

DRUG LAWS of OHIO

Official Edition

Edited by the State of Ohio Board of Pharmacy

2024

- Ohio Law Complete to November 6, 2024
- Ohio Rules Complete to October 1, 2024
- Ohio Administrative Rules Complete to July 31, 2024
- Federal Law Complete to P.L. 118-106
- Federal Regulations Complete to October 21, 2024 (89 FR 81774)



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PREFACE

The Official Edition of *Drug Laws of Ohio* is produced under a cooperative arrangement between the Ohio Board of Pharmacy and Thomson Reuters. Since 1987, the book has been published in cooperation with the Board, which previously served as both editor and distributor, determining editorial content to meet the needs of its constituency and selling copies directly to pharmacists and other end users.

The Board now controls the editorial content, but Thomson Reuters is responsible for accounting and sales. Users of the book order copies and updates directly from Thomson Reuters, either through one of their field sales representatives or by calling their Customer Service Department. This arrangement allows changes in the laws and rules to be made available quickly.

The Board works closely with the Publisher to ensure that this Official Edition is the most comprehensive, reliable, and up-to-date compilation available. We would appreciate your comments and suggestions for future improvements in contents and coverage.

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Foreword

This Official Edition of *Drug Laws of Ohio* provides the full text of all federal and state statutes and rules needed by Ohio pharmacies, with research aids, in a convenient, concise, and easy-to-use format. Published in cooperation with the Ohio Board of Pharmacy, it contains:

- State statutes from the Ohio Revised Code Chapter 4729, “PHARMACISTS; DANGEROUS DRUGS,” and related laws
- Selected provisions from the Ohio Rules of Criminal Procedure
- Board of Pharmacy regulations from the Ohio Administrative Code on administration, continuing education, internship, dangerous drugs, controlled substances, laboratories, and other topics
- Related rules of the Ohio State Board of Optometry and the State Medical Board
- Selected federal laws and rules from the *United States Code Annotated* and Code of Federal Regulations
- An expanded Controlled Substances Reference Table, listing for each substance its ingredients, C.S.A. schedule designation, strength, maximum daily dosage, and bulk amounts (by weight and by dose)
- Highlights in 2024 include the addition or update of the following sections of code or rules:
 - Outpatient pharmacy minimum standards (OAC 4729:5-5-02 - 4729:5-5-02.5)
 - Pharmacist, pharmacy intern, and pharmacy technician immunization administration (ORC 4729.41)
 - Notification of accessible services (OAC 4729:5-2-05)
 - Dangerous drug recall procedures (OAC 4729:5-3-18)
 - Pharmacy duty to report (OAC 4729:5-4-02)
 - Continuous quality improvement programs in pharmacy services (OAC 4729:5-3-22)
- A comprehensive Subject Index

We thank the Ohio Board of Pharmacy staff—especially Paul Schad and Cameron McNamee—for their invaluable cooperation and assistance.

Every effort has been made to ensure that the Official Edition will be an indispensable resource for pharmacists, pharmacy students, prosecutors, defense attorneys, and law enforcement officials. If you have any suggestions for improvement, please write or call our Customer Service Department at 800/328-4880.

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USER'S GUIDE

INTRODUCTION

Drug Laws of Ohio is published by Thomson Reuters in cooperation with the State of Ohio Board of Pharmacy. It includes Ohio and federal laws and rules relating to the legal distribution of drugs and the practice of pharmacy, along with those laws with which the State of Ohio Board of Pharmacy is required to comply as a state agency.

Ohio and federal laws and rules are interrelated. Consequently, understanding the requirements of the legal distribution of drugs requires a review of all of the materials on a regular basis. The relevant federal and state laws and rules are published in this volume to encourage and promote voluntary compliance by persons engaged in the legal distribution of drugs in Ohio in the course of their professional practice or business.

The format of *Drug Laws of Ohio* has been selected to make the publication an effective reference book for practitioners, students and instructors, and law enforcement officials. A softcover book with room for placement of future sticky-backed supplements inside the back cover allows future updating to be accomplished with one step.

This User's Guide explains features of the publication and provides hints for effective use. It is intended to assist both new and experienced researchers and may be read in whole or in part, as needed.

FORMAT AND ORGANIZATION

Drug Laws of Ohio is composed of distinct parts, each of which may be quickly accessed by using the margin tab index on the back cover of the book.

