

**As Passed by the House**

**134th General Assembly**

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**2021-2022**

**Sub. H. B. No. 37**

**Representative Manning**

**Cosponsors: Representatives Troy, Pavliga, Smith, K., Young, T., Lipps, Lanese, Russo, Bird, Cutrona, Ginter, Gross, Abrams, Brent, Brown, Carfagna, Carruthers, Crawley, Crossman, Fraizer, Galonski, Ghanbari, Hall, Hillyer, Jarrells, John, Johnson, Jones, Lepore-Hagan, Lightbody, Liston, Loychik, Miller, J., O'Brien, Oelslager, Patton, Ray, Robinson, Schmidt, Seitz, Sheehy, Smith, M., Sobecki, Sweeney, West, Speaker Cupp**

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**A BILL**

To amend sections 4729.281 and 4729.283 and to 1  
enact section 3902.70 of the Revised Code 2  
regarding emergency prescription refills. 3

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

**Section 1.** That sections 4729.281 and 4729.283 be amended 4  
and section 3902.70 of the Revised Code be enacted to read as 5  
follows: 6

**Sec. 3902.70.** (A) As used in this section: 7

(1) "Cost-sharing requirement" means the cost to a covered 8  
person under a health benefit plan according to any coverage 9  
limit, copayment, coinsurance, deductible, or other out-of- 10  
pocket expense requirement. 11

(2) "Covered person," "health benefit plan," and "health 12  
plan issuer" have the same meanings as in section 3922.01 of the 13  
Revised Code. 14

(3) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code. 15  
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(B) Notwithstanding section 3901.71 of the Revised Code, if a health plan issuer covers a prescription drug under a health benefit plan, the health plan issuer shall also provide coverage for that drug not more than three times during any twelve-month period when it is dispensed by a pharmacist to a covered person in accordance with section 4729.281 of the Revised Code. 18  
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A health benefit plan shall not impose cost-sharing requirements for a drug dispensed in accordance with section 4729.281 of the Revised Code that are greater than those imposed when that drug is dispensed in accordance with a prescription issued by a licensed health professional authorized to prescribe drugs. 25  
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**Sec. 4729.281.** (A) A pharmacist may dispense ~~or sell~~ a dangerous drug, other than a schedule II controlled substance as defined in section 3719.01 of the Revised Code, without a ~~written or oral~~ prescription from a licensed health professional authorized to prescribe drugs if all of the following conditions are met: 31  
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(1) The pharmacy at which the pharmacist ~~works~~ practices has a record of a prescription for the drug in the name of the patient who is requesting it, but the prescription does not provide for a refill or the time permitted by rules adopted by the state board of pharmacy for providing refills has elapsed. 37  
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(2) The pharmacist is unable to obtain authorization to refill the prescription from the ~~health care professional~~ 42  
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prescriber who issued the prescription or another ~~health-~~ 44  
~~professional-prescriber~~ responsible for the patient's care. 45

(3) In the exercise of ~~the pharmacist's~~ professional 46  
judgment, the pharmacist determines that both of the following 47  
are the case: 48

(a) The drug is essential to sustain the life of the 49  
patient or continue therapy for a chronic condition of the 50  
patient. 51

(b) Failure to dispense ~~or sell~~ the drug to the patient 52  
could result in harm to the health of the patient. 53

~~(4)(a)~~ (B) With respect to the number of times that a 54  
pharmacist may dispense a drug under this section and the amount 55  
of that drug, all of the following apply: 56

(1) Except as provided in division (A) (4) (b) (B) (2) of 57  
this section, the drug may be dispensed not more than once and 58  
the amount of the drug that is dispensed or sold under this- 59  
section does shall not exceed a seventy-two-hour supply as- 60  
provided in based on the original prescription. 61

~~(b) (i) Subject to division (A) (4) (b) (ii) of this section,~~ 62  
~~if (2) (a) If the drug dispensed or sold under this section is~~ 63  
not a controlled substance and the patient has been on a 64  
consistent drug therapy as demonstrated by records maintained by 65  
a pharmacy, the drug may be dispensed not more than three times 66  
in any twelve-month period, none of which are to be consecutive 67  
in time, and, subject to division (B) (2) (b) of this section, the 68  
amount of the drug dispensed or sold does shall not exceed a one 69  
thirty-day supply as provided in based on the original 70  
prescription or, if the standard unit of dispensing for the drug 71  
exceeds a thirty-day supply, the amount ~~of the drug dispensed or~~ 72

