

Executive

As Passed by the House

As Passed by the Senate

As Enacted

PRXCD5 Criminal records checks under the Medical Marijuana Control Program

R.C. 109.572, 4776.01, 4776.02, 4776.04

(1) Eliminates a provision requiring the results of criminal records checks of individuals seeking employment with entities licensed under the Medical Marijuana Control Program to be reported to those entities by the Bureau of Criminal Identification and Investigation.

(2) Identifies the State Board of Pharmacy and Department of Commerce as "licensing agencies" relative to their authority to issue licenses pursuant to the Program statutes and any rules. Includes this provision in a general law governing criminal records checks of applicants for licensure in various professions, but also retains a law establishing a separate requirement for criminal records checks of entities seeking licensure under the Program.

Fiscal effect: None.

R.C. 109.572, 4776.01, 4776.02, 4776.04

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 109.572, 4776.01, 4776.02, 4776.04

(1) Same as the Executive, but clarifies that the results of the criminal records checks of prospective employees are to be reported to the State Board of Pharmacy or Department of Commerce.

(2) Same as the Executive, but clarifies that the Board and Department are to be considered "licensing agencies" under this provision only with respect to persons seeking employment with the Program's licensed entities.

Fiscal effect: Same as the Executive.

R.C. 109.572, 4776.01, 4776.02, 4776.04

(1) Same as the Senate.

(2) Same as the Senate.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

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As Enacted

PRXCD14 Physician statement as part of application to register as medical marijuana patient or caregiver

No provision.

R.C. 3796.08

Eliminates the requirement that a physician statement required as part of an application to register as a medical marijuana patient or caregiver include a certification that the physician has informed the patient that, in the physician's opinion, the benefits of medical marijuana outweigh its risks.

Fiscal effect: None.

No provision.

R.C. 3796.08

Same as the House.

Fiscal effect: Same as the House.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

PRXCD11 Wholesale distributor licensure

R.C. 4729.01, 4729.51, 4729.52, 4729.53, 4729.56, 4729.561, 4729.58, 4729.59, 4729.60, 4729.61, 4729.62, 4729.78, 4729.83, 4729.84, and other sections

R.C. 4729.01, 4729.51, 4729.52, 4729.53, 4729.56, 4729.561, 4729.58, 4729.59, 4729.60, 4729.61, 4729.62, 4729.78, 4729.83, 4729.84, and other sections

R.C. 4729.01, 4729.51, 4729.52, 4729.53, 4729.56, 4729.561, 4729.58, 4729.59, 4729.60, 4729.61, 4729.62, 4729.78, 4729.83, 4729.84, and other sections

R.C. 4729.01, 4729.51, 4729.52, 4729.53, 4729.56, 4729.561, 4729.58, 4729.59, 4729.60, 4729.61, 4729.62, 4729.78, 4729.83, 4729.84, and other sections

(1) Changes the existing registration for wholesale distributors of dangerous drugs into licensure with new licensure distinctions created according to the activities being performed (distinctions are for manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors which are all required to be registered as wholesale distributors under current law).

(1) Same as the Executive.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Establishes and modifies statutory definitions of activities involving drug distribution, as follows:

(2) Same as the Executive.

(2) Same as the Executive.

(2) Same as the Executive.

(a) Defines "third-party logistics provider" as a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs, including distribution, but does not take ownership of the drugs or have responsibility to direct sale or disposition.

(a) Same as the Executive.

(a) Same as the Executive.

