



H.B. 221

124th General Assembly
(As Introduced)

Reps. Schuring, Jolivette, Hollister, Hagan, Cates, D. Miller, Calvert, Hartnett, Patton, Seitz, Britton, Willamowski, Otterman, Ogg, Perry, Allen, Collier, DePiero, Webster, Jones, Boccieri, Schaffer, Redfern, Damschroder, Metelsky, Coates, Aslanides, Lendrum

BILL SUMMARY

- Requires the Director of Health to establish a drug repository program for the collection and redistribution of unadulterated prescription drugs that are in their original, unopened packaging.
- Requires the Director to adopt rules governing the drug repository program.
- Permits the program to receive from any donor drugs that are donated at a local health department.
- Requires that donated drugs be dispensed only pursuant to a prescription issued by a health care practitioner authorized to prescribe drugs.
- Requires local health departments to distribute donated drugs to individuals who meet eligibility standards adopted by the Director or to other government entities and nonprofit private entities for distribution to eligible individuals.
- Requires each local health department or other entity that distributes donated drugs to use a volunteer licensed pharmacist.
- In general, grants program participants immunity from criminal and civil liability and professional discipline for matters related to donation, distribution, or receipt of drugs under the program.
- Establishes a nonrefundable income tax credit for 10% of the retail value of drugs donated through the program up to \$100.

CONTENT AND OPERATION

Creation of the drug repository program

(sec. 3701.79)

The bill requires the Director of Health to establish a drug repository program for the collection and redistribution of unadulterated prescription drugs that are in their original unopened packaging. The Director, in consultation with the State Board of Pharmacy, is required to adopt rules pursuant to the Administrative Procedure Act (Revised Code Chapter 119.) that govern the program and establish all of the following:

- (1) Standards and procedures for collecting, storing, and distributing drugs;
- (2) Procedures for inspecting drugs to ensure that the drugs are unadulterated and that their packaging has not been opened;
- (3) Eligibility standards based on economic need for individuals to receive donated drugs from the repository;
- (4) Any other standards and procedures the Director considers appropriate.¹

Donation and distribution of drugs

(sec. 3701.791)

The bill permits the drug repository program to accept drugs from any donor provided that the donation occurs at a local health department. If it accepts donated drugs, the local health department must issue a receipt to the donor indicating the current retail price of the drugs. The receipt is not to identify the drug for which it is issued.

The bill requires that local health departments distribute donated drugs to individuals who meet eligibility standards established by the Director or to other government entities and nonprofit entities for distribution to eligible individuals. Each local health department or other entity that distributes drugs is required to retain the services of a licensed pharmacist who provides the services as a volunteer. Under the bill, donated drugs may be dispensed only pursuant to a

¹ For the purposes of the bill, "local health department" means the board of health or health department of a city or general health district or an authority having the duties of a board of health that is established by a city.

prescription issued by a health care practitioner who is authorized to prescribe drugs. The bill also requires that dispensing of donated drugs comply with all applicable state laws dealing with storage and distribution of dangerous drugs.

Liability

(sec. 3701.792)

In the absence of bad faith, the bill provides that the Director of Health and any person or government entity that donates to or receives drugs from the repository program and any pharmacist who provides volunteer services to the program is not subject to criminal prosecution, civil liability, or professional discipline for matters related to the donation, distribution, or receipt of donated drugs.

Tax credit

(sec. 5747.052)

Beginning in taxable year 2002, the bill grants an income tax credit for the donation of prescription drugs by an individual taxpayer to a local health department pursuant to the drug repository program the bill creates. The amount of the credit is 10% of the retail value of the drugs, as estimated by the local health department to which the drugs are donated, but the total credit may not exceed \$100. The credit is nonrefundable; if the amount of the credit exceeds the taxpayer's end-of-year tax liability, the excess is not refunded. A taxpayer who claims the credit must retain the receipt for donation of the drugs for four years following the year for which the credit is claimed and must make the receipt available for inspection by the Tax Commissioner on request.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-18-01	p. 305

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