Code.

(B) (1) Except as provided in divisions (B) (2) and (3) of this section, no person shall knowingly operate a facility, clinic, or other location where a prescriber provides office-based opioid treatment to more than thirty patients or that meets any other identifying criteria established in rules adopted under this section without holding a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification.

(2) Division (B) (1) of this section does not apply to any of the following:

(a) A hospital;

(b) A facility for the treatment of opioid dependence or addiction that is operated by a hospital;

(c) A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(d) A facility that conducts only clinical research and uses controlled substances in studies approved by a hospital-based institutional review board or an institutional review board that is accredited by the association for the accreditation of human research protection programs, inc.;

(e) A facility that holds a category III terminal distributor of dangerous drugs license in accordance with

section 4729.54 of the Revised Code for the purpose of treating 46  
drug dependence or addiction as part of an opioid treatment 47  
program and is the subject of a current, valid certification 48  
from the substance abuse and mental health services 49  
administration of the United States department of health and 50  
human services pursuant to 42 C.F.R. 8.11; 51

(f) A program or facility that holds a license or 52  
certification issued by the department of mental health and 53  
addiction services under Chapter 5119. of the Revised Code if 54  
the license or certification is approved by the state board of 55  
pharmacy; 56

(g) A federally qualified health center or federally 57  
qualified health center look-alike, as defined in section 58  
3701.047 of the Revised Code; 59

(h) A state or local correctional facility, as defined in 60  
section 5163.45 of the Revised Code; 61

(i) A facility in which patients are treated on-site for 62  
opioid dependence or addiction exclusively through direct 63  
administration by a physician, physician assistant, or advanced 64  
practice registered nurse of drugs that are used for treatment 65  
of opioid dependence or addiction and are neither dispensed nor 66  
personally furnished to patients for off-site self- 67  
administration; 68

(j) Any other facility specified in rules adopted under 69  
this section. 70

(3) A patient who receives treatment on-site for opioid 71  
dependence or addiction through direct administration of a drug 72  
by a physician, physician assistant, or advanced practice 73  
registered nurse shall not be included in determining whether 74

more than thirty patients are being provided office-based opioid 75  
treatment in a particular facility, clinic, or other location 76  
that is subject to division (B) (1) of this section. 77

(C) To be eligible to receive a license as a category III 78  
terminal distributor of dangerous drugs with an office-based 79  
opioid treatment classification, an applicant shall submit 80  
evidence satisfactory to the state board of pharmacy that the 81  
applicant's office-based opioid treatment will be operated in 82  
accordance with the requirements specified in division (D) of 83  
this section and that the applicant meets any other applicable 84  
requirements of this chapter. 85

If the board determines that an applicant meets all of the 86  
requirements, the board shall issue to the applicant a license 87  
as a category III terminal distributor of dangerous drugs with 88  
an office-based opioid treatment classification. 89

(D) The holder of a category III terminal distributor 90  
license with an office-based opioid treatment classification 91  
shall do all of the following: 92

(1) Be in control of a facility that is owned and operated 93  
solely by one or more physicians, unless the state board of 94  
pharmacy waives this requirement for the holder; 95

(2) Comply with the requirements for conducting office- 96  
based opioid treatment, as established by the state medical 97  
board in rules adopted under section 4731.056 of the Revised 98  
Code; 99

(3) Assess each patient for the use of tobacco products 100  
and take action as appropriate, in accordance with division (G) 101  
of this section; 102

(4) Require any person with ownership of the facility to 103

submit to a criminal records check in accordance with section 104  
4776.02 of the Revised Code and send the results of the criminal 105  
records check directly to the state board of pharmacy for review 106  
and decision under section 4729.071 of the Revised Code; 107

~~(4)~~ (5) Require each person employed by or seeking 108  
employment with the facility to submit to a criminal records 109  
check in accordance with section 4776.02 of the Revised Code; 110

