

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 193

Representatives Cutrona, Pavliga

Cosponsors: Representatives Gross, Miller, J., LaRe, Click, Schmidt, Russo, Bird, West, White, Abrams, Blackshear, Boyd, Brent, Brown, Carruthers, Cross, Crossman, Denson, Fraizer, Galonski, Ghanbari, Ginter, Holmes, Ingram, Jarrells, Lanese, Leland, Lepore-Hagan, Lightbody, Liston, Loychik, Miller, A., O'Brien, Patton, Plummer, Richardson, Smith, M., Sobecki, Stephens, Wilkin, Young, T., Speaker Cupp

A BILL

To amend sections 3719.05 and 3719.06 of the 1
Revised Code regarding electronic prescriptions 2
and schedule II controlled substances. 3

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

Section 1. That sections 3719.05 and 3719.06 of the 4
Revised Code be amended to read as follows: 5

Sec. 3719.05. (A) A pharmacist may dispense controlled 6
substances to any person upon a prescription issued in 7
accordance with section 3719.06 of the Revised Code. When 8
dispensing controlled substances, a pharmacist shall act in 9
accordance with rules adopted by the state board of pharmacy and 10
in accordance with the following: 11

(1) The prescription shall be retained on file by the 12
owner of the pharmacy in which it is filled for a period of 13
three years, so as to be readily accessible for inspection by 14

any public officer or employee engaged in the enforcement of 15
Chapter 2925., 3719., or 4729. of the Revised Code. 16

(2) Each oral prescription shall be recorded by the 17
pharmacist and the record shall show the name and address of the 18
patient for whom, or of the owner of the animal for which the 19
controlled substance is dispensed, the full name, address, and 20
registry number under the federal drug abuse control laws of the 21
prescriber, the name of the controlled substance dispensed, the 22
amount dispensed, and the date when dispensed. The record shall 23
be retained on file by the owner of the pharmacy in which it is 24
filled for a period of three years. 25

~~(3) (a) Except as provided in divisions (A) (3) (b) and 26
(c) of this section, a schedule II controlled substance shall be 27
dispensed only upon a written or an electronic prescription, 28
except that it. 29~~

(b) A schedule II controlled substance may be dispensed 30
upon an oral prescription in emergency situations as provided in 31
the federal drug abuse control laws. 32

(c) A schedule II controlled substance may be dispensed 33
upon a written prescription if either of the following applies: 34

(i) A temporary technical, electrical, or broadband 35
failure prevents the pharmacist from dispensing upon an 36
electronic prescription. 37

(ii) The written prescription was issued as described in 38
division (C) of section 3719.06 of the Revised Code. 39

(d) A pharmacist who receives a faxed, oral, or written 40
prescription for a schedule II controlled substance is not 41
required to verify that the prescription was issued under an 42
exception to the requirement that a prescriber issue such a 43

prescription electronically, including an exception described in 44
divisions (A) (3) (b) and (c) of this section or division (C) of 45
section 3719.06 of the Revised Code. 46

A pharmacist may continue to dispense any other drug upon 47
an otherwise valid faxed, oral, or written prescription that is 48
consistent with state and federal statutes, rules, and 49
regulations. 50

(4) A prescription for a schedule II controlled substance 51
shall not be refilled. 52

(5) Prescriptions for schedule III and IV controlled 53
substances may be refilled not more than five times in a six- 54
month period from the date the prescription is given by a 55
prescriber. 56

(B) The legal owner of any stock of schedule II controlled 57
substances in a pharmacy, upon discontinuance of dealing in 58
those drugs, may sell the stock to a manufacturer, wholesaler, 59
or owner of a pharmacy registered under the federal drug abuse 60
control laws pursuant to an official written order. 61

Sec. 3719.06. (A) (1) A licensed health professional 62
authorized to prescribe drugs, if acting in the course of 63
professional practice, in accordance with the laws regulating 64
the professional's practice, and in accordance with rules 65
adopted by the state board of pharmacy, may, except as provided 66
in division (A) (2) or (3) of this section, do the following: 67

(a) Prescribe schedule II, III, IV, and V controlled 68
substances; 69

(b) Administer or personally furnish to patients schedule 70
II, III, IV, and V controlled substances; 71

(c) Cause schedule II, III, IV, and V controlled substances to be administered under the prescriber's direction and supervision.

(2) A licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to both of the following:

(a) A schedule II controlled substance may be prescribed only in accordance with division (C) of section 4723.481 of the Revised Code.

(b) No schedule II controlled substance shall be personally furnished to any patient.

(3) A licensed health professional authorized to prescribe drugs who is a physician assistant is subject to all of the following:

(a) A controlled substance may be prescribed or personally furnished only if it is included in the physician-delegated prescriptive authority granted to the physician assistant in accordance with Chapter 4730. of the Revised Code.

(b) A schedule II controlled substance may be prescribed only in accordance with division (B)(4) of section 4730.41 and section 4730.411 of the Revised Code.

(c) No schedule II controlled substance shall be personally furnished to any patient.

(B) No licensed health professional authorized to prescribe drugs shall prescribe, administer, or personally furnish a schedule III anabolic steroid for the purpose of human muscle building or enhancing human athletic performance and no

pharmacist shall dispense a schedule III anabolic steroid for 100
either purpose, unless it has been approved for that purpose 101
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 102
(1938), 21 U.S.C.A. 301, as amended. 103

(C) When issuing a prescription for a schedule II 104
controlled substance, a licensed health professional authorized 105
to prescribe drugs shall do so only upon an electronic 106
prescription, except that the prescriber may issue a written 107
prescription if any of the following apply: 108

(1) A temporary technical, electrical, or broadband 109
failure occurs preventing the prescriber from issuing an 110
electronic prescription. 111

(2) The prescription is issued for a nursing home resident 112
or hospice care patient. 113

(3) The prescriber is employed by or under contract with 114
the same entity that operates the pharmacy. 115

(4) The prescriber determines that an electronic 116
prescription cannot be issued in a timely manner and the 117
patient's medical condition is at risk. 118

(5) The prescriber issues the prescription from a health 119
care facility, which may include an emergency department, and 120
reasonably determines that an electronic prescription would be 121
impractical for the patient or would cause a delay that may 122
adversely impact the patient's medical condition. 123

(6) The prescriber issues per year not more than fifty 124
prescriptions for schedule II controlled substances. 125

(D) Each written or electronic prescription for a 126
controlled substance shall be properly executed, dated, and 127

signed by the prescriber on the day when issued and shall bear 128
the full name and address of the person for whom, or the owner 129
of the animal for which, the controlled substance is prescribed 130
and the full name, address, and registry number under the 131
federal drug abuse control laws of the prescriber. If the 132
prescription is for an animal, it shall state the species of the 133
animal for which the controlled substance is prescribed. 134

Section 2. That existing sections 3719.05 and 3719.06 of 135
the Revised Code are hereby repealed. 136