Organization and sequence of parts are as follows:

- Preliminary pages
- USER'S GUIDE
- ORC TITLES 1 TO 23
- ORC TITLES 29 TO 47
- ORC CHAPTER 4729 PHARMACISTS; DANGEROUS DRUGS
- ORC TITLES 47 TO 59
- OHIO CRIMINAL RULES/TABLE OF PENALTIES
- OHIO ADMINISTRATIVE CODE
- FEDERAL LAWS
- CODE OF FEDERAL REGULATIONS
- CONTROLLED SUBSTANCES TABLES
- INDEX

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To help users locate cited documents quickly, the back cover of the book contains a margin tab index, and Index entries include the citation for the documents.

UPDATES

As laws and rules are amended, subscribers may receive sticky-backed supplements to place inside the back cover of the book to replace prior supplements.

The publisher will endeavor to issue timely updates; however, the material in this publication may not always be the latest information. To research interim amendments to state and federal statutes and rules, see "4 Steps for Successful Use, with Explanatory Notes," below.

PARTS OF THE BOOK

User's Guide

This User's Guide explains features of the publication and provides hints for effective use. It is intended to assist both new and experienced researchers and may be read in whole or in part, as needed.

Ohio Revised Code

For the convenience of subscribers, Chapter 4729, "PHARMACISTS; DANGEROUS DRUGS," and other relevant Ohio Revised Code sections are reprinted from *Baldwin's Ohio Revised Code Annotated*. The material is divided into four parts, as follows:

- ORC Titles 1 to 23 (Selected Provisions)
- ORC Titles 29 to 47 (Selected Provisions)
- ORC Chapter 4729, "Pharmacists; Dangerous Drugs," and
- ORC Titles 47 to 59 (Selected Provisions)

The number and heading of each statute appear in bold type preceding the full text of the section.

Complete legislative histories follow each section. Editorial notes and uncodified Ohio act provisions explain recent historical action. Cross references point to other pertinent state and federal statutes and rules. (See "4 Steps for Successful Use," below.)

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Ohio Criminal Rules

Relevant Ohio Criminal Rules are reprinted from *Baldwin's Ohio Revised Code Annotated*.

Table of Penalties

The Table of Penalties lists the classification of statutory misdemeanors and felonies, their respective financial sanctions, drug fines, organizational fines, terms of imprisonment, and the time in which prosecution must be commenced.

Ohio Administrative Code

The administrative rules of the State of Ohio Board of Pharmacy (OAC 4729), along with OAC Chapters 4725–16, “Controlled Substances,” 4731–11, “Controlled Substances,” 4731–23, “Delegation of Medical Tasks”, and 5160–9, “Pharmacy Services,” are reprinted from the Approved Edition of the *Ohio Administrative Code*. Editorial notes provide historical rule information, and cross references point to related state and federal rules and statutes. (See “4 Steps for Successful Use,” below.)

Federal Laws

Selected provisions of United States Code Titles 15, 18, and 21, reprinted from the *United States Code Annotated* (Thomson Reuters), include:

- Poison Prevention Packaging Act (15 USCA §§ 1471 to 1473, 21 USCA § 352)
- Postal Service—Injurious Articles as Nonmailable (18 USCA § 1716)
- Federal Food, Drug, and Cosmetic Act (21 USCA §§ 301 to 377)
- Controlled Substances Act, Control and Enforcement (21 USCA §§ 801 to 831)

Code of Federal Regulations

Federal regulations pertaining to the distribution of drugs are reprinted from the *Code of Federal Regulations* and include:

- Poison Prevention Packaging (Title 16, Part 1700)
- Federal Food, Drug and Cosmetic Act regulations (Title 21) of the FDA: Labeling (Part 201), Current Good Manufacturing Practice for Finished Pharmaceuticals (Part 211), Controlled Drugs (Part 290); New Drugs (Part 310), Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances (Part 1301), Labeling and Packaging Requirements for Controlled Substances (Part 1302), Records and Reports of Registrants (Part 1304), Orders For Schedule I and II Controlled Substances (Part 1305), Prescriptions (Part 1306), Schedules of Controlled Substances (Part 1308), Registration of Manufacturers, Distributors, Importers and Exporters of List I Chemicals (Part 1309), Records and Reports of Listed Chemicals and Certain Machines (Part 1310), Administrative Functions, Practices, and Procedures (Part 1316), and Disposal (Part 1317)

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- United States Postal Service Publication 52—Hazardous, Restricted, and Perishable Mail (Title 39, Part 111)
- Authorization to Increase Patient Limit to 275 Patients (Title 42, Part 8), and
- National Practitioner Data Bank (Title 45, Part 60).