(a) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(b) Defines "outsourcing facility" as a facility that is engaged in the compounding and sale of sterile drugs and is registered with the U.S. Food and Drug Administration.	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.
(c) Modifies the definition of "manufacturer" by excluding a prescriber from the definition (under current law, a manufacturer is a person, other than a pharmacist, who manufactures and sells dangerous drugs).	(c) Same as the Executive.	(c) Same as the Executive.	(c) Same as the Executive.
(d) Modifies the definition of "sale" or "sell" by adding that the definition also includes distributing, brokering, or giving away, and specifying that transferring includes transfer by passage of title, physical movement, or both (under current law, sale or sell includes delivery, transfer, barter, exchange, or gift, or offer therefor).	(d) Same as the Executive.	(d) Same as the Executive.	(d) Same as the Executive.
(3) Transfers existing requirements governing registration as a wholesale distributor to the new license categories with the following changes:	(3) Same as the Executive.	(3) Same as the Executive.	(3) Same as the Executive.
(a) Specifies that the license of a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor can be a category II or category III license.	(a) Same as the Executive.	(a) Same as the Executive.	(a) Same as the Executive.
(b) Specifies that after an application is filed, it cannot be withdrawn without approval of the Board.	(b) No provision.	(b) No provision.	(b) No provision.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(4) Permits the Board to issue a license for a person not residing in Ohio if:	(4) Same as the Executive.	(4) Same as the Executive.	(4) Same as the Executive.
(a) The person meets the Board's licensure requirements, as verified by a state, federal, or other entity recognized by the Board, pays the required licensure fee, and	(a) Same as the Executive.	(a) Same as the Executive.	(a) Same as the Executive.
(b) The person was physically located in the state that licensed them.	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.
(5) Specifies that licenses for manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors are valid for a period specified in rules, and the period cannot exceed 24 months unless the Board extends it in rule to adjust license renewal schedules. (current law that specifies licenses are valid for 12 months).	(5) Same as the Executive.	(5) Same as the Executive.	(5) Same as the Executive.
(6) Prohibits a license holder who is a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that fails to renew by the renewal date from engaging in manufacturing, repackaging, compounding, or distributing until a valid license is issued.	(6) Same as the Executive.	(6) Same as the Executive.	(6) Same as the Executive.
(7) Specifies that if a renewal application has not been submitted by the 61st day after the renewal date, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.	(7) Same as the Executive.	(7) Same as the Executive.	(7) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(8) Adjusts license renewal fees to account for biennial registration and increases the fees as follows:	(8) Same as the Executive.	(8) Same as the Executive.	(8) Same as the Executive.
(a) For issuance and renewal of a category II license, increases the fee to \$1,900 per biennium (from \$750 per year);	(a) Same as the Executive.	(a) Same as the Executive.	(a) Same as the Executive.
(b) For issuance and renewal of a category III license, establishes a fee of \$2,000 (under current law, there are not multiple categories of licenses for wholesale distributors).	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.
(9) Authorizes the Board to restrict or limit licenses and to reprimand license holders or place them on probation.	(9) Same as the Executive.	(9) Same as the Executive.	(9) Same as the Executive.
(10) Increases to \$2,500 the discipline fine that may be imposed (from \$1,000) for manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors.	(10) Same as the Executive.	(10) Same as the Executive.	(10) Same as the Executive.
(11) Adds causes to the conduct for which the Board can impose discipline on manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, including:	(11) Same as the Executive.	(11) Same as the Executive.	(11) Same as the Executive.
(a) Falsely or fraudulently promoting a dangerous drug to the public;	(a) Same as the Executive.	(a) Same as the Executive, but replaces "a dangerous drug" with "a drug that is a controlled substance included in schedule I, II, III, IV, or V" (these are all of the schedules).	(a) Same as the Senate.

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(b) Violating the Federal Food, Drug, and Cosmetic Act or Ohio's Pure Food and Drug Law, and;	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.
(c) Any other causes set forth by the Board in rules.	(c) Same as the Executive.	(c) Same as the Executive.	(c) Same as the Executive.
(12) Authorizes the Board to suspend a license without a hearing if the Board determines that there is clear and convincing evidence that the method used to possess dangerous drugs presents a danger of immediate and serious harm to others (in addition to current law that authorizes a summary suspension if the method of distributing presents such an immediate danger).	(12) Same as the Executive.	(12) Same as the Executive.	(12) Same as the Executive.
(13) Specifies that a summary license suspension is void on the 121st day after the suspension if the Board has not issued its final adjudication before that date, rather than on the 91st day as under current law.	(13) Same as the Executive.	(13) Same as the Executive.	(13) Same as the Executive.
(14) Continues to require the Board to make available a roster of persons licensed as terminal distributors, manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors, but eliminates a provision requiring the Board to make open for public examination its register of the names, addresses, and date of licensure for those licensees.	(14) Same as the Executive.	(14) Same as the Executive.	(14) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
<p>(15) Requires manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors to query the Board's roster of licensees before selling or distributing dangerous drugs at wholesale. Requires documentation of the query results be kept for at least three years. Specifies that, if the results of the query demonstrate that the purchaser is licensed, another query regarding that purchaser is not required until 12 months have elapsed since the results were obtained.</p>	<p>(15) Same as the Executive, but removes the requirement that documentation of the query results be kept for at least three years, and removes the requirement for wholesale distributors to determine whether a seller is appropriately licensed only once every 12 months.</p>	<p>(15) Same as the House.</p>	<p>(15) Same as the House.</p>
<p>(16) Authorizes the Board to specify a time frame in rule within which a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor must notify the Board if the person ceases to engage in the activities for which the license was issued (notice is required under current law but no time frame is specified).</p>	<p>(16) Same as the Executive.</p>	<p>(16) Same as the Executive.</p>	<p>(16) Same as the Executive.</p>
<p>(17) Authorizes the Board to enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of manufacturers, outsourcing facilities, third-party logistics providers, repackagers, and wholesale distributors located within or outside Ohio and to investigate alleged violations of the laws and rules governing distribution of drugs by them.</p>	<p>(17) Same as the Executive.</p>	<p>(17) Same as the Executive.</p>	<p>(17) Same as the Executive.</p>

