



David Fogarty

*Bill Analysis*  
Legislative Service Commission

## **H.B. 414**

123rd General Assembly  
(As Introduced)

**Reps. Ford, Barrett, Boyd, Brading, Britton, Flannery, Jones, Opfer, Perry, Sykes**

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### **BILL SUMMARY**

- Prohibits selling certain drugs in excess of the quantity, concentration, or length of time of use approved by the United States Food and Drug Administration.

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### **CONTENT AND OPERATION**

#### **Background--controlled substances**

A "controlled substance" is any drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V of Ohio's controlled substances law. Schedule I contains the most dangerous controlled substances, whereas Schedule V consists of controlled substances that are less potent, but nonetheless considered dangerous. Controlled substances may be sold only by licensed manufacturers and wholesalers; terminal distributors of dangerous drugs; practitioners, including physicians, dentists, and veterinarians; and pharmacists.

Under current law, certain substances are exempt from Ohio's controlled substance and drug offense laws if the substances (1) are administered or dispensed by a physician or sold by a pharmacist, and (2) meet statutory limits as to the quantity purchased, the potency of the substance, and the time between purchases. The exempt substances contain small amounts of controlled substances, such as morphine and codeine. Current law prohibits dispensing, selling, obtaining, or attempting to obtain an exempt substance if doing so will provide the person using the substance with a quantity that exceeds within a 48-hour time period the quantity or potency provided for by statute. A violation of this prohibition is a fifth degree felony.

**Operation of the bill**

In addition to the current prohibitions, the bill prohibits any person from selling without a prescription any substance exempt from Ohio's controlled substances law in a quantity or concentration, or for a length of time exceeding those specified in the product labeling approved by the United States Food and Drug Administration. A violation of this prohibition is a fourth degree felony.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	07-27-99	p. 1178

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