Ohio Administrative Code

Rule 3745-266-509 Shipping potentially creditable hazardous waste pharmaceuticals from a healthcare facility or a reverse distributor to a reverse distributor.

Effective: January 16, 2026

(A) Shipping potentially creditable hazardous waste pharmaceuticals. A healthcare facility or a reverse distributor who transports or offers for transport potentially creditable hazardous waste pharmaceuticals off-site to a reverse distributor shall comply with all applicable U.S. department of transportation (DOT) regulations in 49 CFR Part 171 to 40 CFR Part 180 for any potentially creditable hazardous waste pharmaceutical that meets the definition of "hazardous material" in 49 CFR 171.8. For purposes of the DOT regulations, a material is considered a hazardous waste if the material is subject to the hazardous waste manifest requirements of rules 3745-52-80 to 3745-52-84 of the Administrative Code. Because a potentially creditable hazardous waste pharmaceutical does not require a manifest, the hazardous waste pharmaceutical is not considered hazardous waste under the DOT regulations.

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the U.S. Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government. Rules 3745-52-80 to 3745-52-84 of the Administrative Code reflect the federal requirements in 40 CFR Part 262 subpart H.]

(B) Delivery confirmation. Upon receipt of each shipment of potentially creditable hazardous waste pharmaceuticals, the receiving reverse distributor shall provide confirmation (paper or electronic) to the healthcare facility or reverse distributor that initiated the shipment that the shipment of potentially creditable hazardous waste pharmaceuticals has arrived at the potentially creditable hazardous waste pharmaceuticals' destination and is under the custody and control of the reverse distributor.

(C) Procedures for when delivery confirmation is not received within thirty-five calendar days. If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within thirty-five

calendar days after the date that the shipment of potentially creditable hazardous waste pharmaceuticals was sent, the healthcare facility or reverse distributor that initiated the shipment shall contact the carrier and the intended recipient (i.e., the reverse distributor) promptly to report that the delivery confirmation was not received, and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

(D) Exporting potentially creditable hazardous waste pharmaceuticals. A healthcare facility or reverse distributor that sends potentially creditable hazardous waste pharmaceuticals to a foreign destination shall comply with the applicable rules in rule 3745-52-80 to 3745-52-84 of the Administrative Code, except the manifesting requirement of paragraph (C) of rule 3745-52-83 of the Administrative Code, in addition to paragraphs (A) to (C) of this rule.

(E) Importing potentially creditable hazardous waste pharmaceuticals. Any person who imports potentially creditable hazardous waste pharmaceuticals into Ohio is subject to paragraphs (A) to (C) of this rule in lieu of rules 3745-52-80 to 3745-52-84 of the Administrative Code. Immediately after the potentially creditable hazardous waste pharmaceuticals enter Ohio, the potentially creditable hazardous waste pharmaceuticals are subject to all applicable requirements of rules 3745-266-500 to 3745-266-510 of the Administrative Code.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]