Executive	As Passed by the House	As Passed by the Senate	As Enacted
<p>(18) Requires that any information received pursuant to such an agreement is subject to the same confidentiality requirements that apply to the agency or entity from which the information was received and it cannot be released without prior authorization from that agency or entity.</p>	<p>(18) Same as the Executive, but adds that the information received is also subject to confidentiality and disclosure provisions that are applicable to all information received by the Board pursuant to an investigation under the Executive version of the bill.</p>	<p>(18) Same as the House.</p>	<p>(18) Same as the House.</p>
<p>(19) Provides that if notice of an opportunity for a hearing is required, but a license holder does not make a timely request for a hearing, the Board is not required to hold a hearing. Allows the Board to adopt a final order that contains the Board's findings. Permits the Board to impose any of the sanctions allowed by the law.</p>	<p>(19) Same as the Executive.</p>	<p>(19) Same as the Executive.</p>	<p>(19) Same as the Executive.</p>
<p>(20) Provides that, notwithstanding continuing law, the sealing of the following criminal records does not have an effect on the Board's action or any sanction imposed: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.</p>	<p>(20) Same as the Executive.</p>	<p>(20) Same as the Executive.</p>	<p>(20) Same as the Executive.</p>
<p>Fiscal effect: Likely significant annual increase in fee and fine revenues credited to the Occupational Licensing and Regulatory Fund (Fund 4K90), which is the primary source of the Board's financing. Likely minimal onetime and ongoing annual operating expenses to comply with the bill's changes.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>

Executive

As Passed by the House

As Passed by the Senate

As Enacted

PRXCD9 Transfer of home medical equipment service provider licensure from the Respiratory Care Board

R.C. 4729.021, 4752.22, 4752.24, conforming changes in Chapter 4752., Section 515.34

R.C. 4729.021, 4752.22, 4752.24, conforming changes in Chapter 4752., Section 515.34

R.C. 4729.021, 4752.22, 4752.24, conforming changes in Chapter 4752., Section 515.34

R.C. 4729.021, 4752.22, 4752.24, conforming changes in Chapter 4752., Section 515.34

(1) Abolishes the Ohio Respiratory Care Board and places its duties with respect to home medical equipment service providers with the State Board of Pharmacy. Specifies that existing licenses, certificates, permits, registrations, or endorsements, issued before January 21, 2018, will continue in effect as if issued by the State Board of Pharmacy.

(1) Same as the Executive.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Requires the State Board of Pharmacy to appoint a home medical equipment services advisory council to advise the Board on issues relating to providing home medical equipment services. Specifies the terms of membership and that the council is to have no more than seven members. Specifies that members may receive a per diem for each day the member performs official duties and be reimbursed for actual and necessary expenses.

(2) Same as the Executive.

(2) Same as the Executive.

(2) Same as the Executive.

(3) Provides that employees of the Respiratory Care Board are transferred to the State Medical Board, or the State Board of Pharmacy, as applicable, and are to retain their positions and benefits. Specifies

(3) Same as the Executive.

(3) Same as the Executive.

(3) Same as the Executive.

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As Passed by the House

As Passed by the Senate

As Enacted

that between January 21, 2018 and June 30, 2019, the Executive Director of the Medical Board or Pharmacy Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees.

(4) Allows the boards abolished by the bill to establish a retirement incentive plan for eligible employees of those boards who are Public Employees Retirement System (PERS) members. Specifies that the plan remains in effect until January 20, 2018.

(4) Same as the Executive.

(4) Same as the Executive.

(4) Same as the Executive.

Fiscal effect: Presumably, other than the onetime cost to move the program and related personnel from the Respiratory Care Board to the State Board of Pharmacy, there is no ongoing state fiscal effect as the revenue and related expenditures are simply shifting from one state agency to another.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

PRXCD3 Pharmacist licensure

R.C. 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.13, 4719.15, 4729.16, 4729.67, 4729.14 (repealed)

R.C. 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.13, 4719.15, 4729.16, 4729.67, 4729.14 (repealed)

R.C. 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.13, 4719.15, 4729.16, 4729.67, 4729.14 (repealed)

R.C. 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.13, 4719.15, 4729.16, 4729.67, 4729.14 (repealed)

(1) Replaces annual licensure of pharmacists and pharmacy interns with a period to be specified in rules adopted by the Board and specifies that the period cannot exceed 24 months unless the Board extends it in rule to adjust license renewal schedules.

