



STATE OF
OHIO
BOARD OF PHARMACY

Request for Public Comment – Public Health Emergencies

Acting under the authority of Chapter 4729 of the Ohio Revised Code Chapter, the State of Ohio Board of Pharmacy proposes the development of rules to allow for the distribution of dangerous drugs during a declared public health emergency.

Comments on the proposed rules will be accepted until close of business on **March 28, 2023**. Please send all comments to the following email address:

RuleComments@pharmacy.ohio.gov.



4729:6-3-09 – Satellite Distribution Sites During a Public Health Emergency

(A) Upon the governor's declaration of an emergency that affects the public health, the director of health may establish satellite distribution sites under an existing wholesale distributor of dangerous drugs license held by the department. The satellite distribution sites entitle each location to distribute dangerous drugs in accordance with section 4729.52 of the Revised Code.

(B) The director of health shall notify the board in writing prior to establishing a satellite distribution site in accordance with paragraph (A) of this rule.

(C) A satellite distribution site established by the director of health shall comply with all security and recordkeeping requirements for the distribution of dangerous drugs in accordance with this division of the administrative code.

(D) All satellite distribution sites established in accordance with this rule shall cease to operate upon the cessation of the public health emergency but may be extended at the request of the director of health.

(E) The board's executive director, upon consultation with the board president, may grant variances or extensions to the requirements set forth in this rule if it is determined that such a variance is in the public interest.

4279:5-3-21 – Point of Dispensing Locations During a Public Health Emergency

(A) A board of health, as defined in section 3701.048 of the Revised Code, that is licensed as a terminal distributor of dangerous drugs may temporarily remove dangerous drugs upon the governor's declaration of an emergency that affects the public health.

(B) The dangerous drugs removed from a location licensed as a terminal distributor shall be used to establish a point of dispensing location or locations in the event of a declared public health emergency to administer, deliver, dispense, or distribute drugs in accordance with protocols developed pursuant to section 3701.048 of the Revised Code.

(C) The dangerous drugs shall be returned to the board of health within seventy-two hours of the cessation of the public health emergency. An individual listed in division (B) and (C) of section 3701.048 of the Revised Code shall maintain personal supervision and control over the dangerous drugs removed from the terminal distributor.

(D) If personal supervision is not provided, the dangerous drugs shall be physically secured in a manner to prevent unauthorized access and diversion. The drugs shall be stored at temperatures which will ensure the integrity of the drugs prior to their use as stipulated by the USP/NF and/or the manufacturer's or distributor's labeling.

(E) All point of dispensing sites established in accordance with this rule shall cease to operate upon the cessation of the public health emergency but may be extended at the request of the director of health.

(E) The board's executive director, upon consultation with the board president, may grant variances or extensions to the requirements set forth in this rule if it is determined that such a variance is in the public interest.