



## Ohio Administrative Code

### Rule 4729:5-5-02.2 Mandatory Rest Breaks for Pharmacy Personnel.

Effective: May 1, 2024

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(A) An outpatient pharmacy licensed as a terminal distributor of dangerous drugs shall not require pharmacy personnel to work longer than thirteen hours in any workday and shall allow at least eight hours of off time between consecutive shifts.

(1) A pharmacist may volunteer to work longer than thirteen continuous hours.

(2) The pharmacy must document and date the amount of time worked beyond the thirteen hour limit along with the reason and make it available in the pharmacy for immediate inspection for at least three years from the date it was created.

(B) Pharmacy personnel working longer than six continuous hours per workday shall be allowed during that time to take a thirty-minute, uninterrupted rest break.

(1) Unless as provided in paragraph (B)(2) of this rule, a pharmacist that takes a break in accordance with this rule shall remain on the premises of the pharmacy during the meal/rest break and shall be available for emergencies.

(2) The requirement in paragraph (B)(1) of this rule does not apply in either case:

(a) There are two or more pharmacists working in the pharmacy and the pharmacists stagger their rest breaks so that the pharmacy is not left without a pharmacist on duty.

(b) The pharmacy closes for the required rest break. If a pharmacy closes for a required rest break, the pharmacy shall implement a regular break schedule and communicate the break schedule to customers wherever pharmacy hours are publicly posted or communicated.

(C) The requirements of paragraph (B) of this rule do not apply to outpatient pharmacies that are not open to the public (e.g., closed door pharmacies). An outpatient pharmacy that is not open to the



public shall still be required to allow all pharmacy personnel working longer than six continuous hours to take a thirty-minute, uninterrupted rest period and meal break.

(D) Only prescriptions dispensed by a pharmacist pursuant to this chapter of the Administrative Code may be sold when the pharmacist is on break. An offer to counsel any person filling a prescription shall be offered pursuant rule 4729:5-5-09 of the Administrative Code. Persons who request to speak to the pharmacist shall be told that the pharmacist is on break and that they may wait to speak with the pharmacist or provide a telephone number for the pharmacist to contact them upon return from break. Pharmacists returning from break shall immediately attempt to contact persons who requested counseling.

(E) An outpatient pharmacy shall not retaliate or discipline a pharmacist for refusing to work longer than thirteen hours or pharmacy personnel that opt to take breaks in accordance with this rule. As used in this rule, retaliation or discipline of an employee includes, but is not limited to, the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee a promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.