(1) Same as the Executive.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Prohibits a pharmacist or pharmacy intern who fails to renew by the renewal date from engaging in the practice of pharmacy until a valid license is issued by the Board.

(2) Same as the Executive.

(2) Same as the Executive.

(2) Same as the Executive.

(3) Requires an applicant to comply with criminal records check requirements that apply to initial licensees, as well as pass an examination as required by current law, in order to renew a license that has been expired for more than three years.

(3) Same as the Executive.

(3) Same as the Executive.

(3) Same as the Executive.

(4) Adjusts the license renewal fees for pharmacists and pharmacy interns to account for biennial registration, and also increases the fees as follows:

(4) Same as the Executive.

(4) Same as the Executive.

(4) Same as the Executive.

(a) For renewal of a pharmacist's license before it expires, increases the fee to \$250 per biennium (from \$97 per year);

(a) Same as the Executive.

(a) Same as the Executive.

(a) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(b) For renewal of a license that has expired for less than three years, increases the fee to \$250 per biennium plus a late fee of \$50 per year or fraction of a year that the renewal is late (from \$135 per year).	(b) Same as the Executive.	(b) Same as the Executive, but replaces the provision on late fees for renewing an expired license with a provision that retains the current law penalty, which is effectively \$37.50.	(b) Same as the Senate.
(c) For certifying licensure and grades for reciprocal licensure, increases the fee to \$35 (from \$10).	(c) Same as the Executive.	(c) Same as the Executive.	(c) Same as the Executive.
(5) Extends an existing fee waiver for active duty members of the U.S. Armed Forces to the spouses of active duty members.	(5) Same as the Executive.	(5) Same as the Executive.	(5) Same as the Executive.
(6) Eliminates pocket identification cards, including the requirements that:	(6) Same as the Executive.	(6) Same as the Executive.	(6) Same as the Executive.
(a) The Board issue pocket identification cards to pharmacists and pharmacy interns;	(a) Same as the Executive.	(a) Same as the Executive.	(a) Same as the Executive.
(b) Pharmacists and pharmacy interns carry the cards while practicing pharmacy; and	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.
(c) The Board provide a replacement for lost or destroyed cards.	(c) Same as the Executive.	(c) Same as the Executive.	(c) Same as the Executive.
(6) Eliminates a requirement that a pharmacist and pharmacy intern display a license at the principal place where the pharmacist or intern practices.	(6) Same as the Executive.	(6) Same as the Executive.	(6) Same as the Executive.
(7) Requires the Board to define in rule what it means to be of "good moral character" for purposes of pharmacist and pharmacy intern licensure.	(7) Same as the Executive.	(7) Same as the Executive.	(7) Same as the Executive.

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As Passed by the House

As Passed by the Senate

As Enacted

(8) Eliminates a provision authorizing the Board to appoint a director of its existing pharmacy internship program.

(8) Same as the Executive.

(8) Same as the Executive.

(8) Same as the Executive.

Fiscal effect: Likely significant annual increase in fee and fine revenues credited to the Occupational Licensing and Regulatory Fund (Fund 4K90), which is the primary source of the Board's financing. Likely minimal onetime and ongoing annual operating expenses to comply with the bill's changes.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

PRXCD1 Investigative records

R.C. 4729.23

(1) Specifies that information received by the State Board of Pharmacy during an investigation of a license holder is confidential and not subject to discovery in a civil action, and that any record that identifies a patient, confidential informant, or individual who files a complaint with the Board or may reasonably lead to the patient's, informant's, or complainant's identification is not a public record under the Public Records Law and is not subject to inspection or copying under disclosure laws that apply to other state implemented personal information systems.

R.C. 4729.23

(1) Same as the Executive.

R.C. 4729.23

(1) Same as the Executive.

