

AN ACT

To enact section 4729.40 of the Revised Code to authorize pharmacists to convert prescriptions authorizing refills under certain circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4729.40 of the Revised Code be enacted to read as follows:

Sec. 4729.40. (A) In the case of a prescription that authorizes a drug to be dispensed by refilling the prescription one or more times and the total quantity or amount of the drug that may be dispensed by filling and refilling the prescription does not exceed a ninety-day supply of the drug, a pharmacist who is filling or refilling the prescription may dispense a quantity or amount of the drug that varies from the quantity or amount of the drug that otherwise would be dispensed pursuant to the prescription, but only if all of the following conditions are met:

(1) The action taken by the pharmacist does not result in a quantity or amount of the drug being dispensed that exceeds the total quantity or amount that may be dispensed by filling and refilling the prescription.

(2) The prescription is for one of the following:

(a) A maintenance drug to be taken on a regular, recurring basis to treat a chronic condition;

(b) A drug to be taken on a regular, recurring basis to prevent disease;

(c) A contraceptive.

(3) If the prescription is for a maintenance drug, the patient has used an initial thirty-day supply of the drug, or a ninety-day supply of the drug has previously been prescribed to the patient, and the pharmacist determines, after consulting with the patient, that the drug has stabilized the patient's condition.

(4) The prescription is not for a controlled substance, as defined in section 3719.01 of the Revised Code.

(5) The prescriber did not include "dispense as written" or another phrase having a similar meaning on the prescription, or, when issuing a prescription electronically or orally, the prescriber did not specify that the quantity or amount of the drug to be dispensed may not vary from the quantity or amount specified in the prescription.

(6) In the exercise of the pharmacist's professional judgment after consulting with the patient, taking the action authorized by this section is appropriate for the patient.

(B) This section does not require a health care insurer, government health care program, pharmacy benefit manager, or other entity that offers health benefit plans to provide coverage for a drug in a manner that is inconsistent with the patient's benefit plan.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____