



Ohio Revised Code Section 3715.873 Adoption of rules.

Effective: April 6, 2023

Legislation: House Bill 558

The state board of pharmacy shall adopt rules governing the drug repository program that establish all of the following:

- (A) Eligibility criteria for pharmacies, hospitals, and nonprofit clinics to participate in the program, including, in the case of nonprofit clinics, a definition of "underinsured person";
- (B) Standards and procedures for accepting, safely storing, and distributing drugs donated or given;
- (C) Standards and procedures for inspecting the drugs described in division (C)(1) of section 3715.87 of the Revised Code to determine that the original unit dose packaging is sealed and tamper-evident and that the drugs are unadulterated, safe, and suitable for distribution;
- (D) With respect to drugs described in division (D) of section 3715.87 of the Revised Code, standards and procedures to determine based on a basic visual inspection that the drugs appear to be unadulterated, safe, and suitable for distribution;
- (E) Eligibility standards based on economic need for individuals to receive drugs under the program;
- (F) A means, such as an identification card, by which an individual who is eligible to receive drugs under the program may demonstrate eligibility to a pharmacy, hospital, or nonprofit clinic participating in the program;
- (G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;
- (H) A form that each individual who is donating or giving drugs to the program, or who represents the person or government entity that is donating or giving drugs to the program, must sign stating that the individual or the person or government entity being represented is the owner of the drugs and



intends to voluntarily donate or give them to the program;

(I) A formula to determine the amount of a nominal handling fee that pharmacies, hospitals, and nonprofit clinics participating in the program may charge to drug recipients to cover restocking and distribution costs;

(J) A list of drugs or drug types, if applicable, that are ineligible to be donated or given under the program, including those described in division (C)(2)(b) of section 3715.87 of the Revised Code, and a statement as to why the listed drugs or drug types are ineligible to be donated or given;

(K) The standards by which a charitable pharmacy, hospital, or nonprofit clinic participating in the program may make occasional sales at wholesale, pursuant to section 4729.51 of the Revised Code, of drugs that have been donated or given to the program;

(L) Any other standards and procedures the board considers appropriate.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.