

Sub. H. B. No. 193
As Passed by the House

_____ moved to amend as follows:

In line 2 of the title, after "Code" insert "and to amend Section 1
337.205 of H.B. 110 of the 134th General Assembly" 2

In line 3 of the title, after "substances" insert "and regarding a 3
pilot program for dispensing controlled substances in lockable containers" 4

After line 125, insert: 5

"(7) The prescriber is a veterinarian licensed under 6
Chapter 4741. of the Revised Code." 7

After line 136, insert: 8

"Section 3. In addition to the exceptions set forth in 9
division (C) of section 3719.06 of the Revised Code, for twelve 10
months after the effective date of this section, a licensed 11
health professional authorized to prescribe drugs may issue a 12
written prescription for a schedule II controlled substance if 13
the drug is to be dispensed by a pharmacist employed by or under 14
contract with any state agency. 15

Section 4. That Section 337.205 of H.B. 110 of the 134th 16



General Assembly be amended to read as follows:	17
Sec. 337.205. (A) As used in this section:	18
(1) "Controlled substance" and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.	19
(2) "Lockable container" means a container that meets both of the following requirements:	21
(a) Has special packaging;	22
(b) Has a locking mechanism that can be unlocked in any of the following ways:	23
(i) Physically by using a key or other object capable of unlocking a locked container;	24
(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;	25
(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.	26
(3) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471.	27
(4) "Tamper-evident container" means a container that meets both of the following requirements:	28
(a) Has special packaging;	29
(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened.	30
(5) "Third-party payer" has the same meaning as in section	31
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3901.38 of the Revised Code. 43

(B) (1) Subject to division (C) of this section, the 44
Department of Mental Health and Addiction Services shall operate 45
a two-year pilot program under which all schedule II controlled 46
substances in solid oral dosage formulations are dispensed by 47
participating pharmacies in lockable containers or tamper- 48
evident containers. Under the pilot program, the Department 49
shall reimburse participating pharmacies for the expenses they 50
incur in participating in the program, including a fee 51
determined by the Department for dispensing all schedule II 52
controlled substances in solid oral dosage formulations in those 53
containers. 54

(2) ~~The Department shall select the pharmacies to be~~ 55
~~included in the pilot program. Pharmacy participation in the~~ 56
pilot program is voluntary. Any pharmacy may volunteer to 57
participate in the pilot program by notifying the Department. Of 58
the volunteering pharmacies, the Department shall select those 59
to be included in the pilot program. 60

(3) In each of the pilot program's participating 61
pharmacies, all of the following apply: 62

(a) A pharmacist shall dispense a schedule II controlled 63
substance in a solid oral dosage formulation in a lockable 64
container or tamper-evident container unless the patient or an 65
individual acting on behalf of the patient requests that the 66
drug not be dispensed in such a container. 67

(b) The expenses that the pharmacy incurs for the 68
containers shall not be included in any amount that is to be 69
paid by a patient, an individual acting on behalf of the 70
patient, or a third-party payer. 71

(4) A pharmacist, pharmacist's delegate, or pharmacy is	72
not liable for damages in any civil action, subject to	73
prosecution in any criminal proceeding, or subject to	74
professional disciplinary action for actions taken in good faith	75
in accordance with this section, including either of the	76
following:	77
(a) Disclosing information to aid a patient or an	78
individual acting on the patient's behalf in obtaining entry	79
into a lockable container or tamper-evident container;	80
(b) Dispensing a drug in a lockable container or tamper-	81
evident container that fails to restrict unauthorized access	82
into the container.	83
(5) Not later than six months after the pilot program	84
ends, the Department shall prepare a report describing its	85
findings regarding the impact of the program. In evaluating the	86
pilot program's impact, the Department shall contract with a	87
third-party research organization to assess whether a measured	88
decrease in diversion of schedule II controlled substances	89
occurred regarding drugs dispensed through the program as	90
compared with those dispensed outside of the program. On	91
completion of the report, the Department shall submit the report	92
to the General Assembly in accordance with section 101.68 of the	93
Revised Code.	94
(C) The pilot program shall be operated for two years or	95
until funds appropriated for the program are expended, whichever	96
occurs first.	97
(D) The Department may adopt rules to administer the pilot	98
program. Any rules shall be adopted in accordance with Chapter	99
119. of the Revised Code.	100

(E) Nothing in this section precludes a pharmacy that is 101
not participating in the pilot program from stocking lockable 102
containers or tamper-evident containers and offering to have 103
drugs containing a schedule II controlled substance dispensed in 104
those containers. 105

Section 5. That existing Section 337.205 of H.B. 110 of 106
the 134th General Assembly is hereby repealed." 107

The motion was _____ agreed to.

SYNOPSIS 108

Veterinarian exception 109

R.C. 3719.06 110

Authorizes veterinarians to issue written prescriptions 111
for schedule II controlled substances by adding an exception to 112
the bill's general requirement that those prescriptions be 113
electronic. 114

Temporary exception for state agency dispensing 115

Section 3 116

For 12 months after the bill's effective date, authorizes 117
prescribers to issue written rather than electronic 118
prescriptions for schedule II controlled substances that are to 119
be dispensed by pharmacists employed by or under contract with 120
any state agency. 121

Dispensing controlled substances in lockable containers 122

Sections 4 and 5 (amending Section 337.205 of H.B. 110 of 123

the 134th General Assembly)	124
Modifies an existing pilot program for dispensing schedule	125
II controlled substances in lockable or tamper-evident	126
containers by:	127
--Expressly stating that pharmacy participation in the	128
pilot program is voluntary; and	129
--Modifying an existing provision regarding the	130
Department's selection of pharmacies to be included in the pilot	131
program by requiring the selection to be made from among those	132
pharmacies that volunteer.	133