

**SALE OF SCHEDULE V CONTROLLED SUBSTANCE
PRODUCTS WITHOUT A PRESCRIPTION**

Rule 4729-11-09 [Update effective 03/31/2000]

A schedule V controlled substance product which is not a prescription drug as determined under the "Federal Food, Drug and Cosmetic Act" may be sold at retail by a pharmacist without a prescription to a purchaser at retail provided that:

- (A) The sale is made only by a pharmacist or a pharmacy intern under the direct supervision of a pharmacist and not by a nonpharmacist employee even if under the supervision of a pharmacist (although after the pharmacist has fulfilled his professional and legal responsibilities in this section, the actual cash, credit transaction, or delivery may be completed by a nonpharmacist).
- (B) The purchaser is at least eighteen years of age.
- (C) The pharmacist requires every purchaser of a controlled substance under this rule not known to him to furnish suitable identification (including proof of age where appropriate).
- (D) A bound record book is maintained which contains the true name and complete address of the purchaser, the legible signature of the purchaser, the name and quantity of controlled substances sold, the date of each sale, and the name and legible initials of the pharmacist who sold the controlled substance at retail. This book shall be maintained for a period of three years from the date of the last transaction and must be made available for inspection and copying by persons authorized to enforce the federal and state drug laws.
- (E) The schedule V controlled substance product is sold at retail.
- (F) Not more than two hundred forty milliliters (eight ounces) nor more than forty-eight solid dosage units of any schedule V controlled substance product containing opium, nor more than one hundred twenty milliliters (four ounces) nor more than twenty-four solid dosage units of any other narcotic controlled substance may be sold at retail to the same purchaser in any consecutive forty-eight-hour period.
- (G) Not more than one hundred solid dosage units of any schedule V controlled substance stimulant product may be sold to any one person in any consecutive thirty-day period.
- (H) The schedule V controlled substance is sold at retail for a legitimate medical need and the purchaser furnishes information to the pharmacist which establishes the legitimate medical need for the controlled substance.

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