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Office of Research
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Office

S.B. 152
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 152's Bill Analysis](#)

Version: As Passed by the House

Primary Sponsor: Sen. Brenner

Local Impact Statement Procedure Required: No

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Highlights

- The State Board of Pharmacy may see an increase in biennial licensing revenue to license wild animal rehabilitation facilities as terminal distributors of dangerous drugs offset somewhat by a likely minimal increase in administration and enforcement expenses. Licensing revenue would likely be less than \$38,000 biannually.
- The bill has no direct fiscal effect on political subdivisions.

Detailed Analysis

The bill allows a wild animal rehabilitation facility to obtain a limited license from the State Board of Pharmacy as a terminal distributor of dangerous drugs (TDDD) in order to administer euthanasia drugs to animals and modifies the law concerning pharmacy advertising.

Wild animal rehabilitation facilities

A “wild animal rehabilitation facility” is a facility that holds a permit issued by the Ohio Department of Natural Resources’ (ODNR) Chief of the Division of Wildlife for rehabilitation purposes in accordance with current law governing scientific, educational, or rehabilitation collection permits. According to ODNR, as of 2025, there are 87 permitted wildlife rehabilitators in 39 counties.

State Board of Pharmacy – fiscal effects

Fee revenue

Under continuing law, to obtain a license as a TDDD from the State Board of Pharmacy, an applicant is required to pay a fee of either \$320 or \$440 depending on their status as a Limited

Category 2 or Limited Category 3 facility.¹ Licenses are valid for two years and renewable for the same fee. If all 87 permitted wildlife rehabilitators were to obtain a license from the Board, the Board would see increased biennial fee revenues of between \$27,840 and \$38,280 depending on license type. Actual licensing numbers and resultant fee revenue are likely to be lower as any licensee must meet certain criteria specified by the bill. It is also possible that some wild animal rehabilitation facilities may already be licensed if they are affiliated or operated by a licensed veterinarian or animal shelter, which are already eligible to hold a TDDD license.

Any new licensing revenue collected would be credited to the Occupational Licensing and Regulatory Fund (Fund 4K90), which is a shared fund and used by the Pharmacy Board to administer and enforce laws governing the legal distribution of dangerous drugs, the practice of pharmacy, and the activities of home medical equipment service providers. Many occupational licensing and regulatory boards and commissions, including the Pharmacy Board, use Fund 4K90 as an operating account into which receipts are deposited and from which expenses are paid. Each licensing board or commission is generally expected to be self-sufficient, i.e., generate enough revenues to cover its expenses.

Administrative expenses

Any increase in fee revenues to the Board will be offset somewhat by increased expenses to administer additional licenses and in the Board's role in conducting inspections, investigations, and possible disciplinary action if warranted. It is anticipated that those costs will be minimal and likely absorbed by utilizing existing staff and appropriated funds.

Advertising

The bill (1) eliminates the existing prohibition against the term "apothecary" being used in a sign or advertisement by entities other than pharmacies and pharmacists, (2) specifies that any term equivalent to a term currently reserved for use by only a pharmacy or pharmacist² cannot be used by any other entity if the term would lead the public to believe that a place or person is a pharmacy or pharmacist, and (3) adds the culpable mental state of "knowingly" to the offenses above.

Under continuing law, a violation of these provisions is a third degree misdemeanor punishable by not more than 60 days in jail and a fine of up to \$500. Each day's violation constitutes a separate offense. If an offender has been convicted of or pleaded guilty to a prior violation, that person is guilty of a second degree misdemeanor punishable by not more than 90 days in jail and a fine of up to \$750. According to LBO research, criminal prosecutions appear to be extremely rare under this statute. Therefore, the bill's changes are not expected to result in additional costs to local criminal justice systems, or the state (for investigations or administrative enforcement).

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¹ License Category "2" means that the licensee may possess, have custody or control of, and distribute prescription drugs (including medical oxygen and other medical grade gases) that are not controlled substances. License Category "3" means that the licensee may possess, have custody or control of, and distribute prescription drugs, including controlled substances contained in schedules I, II, III, IV, or V. "Limited" means that only specified substances from an approved list may be subject to the license.

² The following terms are reserved for use by only a pharmacy or pharmacist: pharmacy, drugs, drug store, drug store supplies, pharmacist, druggist, pharmaceutical chemist, apothecary (removed by the bill), drug sundries, and medicine.