



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Emergency Refills Without a Prescription

Ohio law authorizes a pharmacist to dispense a refill in circumstances where the original prescription does not provide a refill, or the time to provide a refill has elapsed. The authorization applies if certain conditions are met, including that the drug is essential to sustain the life of the patient or continue therapy for a chronic condition, and the patient’s health would be harmed if the drug is not dispensed. This brief outlines the conditions applicable to emergency dispensing, dispensing limits, pharmacist obligations, and insurance coverage requirements.

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Dispensing drugs without a prescription

For individuals with chronic conditions, such as diabetes, being unable to access medications when a prescriber cannot be reached to authorize a refill can have serious consequences.¹ Ohio, like many states, permits pharmacists, if certain conditions are met, to dispense refills in circumstances where the original prescription does not provide a refill, or the time to provide a refill has elapsed. The authorization under Ohio law applies to the dispensing of prescription drugs, other than Schedule II controlled substances.²

¹ [Kevin’s Law Makes 72-Hour Supply of More Medication Available to Patients](#), October 18, 2021, available on the Pharmacy Times website: pharmacytimes.com.

² R.C. 4729.281(A); Schedule II controlled substances are drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. Some examples include hydrocodone, methadone, and oxycodone. [Drug Scheduling](#), which may be found on the U.S. Drug Enforcement Administration’s website: dea.gov.

Conditions to dispense

The following conditions must be met for a pharmacist to dispense a drug without an available refill:³

1. The pharmacy at which the pharmacist practices must have a record of a prescription for the drug in the name of the patient, even though the prescription does not provide for a refill or the time for providing a refill has elapsed;
2. The pharmacist is unable to obtain authorization to refill the prescription from the original prescriber or another prescriber responsible for the patient's care; and
3. In the exercise of professional judgment, the pharmacist determines that the drug is essential to sustain the life of the patient or continue therapy for a chronic condition, and failure to dispense the drug to the patient could harm the patient's health.

Dispensing limits

The frequency and amount a pharmacist may dispense without a valid refill depends on whether the drug to be dispensed is a noncontrolled substance that the patient is taking as part of a consistent drug therapy. If so, the frequency and amount of dispensing is greater, as indicated in the following table. In either case, the pharmacist must exercise professional judgment in determining the amount to dispense.⁴

Dispensing limits for refills without a prescription		
	Consistent drug therapy with noncontrolled substances ⁵	All other drugs that are noncontrolled substances ⁶
Number of times dispensing is permitted	Three times in a 12-month period, none of which may be consecutive.	Once.
Amount that may be dispensed	For the first time in a 12-month period, a 30-day supply of the drug based on the original prescription or, if the drug's standard dispensing unit is greater than a 30-day supply, not more than the standard unit. For the second or third time in a 12-month period, a seven-day supply or, if the drug is packaged in a manner that provides more than a seven-day supply, the lowest available supply.	A 72-hour supply based on the original prescription.

³ R.C. 4729.281(A).

⁴ R.C. 4729.281(B)(3).

⁵ R.C. 4729.281(B)(2).

⁶ R.C. 4729.281(B)(1).

Post-dispensing obligations

A pharmacist who dispenses a refill without a prescription in accordance with the provisions discussed above must do all of the following:⁷

1. For one year after dispensing, maintain a record of the drug dispensed, including the amount dispensed, the original prescription number, the name and address of the patient, and, if the individual receiving the drug is not the patient, the name and address of that individual;
2. Notify the prescriber who issued the original prescription or another prescriber responsible for the patient's care within 72 hours of dispensing the drug; and
3. If applicable, obtain prescriber authorization for additional dispensing.

Health insurance coverage

Coverage for drugs dispensed without a prescription

Ohio law provides both of the following regarding health benefit plans⁸ delivered, issued for delivery, modified, or renewed on or after June 1, 2022.⁹

1. If a health insurer covers a prescription drug under its health benefit plan, the insurer must cover that drug when it is dispensed by a pharmacist without a prescription in accordance with the provisions discussed above.
2. Health insurers are prohibited from imposing cost-sharing requirements on drugs dispensed without a prescription that are greater than those imposed on drugs when dispensed under a prescription. A "cost-sharing requirement" is the cost to a covered person under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirement.¹⁰

⁷ R.C. 4729.281(C).

⁸ See R.C. 3902.50(E), citing R.C. 3922.01(L).

⁹ R.C. 3902.62(B).

¹⁰ R.C. 3902.50(C).