Controlled Substances Table & Schedules

Controlled Substances Reference Table

Compiled by the State of Ohio Board of Pharmacy, this table is designed to assist law enforcement officials in determining whether or not a drug or drug product is a controlled substance and, if controlled, the schedule in which it has been placed by the Federal Drug Enforcement Administration, the State of Ohio Board of Pharmacy, or the Ohio General Assembly. In addition, the table indicates the number of finished dosage unit that constitutes bulk amount according to RC 2925.01(D).

The controlled substances are listed alphabetically, each followed by an alphabetical list of the products containing that controlled substance. A Table of Contents precedes the table and lists products alphabetically by both their trade name and generic name.

For more information on how to use the Table, see the Explanation printed at the beginning of the Table.

Ohio's Schedules of Controlled Substances

This chapter (OAC Ch. 4729:9-1) contains the controlled substances schedules established by rule adopted under RC 3719.41 by the State Board of Pharmacy.

Index

An in-depth subject index integrates references to all documents in the volume. Material is cited at the section or subsection level. Numerous cross references point to other headings where information on the same or a related topic may be found, thereby eliminating unnecessary duplication of entries under multiple headings. (See 4 Steps for Successful Use, with Explanatory Notes, below.)

4 STEPS FOR SUCCESSFUL USE, WITH EXPLANATORY NOTES

1. Find your topic in the Index.

Index references are to individual sections or subsections of the state and federal statutes and rules, and include section or subsection numbers. Index cross references point to other headings where information on the same or a related topic may be found.

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Ohio Revised Code provisions are cited by RC number [e.g., 4731.22]. Ohio Administrative Code rules are cited by number and contain hyphens [e.g., 4729-2-01]. References to other materials are identified by a citation abbreviation identifying the type of document and the specific section number [e.g., 21 USCA 360, 21 CFR 1306.07, CrimR 24]. A key to abbreviations is printed on Index page 1.

A sample entry:

LABELS AND LABELING

Alteration, destruction, or removal, 21 USCA 331(bb), 21 USCA 331(k), 3715.52

cites subsections (bb) and (k) of 21 USCA 331 dealing with the alteration, destruction, or removal of labels, as well as a section of the Ohio Revised Code (3715.52).

Unit and chapter breakdowns (or “analyses”), listing throughout *Drug Laws of Ohio* the numbers and headings of material to follow, constitute another kind of index. For example, a complete listing of Revised Code section numbers and headings precedes RC Chapter 4729.

Indexing is performed by professionals aware of the special needs of users. Both legal and popular terms are included. If you cannot find your topic in the Index, please call or write our Indexing Department. New terms are added to the Index on a continuing basis, and suggestions are welcome.

2. Locate and read the referenced document(s) and all accompanying material.

Penalties

Penalty lines indicate that an action prohibited or discussed in a section carries a criminal sanction and can be prosecuted by the government. For example, under RC 3719.06, “Rules for licensed health professionals; prescriptions” you will find:

Cross References

Penalty, see 3719.99

RC 3719.99 in turn specifies, in pertinent part:

(E) Whoever violates section *** 3719.06 *** of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section *** 3719.06 *** of the Revised Code is a misdemeanor of the first degree.

History

A complete legislative history, in reverse chronological order, follows every section of the Revised Code. For example, the history of section 4729.25, “Enforcement; investigation”

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(2004 H 377, eff. 5-18-05; 1998 S 66, eff. 7-22-98; 1984 H 208, eff. 9-20-84; 1971 S 141; 130 v H 948; 1953 H 1; GC 1313)

traces the history of the section from its most recent amendment (by 2004 House Bill 377, effective May 18, 2005), through previous amendments (by 1998 Senate Bill 66, 1984 House Bill 208, 1971 Senate Bill 141, House Bill 948 of Volume 130 of the Laws of Ohio volumes, and 1953 House Bill 1), to its source (in the former General Code of Ohio [GC 1313]).

The effective dates of only the more recent versions of each section are printed. For in-depth historical research, consult previous session law volumes of *Baldwin's Ohio Legislative Service* (since 1971) and/or the official *Laws of Ohio*, published by the Secretary of State.