R.C. 4729.23

(1) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
<p>(2) Requires the Board to conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients, confidential informants, and complainants, and prohibits the Board from making public the names or any other identifying information of these individuals unless the individual consents or, in the case of a patient, a waiver of the patient privilege exists.</p>	<p>(2) Same as the Executive.</p>	<p>(2) Same as the Executive.</p>	<p>(2) Same as the Executive.</p>
<p>(3) Permits the Board, for good cause shown, to disclose or authorize disclosure of information gathered pursuant to an investigation.</p>	<p>(3) Same as the Executive.</p>	<p>(3) Same as the Executive.</p>	<p>(3) Same as the Executive.</p>
<p>(4) Permits the Board, upon request, to share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other state or federal governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or rules and requires an agency or board that receives the information to generally comply with the same requirements regarding confidentiality that apply to the Board.</p>	<p>(4) Same as the Executive.</p>	<p>(4) Same as the Executive.</p>	<p>(4) Same as the Executive.</p>
<p>(5) Specifies that any information the Board receives from a state or federal agency is subject to the same confidentiality requirements as the agency from which it was received and must not be released by</p>	<p>(5) Same as the Executive.</p>	<p>(5) Same as the Executive.</p>	<p>(5) Same as the Executive.</p>

Executive	As Passed by the House	As Passed by the Senate	As Enacted
<p>the Board without prior authorization from that agency.</p> <p>(6) Specifies that the bill's confidentiality provisions also apply to any Board activity that involves continued monitoring of a license holder for substance abuse treatment or recovery purposes as part of or following any disciplinary action the Board takes against a license holder.</p>	<p>(6) Same as the Executive.</p>	<p>(6) Same as the Executive.</p>	<p>(6) Same as the Executive.</p>
<p>Fiscal effect: Uncertain.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>

PRXCD12 Subpoenas

R.C. 4729.24	R.C. 4729.24	R.C. 4729.24	R.C. 4729.24
<p>(1) Permits the State Board of Pharmacy, when investigating alleged violations, to:</p>	<p>(1) Same as the Executive.</p>	<p>(1) Same as the Executive.</p>	<p>(1) Same as the Executive.</p>
<p>(a) Order the taking of depositions;</p>	<p>(a) Same as the Executive.</p>	<p>(a) Same as the Executive.</p>	<p>(a) Same as the Executive.</p>
<p>(b) Examine and copy any books, accounts, papers, records, documents, and other tangible objects;</p>	<p>(b) Same as the Executive.</p>	<p>(b) Same as the Executive.</p>	<p>(b) Same as the Executive.</p>
<p>(c) Issue subpoenas;</p>	<p>(c) Same as the Executive.</p>	<p>(c) Same as the Executive.</p>	<p>(c) Same as the Executive.</p>
<p>(d) Compel the attendance of witnesses and production of books, accounts, papers, records, documents, and other tangible objects; and</p>	<p>(d) Same as the Executive.</p>	<p>(d) Same as the Executive.</p>	<p>(d) Same as the Executive.</p>

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(e) Apply to the Franklin County Court of Common Pleas, if a person fails to comply with a Board-issued subpoena, for an order compelling the production of persons or records.	(e) Same as the Executive.	(e) Same as the Executive.	(e) Same as the Executive.
(2) Specifies that a subpoena for patient record information may be issued only with the approval of the Board's Executive Director and President or the President's designee, in consultation with the Attorney General's office.	(2) Same as the Executive.	(2) Same as the Executive.	(2) Same as the Executive.
(3) Requires the Executive Director and the Attorney General's office, before issuing the subpoena, to determine whether there is probable cause to believe that:	(3) Same as the Executive.	(3) Same as the Executive.	(3) Same as the Executive.
(a) The complaint filed alleges, or an investigation has revealed, a violation of the Pharmacists and Dangerous Drug Law;	(a) Same as the Executive, but adds violations of laws concerning dangerous drugs, drug offenses, controlled substances, and the Medical Marijuana Control Program.	(a) Same as the House.	(a) Same as the House.
(b) The records sought are relevant to the alleged violation and are material to the investigation; and	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.
(c) The records cover a reasonable period of time surrounding the alleged violation.	(c) Same as the Executive.	(c) Same as the Executive.	(c) Same as the Executive.
(4) Specifies that a subpoena issued by the Board may be served by a sheriff, sheriff's deputy, or a Board employee and that service may be made by delivering a copy of the subpoena to the person named in the subpoena or by leaving it at the person's	(4) Same as the Executive.	(4) Same as the Executive.	(4) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
<p>usual residence.</p> <p>(5) Permits the Board to adopt rules in accordance with the Administrative Procedure Act establishing procedures to be followed in issuing subpoenas, including procedures regarding payment for and service of subpoenas.</p>	(5) Same as the Executive.	(5) Same as the Executive.	(5) Same as the Executive.
Fiscal effect: Uncertain.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

