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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 652
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Plummer and T. Young

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SUMMARY

- Requires a pharmacist – when dispensing an opioid analgesic for five or more days – to discuss with the patient the risks of opioid addiction.
- Requires a warning label describing the risks of opioid addiction to be affixed to each container in which an opioid analgesic is dispensed for patient use outside of a hospital.
- Requires health-related licensing boards to adopt guidelines regarding patient counseling and education to be provided by a health care professional when prescribing an opioid analgesic for five or more days.
- Revises the law requiring prescribers to review patient information in the Board of Pharmacy's Ohio Automated Rx Reporting System, by eliminating an exception for an opioid analgesic prescribed or personally furnished for seven days.
- Provides for a cash transfer from the Ohio Medical Marijuana Control Program Fund to the Drug Database Fund.

DETAILED ANALYSIS

Dispensing opioid analgesics

H.B. 652 establishes two new requirements related to pharmacist dispensing of opioid analgesics, one related to discussing with patients the risks of opioid addiction and the other regarding warning labels.

Patient discussions

Under the first requirement, a pharmacist who dispenses an opioid analgesic in an amount indicated for a period of five or more days must discuss with the patient or patient's

representative the risks of opioid addiction, including that the risk increases substantially after taking the drug for five or more days. For each discussion, the pharmacist may charge a fee, regardless of the payment source.¹

Warning labels or stickers

Under the bill's other pharmacist-related requirement, a pharmacist – when dispensing an opioid analgesic for use outside of a hospital – must affix to the container in which the drug is dispensed a warning label or sticker.² The label or sticker must describe the risks associated with opioid analgesics and must be red in color with text printed in black.

The bill requires the State Board of Pharmacy to adopt rules establishing standards and procedures for the warning labels or stickers, including rules for the following:

- The location on the container where the warning label or sticker is to be affixed;
- The language to be included on the label or sticker, which, at a minimum, must indicate that the drug inside the container is an opioid analgesic and carries a risk of addiction or overdose;
- The font and format of any language to be included on the label or sticker.³

The Pharmacy Board may adopt any other rules as necessary to implement the bill's provisions. All rules are to be adopted in accordance with Ohio's Administrative Procedure Act.⁴

Prescribing opioid analgesics

The bill includes two provisions concerning the prescribing of opioid analgesics. The first relates to the review by prescribers of patient information in the Pharmacy Board's Ohio Automated Rx Reporting System, or OARRS. The second concerns health-related licensing boards and their adoption of guidelines regarding patient counseling and education.

OARRS reviews

Ohio law requires a prescriber (physician, physician assistant, advanced practice registered nurse, and dentist) – before first prescribing or personally furnishing an opioid analgesic or benzodiazepine for a patient – to request patient information from OARRS that covers at least the previous 12 months.⁵ But, the request is not required if the drug is prescribed or furnished for use over a period of seven days or less.

¹ R.C. 3719.065(B).

² R.C. 3719.081(A).

³ R.C. 3719.081(B).

⁴ R.C. Chapter 119, not in the bill.

⁵ R.C. 4715.302, 4723.487, 4730.53, and 4731.055.

The bill eliminates the foregoing exception, thereby requiring the prescriber to review patient information when the drug is first prescribed or furnished in an amount indicated for seven days or less.

Patient counseling and education

The bill requires each health-related licensing board to adopt guidelines regarding patient counseling and education to be provided by a prescriber when prescribing an opioid analgesic in an amount indicated for period of five or more days.⁶ Current law defines a health-related licensing board to mean a state board authorized to issue a license to engage in the practice of a licensed health professional authorized to prescribe drugs.⁷

Cash transfer

The bill requires the Director of Commerce and Executive Director of the Pharmacy Board to consult with the Director of the Office of Budget and Management (OBM) to determine the amount of money sufficient for administering OARRS operations and initiatives aimed at reducing the diversion of drugs. The consultation must occur on July 1, 2022, or as soon as possible thereafter. After the amount is determined, the OBM Director must transfer that amount in cash from the Medical Marijuana Control Program Fund to the Drug Database Fund.⁸

HISTORY

Action	Date
Introduced	05-12-22

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⁶ R.C. 3719.065(C).

⁷ R.C. 3719.062, not in the bill.

⁸ Section 6.