



Minutes of the May 22, 2020
Emergency Meeting of the State of Ohio Board of Pharmacy

Friday, May 22, 2020

8:40 a.m. Pursuant to the Emergency Notice issued on Thursday, May 21, 2020, the State of Ohio Board of Pharmacy convened an emergency Board Meeting via telephone conference call Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, and Section 3719.45 of the Ohio Revised Code, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present for the purpose:

Shawn C. Wilt, *Presiding*; Joshua M. Cox, *RPh*; Megan E. Marchal, *RPh*; Donald R. Miller, *RPh*; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, *RPh*; Kilee S. Yarosh, *RPh* and Fred M. Weaver, *RPh*.

Also present were Steven W. Schierholt, *Executive Director*, Blair Cathcart, *Director of Information Services*, Jenni Wai, *Chief Pharmacist*; Cameron McNamee, *Director of Policy and Communications*; Thomas Pyles, *Chief of Investigations*; Nicole Dehner, *Chief Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Legal Administrative Assistant*; and Kathryn Lewis, *Legal Administrative Assistant*.

The purpose of the meeting is for the State of Ohio Board of Pharmacy, pursuant to section 3719.45 of the Ohio Revised Code, to consider the placement of isotonitazene into Schedule I as an opium derivative through the adoption of emergency rule 4729:9-1-01.2 of the Ohio Administrative Code.

Pursuant to section 3719.45 the Board may add a previously unscheduled compound, mixture, preparation, or substance to Schedule I by emergency rule if the Board determines the compound has no accepted medical use in treatment in this state and poses an imminent hazard to the public health, safety, or welfare.

In making a determination to add an unscheduled compound by emergency rule, the Board is required to consider the following three criteria:

- (1) Its actual or relative potential for abuse;
- (2) The scope, duration, and significance of that abuse;
- (3) The risk it poses to the public health.

The three-factor analysis is included with this notice.



The Board had for consideration the following language of a draft emergency rule as published in the emergency meeting notice on Thursday, May 21, 2020:

4729:9-1-01.2 – Isotonitazene.

Pursuant to section 3719.45 of the Revised Code, the state board of pharmacy hereby classifies as schedule I the following opium derivative, including its salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1H-benzimidazole-1-ethanamine (isotonitazene).

President Wilt invited Mr. McNamee to provide information about the draft rule and then inquired of the Board whether there were comments on the draft language. Hearing none, Mr. Wilt entertained the following motion.

R-2020-0534

Mr. Newlon moved that the Board request an emergency rule filing from the Office of Governor DeWine for 4729:9-1-01.2—Isotonitazene. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 7, Nay – 0. The following emergency rule was adopted by the Board for presentation to the Governor’s Office:

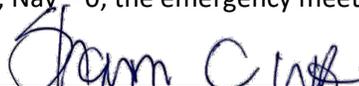
4729:9-1-01.2 – Isotonitazene.

Pursuant to section 3719.45 of the Revised Code, the state board of pharmacy hereby classifies as schedule I the following opium derivative, including its salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1H-benzimidazole-1-ethanamine (isotonitazene).

8:51 a.m.

The business of the meeting thus finished, the Mr. Wilt entertained a motion for adjournment made by Mr. Cox and seconded by Mr. Weaver. The Motion was approved by the Board: Aye – 7, Nay – 0; the emergency meeting was ended.



Shawn C. Wilt, RPh, President

Date: 06.09.2020



Steven W. Schierholt, Executive Director

Date: 06.09.2020