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Substitute Bill Comparative Synopsis

Sub. H.B. 92

135th General Assembly

House Public Health Policy

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0476-3)
Canadian Prescription Drug Importation Program	
Requires the State Board of Pharmacy to develop a program for the importation of prescription drugs from Canada, to be known as the Canadian Prescription Drug Importation Program (<i>R.C. 4729.71(A)(1)</i>).	Maintains the requirement that the Board develop the program, but excludes several of the bill's references to Canada or Canadian, including in the program name (<i>R.C. 4729.71</i>). Retains provisions requiring the program's identified prescription drug suppliers to be regulated under the laws of Canada or its provinces (<i>R.C. 4729.71(B)(2)</i>).
Appropriates \$2 million in FY 2024 to the Pharmacy Board for the program's operation (<i>Section 3</i>).	Instead appropriates \$2 million in FY 2025 (<i>Section 4</i>).
Third-party entity – eligibility and duties	
Requires the Pharmacy Board to contract with a third-party entity to conduct the importation program on its behalf and specifies that, to be eligible to contract with the Board, an entity must have assisted another state in developing, establishing, or administering a prescription drug importation program (<i>R.C. 4729.71(A)(2)</i>).	Maintains the requirement to contract, but with revisions to the contract eligibility condition, instead requiring the third-party entity to have prior experience with prescription drug importation (<i>R.C. 4729.71(A)(2)</i>).

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<p>Imposes several duties on the contracting entity, including that the entity enter into contracts with drug wholesalers, suppliers, and distributors (<i>R.C. 4729.71(D)(1)</i>).</p> <p>No provision.</p>	<p>Retains each duty, but imposes an additional one – that the contracting entity enter into a lease agreement with the Ohio Department of Health (ODH) (<i>R.C. 4729.71(D)(1)</i>).</p> <p>Directs the third-party entity to use the leased space to store, and aid in the distribution of, imported prescription drugs and authorizes the entity to retrofit it in an effort to comply with federal regulations (<i>R.C. 4729.71(D)(2)</i>).</p>
Emergency Stockpile and Medical Countermeasures Program	
<p>No provision.</p>	<p>Requires ODH to create a program for the establishment of an emergency stockpile and the procurement of medical countermeasures, with the stockpile and countermeasures to include the drugs, vaccines, medical devices, biological products, and supplies that may be needed in the event of a public health emergency or in response to certain threats (<i>R.C. 3701.042(A) and (B)</i>).</p>
<p>No provision.</p>	<p>Appropriates \$16 million in FY 2025 to ODH for the program’s operation (<i>Section 3</i>).</p>
<p>No provision.</p>	<p>Also requires ODH to issue invitations to negotiate (ITNs) or requests for proposals (RFPs) to conduct the program, including through the use of a turnkey solution (<i>R.C. 3701.042(B)</i>).</p>
<p>No provision.</p>	<p>Requires ODH to contract with a third-party entity to conduct the program and after entering into a contract, to notify in writing the Governor, Senate President, and Speaker of the House of Representatives (<i>R.C. 3701.042(B) and (E)</i>).</p>
Third-party entity – eligibility and duties	
<p>No provision.</p>	<p>In its response to an ODH-issued ITN or RFP, requires a third-party entity to include an assessment and description of the following:</p> <ul style="list-style-type: none"> ▪ The planned stockpile and countermeasures inventory; ▪ The retrofit of ODH’s central warehouse to provide for the storage and management

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No provision.	<p>of a stockpile and countermeasures and other supplies;</p> <ul style="list-style-type: none"> ▪ A staffing plan; ▪ An inventory and quality management system; ▪ The one-time and ongoing costs associated with conducting such a program (<i>R.C. 3701.042(C)</i>).
No provision.	<p>Establishes eligibility conditions on a contracting entity, including the following:</p> <ul style="list-style-type: none"> ▪ That it have at least three years of experience in procuring and maintaining medical countermeasures and emergency stockpiles for the federal government; ▪ That it manage at least one million square feet of combined warehousing; ▪ That it hold a license authorizing the entity to obtain, possess, and distribute dangerous drugs (<i>R.C. 3701.042(D)</i>).
No provision.	<p>Imposes several duties on the contracting entity, including the following:</p> <ul style="list-style-type: none"> ▪ That it obtain certain drugs and items for the program's stockpile and countermeasures; ▪ That it manage and maintain the emergency stockpile and medical countermeasures, including by tracking inventory in real time, monitoring expiration dates, and securing the warehouse; ▪ That it replace any expired stockpile items and countermeasures and ensure their readiness for deployment in a public health emergency; ▪ That it comply with federal law, including the Food, Drug, and Cosmetic Act and the Pandemic and All-Hazards Preparedness Reauthorization Act;

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	<ul style="list-style-type: none"> ▪ That it establish a reporting system to notify ODH during a public health emergency of the availability of specific stockpile items and medical countermeasures and whether such items and countermeasures are near expiration or require maintenance (<i>R.C. 3701.042(F)</i>).
ODH central warehouse	
No provision.	Requires ODH and the contracting entity to enter into a lease agreement for space in ODH's central warehouse (<i>R.C. 3701.042(E)</i>).
No provision.	Requires the entity to use the leased space to conduct the emergency stockpile and countermeasures program, which may necessitate retrofitting the space (<i>R.C. 3701.042(E)</i>).