Historical and Statutory Notes

Editorial notes are inserted where necessary to supplement and clarify legislative history or interpretation. They typically call attention to matters such as Special Endorsements from the Legislative Service Commission, reconciling multiple amendments to the same section; legislative discrepancies; typographical errors in the official text of an Act; multiple amendments that cannot be reconciled; deferred effective dates; and statutes repealed and reenacted under the same or different section numbers.

Occasionally a statute is affected by more than one Act in the same General Assembly, and later action fails to incorporate changes made by the earlier one. Section 1.52(B) of the Revised Code directs that the different versions are to be "harmonized, if possible, so that effect may be given to each." If they are not reconcilable, the amendment "latest in date of enactment prevails." Our editorial staff highlights irreconcilable amendments by printing multiple versions of the section, with a note of explanation.

When researching legislative intent, please consult *Baldwin's Ohio Legislative Service* (since 1971) or the official *Laws of Ohio* for the Act headnote and the precise language of each amendment.

Uncodified Law

Publisher's Note: An attorney-editor reviews all legislation upon enactment and selects uncodified law provisions to be printed under related Revised Code sections. The following explanation of uncodified law was written by the staff of the Ohio Legislative Service Commission.

Reports have been noted of lawyers and judges who have been reluctant to recognize as law portions of Acts of the Ohio General Assembly that have not been assigned a Revised Code section number. The Ohio Supreme Court, however, has without discussion recognized such enactments to be temporary statutes. *Voinovich v. Bd. of Park Commrs.* (1975), 42 Ohio St. 2d 511, in its Syllabus so described an uncodified provision granting a limited time for a public agency to apply for remission of taxes levied on property used for a public purpose. The special right was necessary because of failure of the owner/district to apply for a justified exemption within the statute of limitations. The court upheld the law against a constitutional challenge that was not based on its uncodified status.

Cowen v. State (1920), 101 Ohio St. 387, upheld a curative provision without a permanent section number, as to defects that already had occurred in the letting of certain state

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contracts. But the court declined an interpretation that would have made it available to forgive similar defects that might arise in the future. The failure of the General Assembly or the Attorney General (under his then authority) to assign a General Code section number was declared significant in determining its temporary effect.

Section 103.131 of the Revised Code now grants to the Director of the Legislative Service Commission as “codifier of the laws” the power, where “an act of general and permanent nature” is passed without Revised Code section numbering to add the appropriate Revised Code section number(s). Clearly, this implies that there will be some laws enacted that are not general and permanent. Since the General Assembly commonly enacts matter that is not intended to be permanent, portions of the body of an Act that are not assigned a Revised Code number either by enactment of the General Assembly or by endorsement of the Director should be understood as uncodified statutes. *Cowen v. State, supra*, at 392. During the time in which these uncodified statutes are intended to exist, they are as binding as a permanently numbered section of the Revised Code.

One common example of the use of uncodified law has been in instances in which changes are made in a remedial law. While it has been held that this validly may be made applicable to pending proceedings, R.C. 1.58(A)(4) would operate, in the absence of a contrary provision in the amendatory Act, to declare that proceedings pending on the effective date of the amendment would be conducted as though there had been no amendment. When the General Assembly has chosen to accompany the amendment of such codified law with a declaration concerning the circumstances in which the amendment will apply (e.g., to proceedings filed after the amendment’s effective date or to proceedings on claims arising after the effective date), it sometimes has been done in uncodified law. The theory has been that this provision will be applicable for only a limited time, so that placing it in permanent law was not necessary. When placed in a footnote to the section containing the remedial amendment, some readers apparently have not recognized that this footnote is one quoting verbatim a statute. The LSC staff intends to consider more frequent recommendations of placing such provisions in the Revised Code text.

Although laws are required to be both permanent and general to be placed in the Revised Code, there is no recognized instance of a section being left uncodified because it was found to be permanent but not general. Thus, it is generally appropriate to refer to these uncodified sections simply as temporary laws. Some will be neither permanent nor general. The most common examples of those can be found in a general appropriation act. Much of the text there is to control the use of or accounting for money appropriated, often to be expended for a project at a stated location. A special consideration about uncodified law in an appropriation act is that, in the absence of clear evidence to the contrary, it will be presumed to be effective for no longer than the appropriations, which are limited by Section 22 of Article II, Ohio Constitution, to two years.

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3. Check the Cross References to find related laws and rules.