PRXCD6 Terminal distributor licensure

<p>R.C. 4729.54, 4729.51, 4729.57, 4729.571, 4729.60</p>	<p>R.C. 4729.54, 4729.51, 4729.57, 4729.571, 4729.60</p>	<p>R.C. 4729.54, 4729.51, 4729.57, 4729.571, 4729.60</p>	<p>R.C. 4729.54, 4729.51, 4729.57, 4729.571, 4729.60</p>
<p>(1) Eliminates category I and limited category I licensure for terminal distributors of dangerous drugs.</p>	(1) Same as the Executive.	(1) Same as the Executive.	(1) Same as the Executive.
<p>(2) Eliminates a requirement that every terminal distributor license indicate on its face the category of licensure, and for a limited category license, specification that the licensee can possess, have custody or control of, and distribute only the dangerous drugs listed in the license application.</p>	(2) Same as the Executive.	(2) Same as the Executive.	(2) Same as the Executive.
<p>(3) Eliminates a requirement that the list of drugs which an applicant is seeking to possess that is included with a limited category license application be notarized.</p>	(3) Same as the Executive.	(3) Same as the Executive.	(3) Same as the Executive.
<p>(4) Eliminates a provision requiring notarization of the standing orders or protocols that must be submitted with the</p>	(4) Same as the Executive.	(4) Same as the Executive.	(4) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

application for licensure as a terminal distributor when the applicant is an emergency medical service organization, but adds a physician signature requirement to a provision that requires submission of a list of dangerous drugs the organization's units may carry.

(5) Eliminates a requirement that an emergency medical service organization licensed as a terminal distributor must immediately notify the State Board of Pharmacy of changes to its standing orders or protocols that were submitted with its application. Requires instead that the Board adopt rules specifying when the Board must be notified of changes to any of the documentation that was submitted with the application.

(5) Same as the Executive.

(5) Same as the Executive.

(5) Same as the Executive.

(6) Eliminates a provision requiring notarization of the standing orders or protocols that must be submitted with the application for licensure as a terminal distributor when the applicant is an animal shelter. Requires the Board adopt rules specifying when the Board must be notified of changes to any of the documentation that was submitted with the application.

(6) Same as the Executive.

(6) Same as the Executive.

(6) Same as the Executive.

(7) Specifies that licenses for terminal distributors are valid for a period specified in rules, and the period cannot exceed 24 months unless the Board extends it in rule to adjust license renewal schedules (current

(7) Same as the Executive.

(7) Same as the Executive.

(7) Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

law that specifies licenses are valid for 12 months).

(8) Prohibits a license holder who is a terminal distributor that fails to renew by the renewal date from engaging in the retail sale, possession, or distribution of dangerous drugs until a valid license is issued.

(8) Same as the Executive.

(8) Same as the Executive.

(8) Same as the Executive.

(9) Specifies that if a renewal application has not been submitted by the 61st day after the renewal date, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

(9) Same as the Executive.

(9) Same as the Executive.

(9) Same as the Executive.

(10) Adjusts license renewal fees to account for biennial registration and increases the fees as follows:

(10) Same as the Executive.

(10) Same as the Executive.

(10) Same as the Executive.

(a) For issuance of a category II or limited category II license, increases the fee to \$320 per biennium (from \$112.50 per year);

(a) Same as the Executive.

(a) Same as the Executive.

(a) Same as the Executive.

(b) For issuance of a category III or limited category III license, increases the fee to \$440 per biennium (from \$150 per year);

(b) Same as the Executive.

(b) Same as the Executive.

(b) Same as the Executive.

(c) For issuance of a license to a person practicing veterinary medicine, \$120 per biennium (from \$40 per year);

(c) Same as the Executive.

(c) Same as the Executive.

(c) Same as the Executive.

(d) For renewal of an expired license, the fee is increased to that of the fee paid for the initial license (see above), plus a \$110 penalty fee per biennium (the penalty is currently \$55 per year).

(d) Same as the Executive.

(d) Same as the Executive.

(d) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(11) Authorizes the Board restrict or limit licenses and to reprimand license holders or place them on probation.	(11) Same as the Executive.	(11) Same as the Executive.	(11) Same as the Executive.
(12) Adds causes to the conduct for which the Board can impose discipline on terminal distributors, including for the conviction of a felony and any other causes set forth by the Board in rules.	(12) Same as the Executive.	(12) Same as the Executive.	(12) Same as the Executive.
(13) Authorizes the Board to suspend a license without a hearing if the Board determines that there is clear and convincing evidence that the method used to possess dangerous drugs presents a danger of immediate and serious harm to others (in addition to current law that authorizes a summary suspension if the method of distributing presents such an immediate danger).	(13) Same as the Executive.	(13) Same as the Executive.	(13) Same as the Executive.
(14) Specifies that a summary license suspension is void on the 121st day after the suspension if the Board has not issued its final adjudication before that date, rather than on the 91st day as under current law.	(14) Same as the Executive.	(14) Same as the Executive.	(14) Same as the Executive.
(15) Modifies the investigation a terminal distributor of dangerous drugs must conduct before purchasing dangerous drugs at wholesale by requiring the terminal distributor to query the Board's roster of licensees before purchasing. Requires documentation of the query results be kept for at least three years. Specifies that, if the results of the query demonstrate that the	(15) Same as the Executive, but removes the requirement that documentation of the query results be kept for at least three years, and removes the requirement for terminal distributors to determine whether a seller is appropriately licensed only once every 12 months.	(15) Same as the House.	(15) Same as the House.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

