As Passed by the Senate

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Senators Lang, Johnson

Cosponsors: Senators Brenner, O'Brien, Reineke, Roegner, Timken, Cirino, Patton

To enact section 4729.44 of the Revised Code to authorize the dispensing of ivermectin without a prescription.

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

Section 1. That section 4729.44 of the Revised Code be enacted to read as follows:

Sec. 4729.44. (A) As used in this section, "prescriber" means any of the following:

(1) A certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist who holds a current, valid license to practice as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;

(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) A pharmacist, or any pharmacy intern supervised by the pharmacist, may dispense ivermectin without a prescription to an individual who is eighteen years of age or older, but only if the drug is dispensed as follows:

(1) Under a protocol that satisfies the requirements of division (C)(1) of this section;

(2) In accordance with rules adopted under this section.

(C)(1) All of the following apply with respect to a protocol required by this section:

(a) The protocol shall be established by a prescriber.

(b) The protocol shall include provisions for implementing all of the following requirements:

(i) Providing the individual with a screening risk assessment tool;

(ii) Providing the individual with a standardized fact sheet that describes ivermectin's indications and contraindications, the appropriate method for using the drug, the importance of following up with a prescriber, and any other information required by the board in rule;

(iii) Either dispensing the ivermectin or referring the individual to a pharmacy that may dispense the drug as soon as practical.

(c) The protocol shall satisfy requirements established in rules adopted by the state board of pharmacy under this section.

(2) In addition to the requirements of division (C)(1) of this section, a protocol may include guidelines related to the dosage at which ivermectin should be dispensed and the duration

of treatment with the drug.

(D)(1) When dispensing ivermectin under this section, the pharmacist or pharmacy intern may charge an administrative fee for services provided under this section, which is in addition to any costs associated with the drug's dispensing that may be paid by the individual or submitted to the individual's health benefit plan for reimbursement.

(2) As soon as practicable after dispensing ivermectin to an individual under this section, the pharmacist or pharmacy intern shall inform, if known, the individual's primary care provider of the drug's dispensing.

(E) This section does not affect the authority of a pharmacist or pharmacy intern to fill or refill a prescription for ivermectin.

(F) A prescriber who establishes a protocol that meets the requirements of this section may authorize one or more pharmacists, and any of the pharmacy interns supervised by the one or more pharmacists, to use the protocol for the purpose of dispensing ivermectin without a prescription under this section.

(G)(1) Both of the following apply to a pharmacist or pharmacy intern who dispenses ivermectin without a prescription under this section:

(a) A pharmacist or pharmacy intern acting in good faith is not subject to criminal prosecution or professional disciplinary action for any action or omission during the drug's dispensing.

(b) A pharmacist or pharmacy intern is not liable for damages in a civil action, except in cases of gross negligence or willful misconduct.

(2) Both of the following apply to a prescriber who authorizes a pharmacist or pharmacy intern to dispense ivermectin without a prescription under this section:

(a) A prescriber acting in good faith is not subject to criminal prosecution or professional disciplinary action for any act or omission during the drug's dispensing.

(b) A prescriber is not liable for damages in a civil action, except in cases of gross negligence or willful misconduct.

(H) In consultation with the state medical board and board of nursing, the board of pharmacy shall adopt rules to implement this section. The rules shall specify minimum requirements for protocols established by prescribers under which pharmacists or pharmacy interns may dispense ivermectin without a prescription. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.