Cross references knit together the various parts of the publication. Additional information relative to a section of law can be found by checking the cross references that follow it under the bold headings Cross References and Ohio Administrative Code References. The following example, from RC 3719.121, "Suspension of licenses, certificates, or registrations of addicts," shows the style of presentation for such cross references:

Cross References

Denial, revocation, suspension, or restriction of nursing certificate or license, see 4723.28

Discipline for pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician, see 4729.96

Individual subject to collateral sanction, petition for certificate of qualification for employment, see 2953.25

Licensing of pharmacists, see 4729.07 to 4729.17

Treatment providers for pharmacists with substance abuse problems, see 4729.18

Ohio Administrative Code References

Applicability, see OAC 4729:4-1-02

Monitoring contracts, see OAC 4729:4-1-04

Probation, see OAC 4729:4-1-05

Requirements for approved monitoring programs, see OAC 4729:4-1-06

Requirements for approved treatment providers, see OAC 4729:4-1-03

Summary suspension of a licensee or registrant, see OAC 4729:4-1-07

The Ohio laws and Ohio rules related to RC 3719.121 should be consulted.

Cross references furnish valuable assistance in locating related materials, both within *Drug Laws of Ohio* and in other publications. Users requiring a complete understanding of an issue should use the cross references to address all relevant materials.

4. Consult *Baldwin's Ohio Legislative Service*, *Ohio Monthly Record*, *United States Code Annotated*, and the *Code of Federal Regulations* for possible recent changes to your statute(s) or rule(s).

a. Ohio Revised Code

Changes to state laws are made continually through Acts passed by the General Assembly and approved (or allowed to become law without signature) by the Governor. As legislative Acts are passed, they are published first in issues of *Baldwin's Ohio Legislative Service (OLS)*. When researching a particular section, look it up in the Ohio Revised Code Table. Follow the pamphlet number/file number to locate the text of the new section.

b. Ohio Administrative Code

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Ohio administrative rules are also amended on an ongoing basis by state agencies. The *Ohio Monthly Record (OMR)* provides administrative rule updates to the *Ohio Administrative Code* between publication of annual OAC supplements. Following each month, all new agency rules are printed and delivered to subscribers.

When researching a particular rule, look it up in the RULE NUMBER TABLE, and follow the pamphlet reference to the text of the new rule. When researching by topic, use the SUBJECT INDEX.

c. United States Code

Because federal materials are subject to frequent amendment or other action, users should research to determine the most current version.

Federal public laws are codified into the United States Code and organized in title number order. The *United States Code Annotated*, (Thomson Reuters), an annotated edition of the Code, is supplemented annually. Interim supplements are also issued. Annual supplements are inserted in the back of each volume; interim supplements are printed in separate pamphlets. Both should be checked for later amendments to the statute.

d. Code of Federal Regulations

Federal administrative materials are published in the *Code of Federal Regulations* and the *Federal Register*. The following instructions are quoted from the *CFR*:

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date . . . consult the "List of CFR Sections Affected (LSA)," which is issued monthly, and the "CFR PARTS AFFECTED IN THIS ISSUE," which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

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ABBREVIATIONS

Am	Amended
Art	Article
CFR	Code of Federal Regulations
Ch	Chapter
Crim R	Rules of Criminal Procedure
DEA	Drug Enforcement Administration
eff.	Effective
F	Felony
FDA	Food and Drug Administration
FR	Federal Register
GC	General Code of Ohio
H	House Bill
M	Misdemeanor
OAC	Baldwin's Ohio Administrative Code
OMR	Baldwin's Ohio Monthly Record
Pt	Part
Pub L	Public Laws (United States)
RC	Ohio Revised Code
S	Senate Bill
Stat	Statutes
Sub	Substitute
USC	United States Code
USCA	United States Code Annotated
USCS	United States Code Service
v	volume, Ohio Laws

OTHER THOMSON REUTERS PUBLICATIONS

Following is a list of other publications which subscribers to *Drug Laws of Ohio* may find valuable for research and reference. To order or to obtain further information, please contact your local Thomson Reuters Sales Representative or call toll-free 800/328-9352.

State Statutes and Administrative Rules

- *Baldwin's™ Ohio Revised Code Annotated*
- *Baldwin's Ohio Legislative Service™ Annotated*
- *Baldwin's Ohio Administrative Code, Approved Edition™*
- *Baldwin's Ohio Monthly Record™*

For additional information or research assistance, call the Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889) or by Live Chat: Access via Westlaw. Contact our U.S. legal editorial department directly with your questions and suggestions by e-mail at editors.us-legal@tr.com.