seller is licensed, another query regarding that seller is not required until 12 months have elapsed since the results were obtained.

(16) Authorizes the Board to specify a time frame in rule within which a terminal distributor must notify the Board if the person ceases to engage in the activities for which the license was issued (notice is required under current law but no time frame is specified).

(16) Same as the Executive.

(16) Same as the Executive.

(16) Same as the Executive.

(17) Authorizes the Board to enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of terminal distributors located within or outside Ohio and to investigate alleged violations of the laws and rules governing distribution of drugs by them.

(17) Same as the Executive.

(17) Same as the Executive.

(17) Same as the Executive.

(18) Requires that any information received pursuant to such an agreement is subject to the same confidentiality requirements that apply to the agency or entity from which the information was received and it cannot be released without prior authorization from that agency or entity.

(18) Same as the Executive.

(18) Same as the Executive.

(18) Same as the Executive.

(19) Provides that if notice of an opportunity for a hearing is required, but a license holder does not make a timely request for a hearing, the Board is not required to hold a hearing.

(19) Same as the Executive.

(19) Same as the Executive.

(19) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
<p>(20) Allows the Board to adopt a final order that contains the Board's findings. Permits the Board to impose any of the sanctions allowed by the law.</p>	<p>(20) Same as the Executive.</p>	<p>(20) Same as the Executive.</p>	<p>(20) Same as the Executive.</p>
<p>(21) Provides that, notwithstanding continuing law, the sealing of the following criminal records does not have an effect on the Board's action or any sanction imposed: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.</p>	<p>(21) Same as the Executive.</p>	<p>(21) Same as the Executive.</p>	<p>(21) Same as the Executive.</p>
<p>Fiscal effect: Likely significant annual increase in fee and fine revenues credited to the Occupational Licensing and Regulatory Fund (Fund 4K90), which is the primary source of the Board's financing. Likely minimal onetime and ongoing annual operating expenses to comply with the bill's changes.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>

Executive

As Passed by the House

As Passed by the Senate

As Enacted

PRXCD2 Drug database access and information retention

R.C.	4729.80, 4729.82, 4729.86	R.C.	4729.80, 4729.75, 4729.77, 4729.772, 4729.82, 4729.84, 4729.86	R.C.	4729.80, 4729.75, 4729.77, 4729.772, 4729.82, 4729.84, 4729.86	R.C.	4729.80, 4729.75, 4729.77, 4729.772, 4729.82, 4729.84, 4729.86
(1) Authorizes or requires the Board to provide the following from the drug database known as the Ohio Automated Rx Reporting System (OARRS):	(1) Same as the Executive.	(1) Same as the Executive.	(1) Same as the Executive.				
(a) Information requested by an agency that licenses health care professionals relating to a government expert witness in an active investigation being conducted by the agency;	(a) Same as the Executive.	(a) Same as the Executive.	(a) Same as the Executive.				
(b) Information requested by a judge of a drug court certified by the Ohio Supreme Court relating to a current or prospective participant of a drug court program;	(b) Same as the Executive.	(b) Same as the Executive.	(b) Same as the Executive.				
(c) Information requested by the examining coroner, deputy coroner, or coroner's delegate about a deceased person.	(c) Same as the Executive.	(c) Same as the Executive.	(c) Same as the Executive.				
(2) Permits the Board to provide a prescriber with a summary of the prescriber's prescribing record if such a record is created by the Board (summary information is subject to the confidentiality requirements of existing law).	(2) Same as the Executive.	(2) Same as the Executive.	(2) Same as the Executive.				
(3) Authorizes the Board to provide to a designated representative of the Department of Medicaid records of requests for OARRS	(3) Same as the Executive.	(3) Same as the Executive.	(3) Same as the Executive.				

Executive

As Passed by the House

As Passed by the Senate

As Enacted

information made by a prescriber who is treating or has treated a Medicaid recipient.

