



OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

Fiscal Note & Local Impact Statement

Bill: H.B. 231 of the 132nd G.A.
(L_132_1135-4)

Status: In House Health

Sponsor: Reps. Ginter and Sprague

Local Impact Statement Procedure Required: No

Subject: Pharmacist responsibility to offer lockable or tamper-evident container

State & Local Fiscal Highlights

- The bill requires the Board to: (1) develop and operate a one-year program regarding lockable or tamper-evident containers for certain controlled substances dispensed by a pharmacist, (2) compile data and complete a report on the program, and (3) continue to operate the program indefinitely if certain conditions are met. At the least, in the short-term, the costs for the Board to comply with the program's requirements could be significant.
- There should be no discernible ongoing costs for the Board to develop the required educational statement or to adopt and enforce rules related to the bill's requirement that a pharmacist offer to dispense certain drugs in a lockable or tamper-evident container.
- The bill will have no discernible ongoing fiscal effects on any of the state's political subdivisions.

Detailed Fiscal Analysis

The bill requires the State Board of Pharmacy to develop and operate a one-year program under which pharmacists who dispense a drug containing a schedule II controlled substance, certain opioids, and certain benzodiazapines will be required to: (1) offer to dispense the drug in a lockable or tamper-evident container, and (2) provide an educational statement developed by the Board which includes a warning of the risks of abuse, diversion, addiction, and death associated with controlled substances.

The bill also requires the Board to compile data regarding the program and to report its findings to the Governor and the General Assembly not later than nine months following the implementation of the program.

If the Board finds that 50% or more of those patients informed of the availability of lockable or tamper-evident containers choose to have the drug dispensed in that manner, the Board is required to continue to operate the program indefinitely.

Compiling data will require the Board to develop and maintain a new data collection system and will result in an increased administrative burden on Board staff to input aggregate data collected from reporting pharmacies. Actual costs to the agency will depend on the type of system required and the amount of data to be collected and managed, but could be significant. The costs would likely be covered by money appropriated from the Occupational Licensing Fund (4K90) for use by the Board to administer and enforce law governing the legal distribution of dangerous drugs and the practice of pharmacy.

A pharmacist who fails to offer to dispense the specified drugs in a lockable or tamper-evident container in the manner defined by the Board would be subject to the Board's disciplinary procedures.¹ These rulemaking and enforcement duties are not expected to create any discernible ongoing costs for the Board.

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill required the State Board of Pharmacy to create an informational statement and authorized the Board to adopt any necessary rules, neither of which would have created any discernible ongoing costs. The substitute bill (L_132_1135-4) expands those tasks to include requiring the Board to: (1) develop and operate a one-year program regarding lockable or tamper-evident containers for certain controlled substances dispensed by a pharmacist, (2) compile data and complete a report on the program, and (3) continue to operate the program indefinitely if certain conditions are met. At the least, in the short-term, the costs for the Board to comply with the program's requirements could be significant, as it will have to develop and maintain a system to collect and analyze data and then report its findings.

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¹ The disciplinary actions the State Board of Pharmacy may take include revoking, suspending, or limiting the pharmacist's or intern's identification card; placing the pharmacist's or intern's identification card on probation; refusing to grant or renew the pharmacist's or intern's identification card; or imposing a monetary penalty or forfeiture not to exceed \$500. Any money collected is credited to Fund 4K90, the Occupational Licensing and Regulatory Fund.