

# AN ACT

To amend sections 4729.281 and 4729.283 and to enact section 3902.62 of the Revised Code regarding emergency prescription refills.

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

SECTION 1. That sections 4729.281 and 4729.283 be amended and section 3902.62 of the Revised Code be enacted to read as follows:

Sec. 3902.62. (A) As used in this section, "licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

(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 when it is dispensed by a pharmacist to a covered person in accordance with section 4729.281 of the Revised Code.

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.

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:

(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.

(2) The pharmacist is unable to obtain authorization to refill the prescription from the ~~health care professional prescriber~~ who issued the prescription or another ~~health professional prescriber~~ responsible for the patient's care.

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

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

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

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

(1) Except as provided in division (A)(4)(b)-(B)(2) of this section, the drug may be dispensed

~~not more than once and the amount of the drug that is dispensed or sold under this section does shall~~  
not exceed a seventy-two-hour supply ~~as provided in based on the original~~ prescription.

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

(b) If one thirty-day supply or one standard unit that exceeds a thirty-day supply is dispensed,  
then for a second or third dispensing of the drug under this section during the same twelve-month  
period, the amount shall not exceed a seven-day supply or, if the drug is packaged in a manner that  
provides more than a seven-day supply, the lowest available supply.

(3) The pharmacist shall exercise professional judgment in determining the amount of the  
drug to be dispensed or sold.

(ii) A pharmacist shall not dispense or sell a particular drug to the same patient in an amount  
described in division (A)(4)(b)(i) of this section more than once in any twelve-month period.

~~(B)(C)~~ A pharmacist who dispenses ~~or sells~~ a drug under this section shall do all of the  
following:

(1) For one year after the date of dispensing or sale, maintain a record in accordance with this  
chapter of the drug dispensed or sold, including the amount dispensed, the original prescription  
number, the name and address of the patient and the individual receiving the drug, and, if the  
individual receiving the drug is not the patient, the amount dispensed or sold, and the original  
prescription number name and address of that individual;

(2) Notify the health professional prescriber who issued the original prescription described in  
division (A)(1) of this section or another health professional prescriber responsible for the patient's  
care not later than seventy-two hours after the drug is sold or dispensed;

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

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

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

(1) The pharmacist is able to verify a record of a prescription for the injectable long-acting or  
extended-release form of naltrexone in the name of the patient who is requesting the drug, 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.

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

(3) In the exercise of ~~the pharmacist's~~ professional judgment, the pharmacist determines that

both of the following are the case:

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

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

(B) Before dispensing naltrexone under this section, the pharmacist shall offer the patient the choice of receiving either the oral form or injectable long-acting or extended-release form, but only if both forms of the drug are available for dispensing at the time of the patient's request or within one day after the request.

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

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

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

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

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

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

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

(3) If applicable, obtain authorization for additional dispensing from one of the prescribers described in division (D)(2) of this section.

(E) A pharmacist shall exercise professional judgment in determining the number of times naltrexone may be dispensed under this section to the same patient.

(F) This section does not limit the authority of a pharmacist to dispense a dangerous drug under section 4729.281 of the Revised Code.

SECTION 2. That existing sections 4729.281 and 4729.283 of the Revised Code are hereby repealed.

SECTION 3. This act applies to health benefit plans, as defined in section 3922.01 of the Revised Code, delivered, issued for delivery, modified, or renewed on or after the effective date of this section.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

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

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*Director, Legislative Service Commission.*

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

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_