~~(5)~~ (6) Ensure that a person is not employed by the 111  
facility if the person, within the ten years immediately 112  
preceding the date the person applied for employment, was 113  
convicted of or pleaded guilty to either of the following, 114  
unless the state board of pharmacy permits the person to be 115  
employed by waiving this requirement for the facility: 116

(a) A theft offense, described in division (K) (3) of 117  
section 2913.01 of the Revised Code, that would constitute a 118  
felony under the laws of this state, any other state, or the 119  
United States; 120

(b) A felony drug offense, as defined in section 2925.01 121  
of the Revised Code. 122

~~(6)~~ (7) Maintain a list of each person with ownership of 123  
the facility and notify the state board of pharmacy of any 124  
change to that list. 125

(E) No person subject to licensure as a category III 126  
terminal distributor of dangerous drugs with an office-based 127  
opioid treatment classification shall knowingly fail to remain 128  
in compliance with the requirements of division (D) of this 129  
section and any other applicable requirements of this chapter. 130

(F) The state board of pharmacy may impose a fine of not 131  
more than five thousand dollars on a person who violates 132

division (B) or (E) of this section. A separate fine may be 133  
imposed for each day the violation continues. In imposing the 134  
fine, the board's actions shall be taken in accordance with 135  
Chapter 119. of the Revised Code. 136

~~(G)~~ (G) (1) Each holder of a category III terminal 137  
distributor license with an office-based opioid treatment 138  
classification shall, at the time of a patient's initial intake, 139  
assess each patient for the use of tobacco products, as defined 140  
in section 5119.369 of the Revised Code. The assessment shall 141  
include questions recommended in the most recent version of the 142  
diagnostic and statistical manual of mental disorders regarding 143  
tobacco use disorders, or similar evidence-based guidance, for 144  
determining whether an individual has a tobacco use disorder. 145

(2) If it is determined through the assessment that a 146  
patient has a tobacco use disorder, the provider shall do all of 147  
the following: 148

(a) Provide the patient with information related to how 149  
the continued use of tobacco products could affect long-term 150  
success in recovering from substance use disorder; 151

(b) Recommend treatment for tobacco use disorder in the 152  
patient's treatment plan; 153

(c) Offer treatment for tobacco use disorder if such 154  
treatment is offered by the provider, or refer the patient to 155  
treatment for tobacco use disorder. 156

(H) The state board of pharmacy shall adopt rules as it 157  
considers necessary to implement and administer this section. 158  
The rules shall be adopted in accordance with Chapter 119. of 159  
the Revised Code. 160

**Sec. 5119.369. (A) As used in this section, "tobacco 161**

product" means any product that is made or derived from tobacco 162  
or that contains any form of nicotine, if it is intended for 163  
human consumption or is likely to be consumed, whether smoked, 164  
heated, chewed, absorbed, dissolved, inhaled, or ingested by any 165  
other means, including a cigarette, an electronic smoking 166  
device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. 167

(B) In addition to complying with all intake procedures 168  
specified in rules adopted under section 5119.365 of the Revised 169  
Code, each community addiction services provider shall, at the 170  
time of a patient's initial intake, assess each patient for the 171  
use of tobacco products. The assessment shall include questions 172  
recommended in the most recent version of the diagnostic and 173  
statistical manual of mental disorders regarding tobacco use 174  
disorders, or similar evidence-based guidance, for determining 175  
whether an individual has a tobacco use disorder. 176

(C) If it is determined through the assessment that a 177  
patient has a tobacco use disorder, the community addiction 178  
services provider shall do all of the following: 179

(1) Provide the patient with information related to how 180  
the continued use of tobacco products could affect long-term 181  
success in recovering from substance use disorder; 182

(2) Recommend treatment for tobacco use disorder in the 183  
patient's treatment plan; 184

(3) Offer treatment for tobacco use disorder if such 185  
treatment is within the scope of the services and supports for 186  
which the provider is certified, or refer the patient to 187  
treatment for tobacco use disorder. 188

**Section 2.** That existing section 4729.553 of the Revised 189  
Code is hereby repealed. 190