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Senator John Eklund – Sponsor Testimony
Senate Bill 229
Senate Health, Human Services and Medicaid Committee
December 5, 2017

Good afternoon Chairman Burke, Vice-Chair Beagle, Ranking Member Tavares and colleagues of the committee. I thank you for the opportunity to give testimony on Senate Bill 229, which will continue to fight Ohio's drug epidemic. Addressing the scourge of addiction requires a multi-faceted approach. Our criminal justice system, creative treatment programs, community groups, education initiatives, pain management innovations and other resources are being brought to bear. Underlying all these efforts is the State's responsibility to regulate the distribution, prescribing, dispensing, sale and use of all dangerous drugs and to address novel, illicit drugs entering our state from overseas. SB 229 which, if enacted, will enhance our ability to do that more efficiently and effectively. Building on our efforts in last GA's SB 319, the bill would make several changes to law related to emergency scheduling of drugs, treatment centers, dispensing of opiates, and drug possession.

- Update the Board of Pharmacy's "Board" Emergency Scheduling Authority and Move Controlled Substances from the Revised Code to the Administrative Code.
 - This proposal is to expedite the emergency scheduling process, and reduce the number of criteria required to schedule a substance that is deemed an imminent hazard to the public health, public safety, and public welfare. This will match the same criteria used by the U.S. Drug Enforcement Administration (DEA).
 - This provision will ensure that the Board can quickly outlaw deadly synthetic drugs that are being produced abroad.
 - The proposal also seeks to place Ohio's drug schedules into rule and streamline the process to allow the Board to add or adjust schedules to comply with federal controlled substance schedules. Ohio's schedules are currently out of synch with the federal.
- Correction of a 14-day Limitation Opioid Prescription from SB 319
 - Current law is being interpreted to provide that all prescriptions for opioid analgesics are void unless filled within 14-days from when they were written. The bill would exempt from the 14-day rule:
 - Refills on prescriptions for opioid drugs included in schedule III, IV, or V;

- For a prescription that was partially filled within the 14-day period the dispensing of the remaining amount of the drug; and
 - A prescription indicating the earliest date on which it may be filled (permits the prescription to be filled within 14 days of the indicated date, regardless of whether it is a single prescription or one of multiple prescriptions written).
- Exemption of Certain Treatment Facilities from Board Licensure and Flexibility of Background for Employees with Criminal Histories
 - The bill will add federally qualified health centers, state or local correctional facilities, and other facilities the Board specifies in rules to the list of facilities that are exempt under current law from having to obtain the category III terminal distributor of dangerous drugs (TDDD) license with an office-based opioid treatment (OBOT) classification.
 - The bill also proposes a look-back period of ten years for the automatic exclusion of employment at an opioid treatment facility. The board may still review applications and make determinations regarding individuals employed at the facility. Individuals who may have had drug issues in the past may be more inclined to assist those dealing with addiction issues.
 - Please be advised this language was included as an amendment to HB 101 that is currently under consideration by this committee.
- Protection of Employee Information
 - With the Board in charge of enforcing criminal drug law, the Board has received threats from individuals who are subject to investigation/prosecution, including a recent incident of violence against a family member of one of its employees.
 - To protect their investigators and staff, the bill will shield those investigators' personal information from public records laws.
- O.R.C. 3719.09 can be read to authorize
 - Since O.R.C. 3719.09 authorizes possession of a controlled substance obtained pursuant to a prescription, even if the prescription was obtained unlawfully or by deception. This proposal would authorize such possession only if the underlying prescription was lawfully obtained.

Thank you for the opportunity to provide testimony on SB 229 and encourage your support. I will be glad to answer any questions you may have.