~~sold does shall not exceed the one~~ standard unit of dispensing. 73

~~The~~ 74

(b) If one thirty-day supply or one standard unit that 75

exceeds a thirty-day supply is dispensed, then for a second or 76

third dispensing of the drug under this section during the same 77

twelve-month period, the amount shall not exceed a seven-day 78

supply or, if the drug is packaged in a manner that provides 79

more than a seven-day supply, the lowest available supply. 80

(3) The pharmacist shall exercise professional judgment in 81

determining the amount of the drug to be dispensed or sold. 82

~~(ii) A pharmacist shall not dispense or sell a particular~~ 83

~~drug to the same patient in an amount described in division (A)~~ 84

~~(4)(b)(i) of this section more than once in any twelve-month~~ 85

~~period.~~ 86

~~(B)(C) A pharmacist who dispenses or sells a drug under~~ 87

this section shall do all of the following: 88

(1) For one year after the date of dispensing ~~or sale,~~ 89

maintain a record in accordance with this chapter of the drug 90

dispensed ~~or sold,~~ including the amount dispensed, the original 91

prescription number, the name and address of the patient ~~and the~~ 92

~~individual receiving the drug, and, if the individual receiving~~ 93

the drug is not the patient, ~~the amount dispensed or sold, and~~ 94

~~the original prescription number~~ name and address of that 95

individual; 96

(2) Notify the ~~health professional prescriber~~ who issued 97

the original prescription described in ~~division (A)(1) of this~~ 98

~~section or another health professional prescriber~~ responsible 99

for the patient's care not later than seventy-two hours after 100

the drug is ~~sold or~~ dispensed; 101

(3) If applicable, obtain authorization for additional 102  
dispensing from one of the ~~health professionals prescribers~~ 103  
described in division ~~(B) (2)~~ (C) (2) of this section. 104

~~(C) A pharmacist who dispenses or sells a drug under this 105  
section may do so once for each prescription described in 106  
division (A) (1) of this section. 107~~

**Sec. 4729.283.** (A) A pharmacist may dispense naltrexone 108  
without a ~~written or oral~~ prescription from a licensed health 109  
professional authorized to prescribe drugs if all of the 110  
following conditions are met: 111

(1) The pharmacist is able to verify a record of a 112  
prescription for the injectable long-acting or extended-release 113  
form of naltrexone in the name of the patient who is requesting 114  
the drug, but the prescription does not provide for a refill or 115  
the time permitted by rules adopted by the state board of 116  
pharmacy for providing refills has elapsed. 117

(2) The pharmacist is unable to obtain authorization to 118  
refill the prescription from the prescriber who issued it or 119  
another prescriber responsible for the patient's care. 120

(3) In the exercise of ~~the pharmacist's~~ professional 121  
judgment, the pharmacist determines that both of the following 122  
are the case: 123

(a) The drug is necessary to continue the patient's 124  
therapy for substance use disorder. 125

(b) Failure to dispense the drug to the patient could 126  
result in harm to the health of the patient. 127

(B) Before dispensing naltrexone under this section, the 128  
pharmacist shall offer the patient the choice of receiving 129

either the oral form or injectable long-acting or extended- 130  
release form, but only if both forms of the drug are available 131  
for dispensing at the time of the patient's request or within 132  
one day after the request. 133

(C) (1) With respect to naltrexone dispensed in an oral 134  
form under this section, the pharmacist shall not dispense an 135  
amount that exceeds a five-day supply. 136

(2) With respect to naltrexone dispensed in an injectable 137  
long-acting or extended-release form under this section, both of 138  
the following apply: 139

(a) The pharmacist shall exercise professional judgment in 140  
determining the amount of the drug dispensed. 141

(b) The pharmacist may administer the drug by injection to 142  
the patient but only in accordance with section 4729.45 of the 143  
Revised Code. 144

(D) A pharmacist who dispenses naltrexone under this 145  
section shall do all of the following: 146

(1) For one year after the date of dispensing, maintain a 147  
record in accordance with this chapter of the drug dispensed, 148  
including the amount and form dispensed, the original 149  
prescription number, the name and address of the patient, and, 150  
if the individual receiving the drug is not the patient, the 151  
name and address of that individual; 152

(2) Notify the prescriber who issued the original 153  
prescription ~~described in division (A)(1) of this section~~ or 154  
another prescriber responsible for the patient's care not later 155  
than five days after the drug is dispensed; 156

(3) If applicable, obtain authorization for additional 157

dispensing from one of the prescribers described in division (D)	158
(2) of this section.	159
(E) A pharmacist shall exercise professional judgment in	160
determining the number of times naltrexone may be dispensed	161
under this section to the same patient.	162
(F) This section does not limit the authority of a	163
pharmacist to dispense a dangerous drug under section 4729.281	164
of the Revised Code.	165
<b>Section 2.</b> That existing sections 4729.281 and 4729.283 of	166
the Revised Code are hereby repealed.	167
<b>Section 3.</b> This act applies to health benefit plans, as	168
defined in section 3922.01 of the Revised Code, delivered,	169
issued for delivery, modified, or renewed on or after the	170
effective date of this section.	171