(4) Requires the Board to retain OARRS information and make it accessible to identified persons for at least five years (current law requires retention for three years). Extends to five years the time after which information identifying a patient must be destroyed. Permits the Board to retain such information for longer than five years if it considers retention necessary to serve an investigatory or public health purpose.

(4) Same as the Executive.

(4) Same as the Executive.

(4) Same as the Executive.

(5) No provision.

(5) Authorizes a coroner who receives information from OARRS related to a deceased person to share that information with a drug overdose fatality review committee, which may be established under the Executive version of the bill.

(5) Same as the House.

(5) Same as the House.

(6) No provision.

(6) Authorizes the Board to provide a pharmacy with a summary of the pharmacy's dispensing record from OARRS.

(6) Same as the House.

(6) Same as the House.

(7) No provision.

(7) Authorizes the Board to provide information from OARRS without request to prescribers and pharmacists who are authorized to use OARRS.

(7) Same as the House.

(7) Same as the House.

(8) No provision.

(8) Authorizes the Board to require a terminal distributor of dangerous drugs, when submitting information to OARRS as required by current law, to also submit any data fields recognized by the American Society for Automation in Pharmacy.

(8) Same as the House.

(8) Same as the House.

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(9) No provision.	(9) Authorizes the Board to accept for inclusion in OARRS information from other sources, including other state agencies, to the extent the information is related to monitoring the misuse and diversion of drugs and provides that, to the extent the Board receives personal health information pursuant to that authorization, it may release it only as authorized by the submitter of the information and the Board's rules.	(9) Same as the House.	(9) Same as the House.
(10) No provision.	(10) Requires the Board, upon request, to provide a peer review committee of any health care entity with information from OARRS relating to a health care professional, if the information is to be used for evaluation, supervision, or disciplinary purposes.	(10) Same as the House.	Same as the House, but: (a) requires that a peer review committee's request for OARRS information be made through a designated representative who is a prescriber or pharmacist, (b) limits the types of peer review committees that can request OARRS information to a peer review committee of either (1) a hospital or (2) a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member, (c) limits the OARRS information that a peer review committee may request to information regarding a prescriber, instead of any health care professional, and (d) requires the Board to provide a peer review committee only OARRS information that the Board determines is appropriate to be provided.
Fiscal effect: Uncertain.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

PRXCD4 Sanctions against unlicensed pain management clinics

R.C. 4729.552

Expands the State Board of Pharmacy's authority to impose a fine of up to \$5,000 for violation of pain management clinic licensure requirements by authorizing the fine to be imposed on any person who violates those requirements, as opposed to only if the violator holds a license as a terminal distributor of dangerous drugs.

Fiscal effect: Potential annual increase in fine revenue credited of the Occupational Licensing and Regulatory Fund (Fund 4K90).

R.C. 4729.552

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 4729.552

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 4729.552

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

OBMCD40 Accounting and encumbrance changes related to consolidation of health boards

Section: 515.35

Requires the Director of Budget and Management to make any accounting changes made necessary by the board consolidations and transfers provided in Sections 515.30 to 515.34 of the bill.

Permits the Director of Budget and Management to cancel an existing encumbrance of an abolished agency and to reestablish the encumbrance under the appropriate newly created or continuing board, and reappropriates the amounts encumbered.

Section: 515.35

Same as the Executive.

Same as the Executive, but rather than specifying that encumbrances may be reestablished to a licensing board established in Chapter 4744. of the Revised Code, specifies that they may be reestablished to the State Vision Professionals Board and the State Speech and Hearing Professionals Board.

Section: 515.35

Same as the Executive.

Same as the House, but adds the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to the list of boards to which encumbrances may be reestablished.

Section: 515.35

Same as the Executive.

Same as the Senate.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

COMCD15 Medical Marijuana Control Program Repayments

Section: 512.70

Requires the Director of COM and the Executive Director of the Pharmacy Board to consult with Director of Budget and Management to determine a repayment schedule during the biennium to fully repay the FY 2017 transfer from the Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0).

Fiscal effect: The transfer from Fund 5KM0 to Fund 5YS0 was about \$1.8 million. Of this amount, \$923,077 was transferred to COM under appropriation item 800650, Medical Marijuana Control Program. The remaining \$882,400 was transferred to the Pharmacy Board under appropriation item 887613, Medical Marijuana Control Program. These repayments will be deposited into the GRF.

Section: 512.70

Same as the Executive.

Fiscal effect: Same as the Executive.

Section: 512.70

Same as the Executive.

Fiscal effect: Same as the Executive.

Section: 512.70

Same as the Executive.

Fiscal effect: Same as the Executive.