As Introduced

136th General Assembly
Regular Session
2025-2026

H. B. No. 324

Representatives Mathews, A., Craig

To enact section 3715.39 of the Revised Code to prohibit certain sales of drugs causing severe adverse effects, to establish conditions on the prescribing of such drugs, and to name this act the Patient Protection Act.

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

Section 1. That section 3715.39 of the Revised Code be enacted to read as follows:

Sec. 3715.39. (A) As used in this section:

(1) "Prescriber," "terminal distributor of dangerous drugs," and "wholesale distributor of dangerous drugs" have the same meanings as in section 4729.01 of the Revised Code.

(2) "Retailer" has the same meaning as in section 3715.05 of the Revised Code.

(3) "Severe adverse effect" means any of the following:

(a) Death;

(b) Infection requiring hospitalization;

(c) Hemorrhaging requiring hospitalization;

(d) Organ failure;

(e) Sepsis.

(B)(1) A retailer or terminal distributor of dangerous drugs shall not sell, or offer to sell, a drug available without a prescription if the drug causes one or more severe adverse effects in greater than five per cent of the drug's users.

(2) A retailer, terminal distributor of dangerous drugs, or wholesale distributor of dangerous drugs shall not sell, or offer to sell, by mail any drug that causes one or more severe adverse effects in greater than five per cent of the drug's users.

(3) Before a prescriber may issue for a patient a prescription for a drug that causes one or more severe adverse effects in greater than five per cent of the drug's users, the prescriber shall do all of the following:

(1) Conduct an in-person examination of the patient;

(2) Inform the patient that the drug causes one or more severe adverse effects in greater than five per cent of the drug's users;

(3) Schedule the patient for a follow-up appointment.

(C)(1) For purposes of this section, the director of health is responsible for determining if a drug causes one or more severe adverse effects in greater than five per cent of the drug's users. In making such a determination, both of the following apply:

(a) The director shall consult with the superintendent of insurance and executive directors of the state board of pharmacy and state medical board.

(b) The director shall base the determination on the

greater of insurance claims, patient reports of severe adverse effects to health care professionals, and any applicable data available from the United States food and drug administration.

(2) The director of health shall prepare and update as needed a list containing each drug that the director determines causes one or more severe adverse effects in greater than five per cent of the drug's users. The director shall make the list, and each of its updates, available to the public on the internet web site maintained by the department of health.

Section 2. This act shall be known as the Patient Protection Act.