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Sub. H. B. No. 285

Representative Sprague

Cosponsors: Representatives Becker, Bishoff, Blessing, Butler, Derickson, Dever, Ginter, Grossman, Hackett, Ryan, Huffman, Barnes, Brown, Johnson, T., Kuhns, Ramos, Schuring, Sykes, Antonio, Arndt, Boyd, Buchy, Craig, DeVitis, Green, Lepore-Hagan, Manning, O'Brien, M., Rogers, Scherer, Sheehy, Sweeney, Thompson, Young

Senators Beagle, Jones, Tavares, Brown, Eklund, Hite, Hughes, Lehner, Manning, Oelslager, Patton, Schiavoni, Seitz, Thomas, Uecker, Yuko

A BILL

To enact section 4729.40 of the Revised Code to 1
authorize pharmacists to convert prescriptions 2
authorizing refills under certain circumstances. 3

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

Section 1. That section 4729.40 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4729.40. (A) In the case of a prescription that 6
authorizes a drug to be dispensed by refilling the prescription 7
one or more times and the total quantity or amount of the drug 8
that may be dispensed by filling and refilling the prescription 9
does not exceed a ninety-day supply of the drug, a pharmacist 10
who is filling or refilling the prescription may dispense a 11
quantity or amount of the drug that varies from the quantity or 12
amount of the drug that otherwise would be dispensed pursuant to 13
the prescription, but only if all of the following conditions 14

are met: 15

(1) The action taken by the pharmacist does not result in 16
a quantity or amount of the drug being dispensed that exceeds 17
the total quantity or amount that may be dispensed by filling 18
and refilling the prescription. 19

(2) The prescription is for one of the following: 20

(a) A maintenance drug to be taken on a regular, recurring 21
basis to treat a chronic condition; 22

(b) A drug to be taken on a regular, recurring basis to 23
prevent disease; 24

(c) A contraceptive. 25

(3) If the prescription is for a maintenance drug, the 26
patient has used an initial thirty-day supply of the drug, or a 27
ninety-day supply of the drug has previously been prescribed to 28
the patient, and the pharmacist determines, after consulting 29
with the patient, that the drug has stabilized the patient's 30
condition. 31

(4) The prescription is not for a controlled substance, as 32
defined in section 3719.01 of the Revised Code. 33

(5) The prescriber did not include "dispense as written" 34
or another phrase having a similar meaning on the prescription, 35
or, when issuing a prescription electronically or orally, the 36
prescriber did not specify that the quantity or amount of the 37
drug to be dispensed may not vary from the quantity or amount 38
specified in the prescription. 39

(6) In the exercise of the pharmacist's professional 40
judgment after consulting with the patient, taking the action 41
authorized by this section is appropriate for the patient. 42

(B) This section does not require a health care insurer, 43
government health care program, pharmacy benefit manager, or 44
other entity that offers health benefit plans to provide 45
coverage for a drug in a manner that is inconsistent with the 46
patient's benefit plan. 47