



Ohio Revised Code

Section 3719.45 Additions to schedule I by emergency rule; resolution.

Effective: March 22, 2019

Legislation: Senate Bill 229 - 132nd General Assembly

(A)(1) The state board of pharmacy, by emergency rule adopted in accordance with division (G) of section 119.03 of the Revised Code, shall add a previously unscheduled compound, mixture, preparation, or substance to schedule I if the board determines that the compound, mixture, preparation, or substance has no accepted medical use in treatment in this state and poses an imminent hazard to the public health, safety, or welfare.

(2) In determining whether a previously unscheduled compound, mixture, preparation, or substance poses an imminent hazard to the public health, safety, or welfare, the board shall consider all of the following with respect to the compound, mixture, preparation, or substance:

(a) Its actual or relative potential for abuse;

(b) The scope, duration, and significance of that abuse;

(c) The risk it poses to the public health.

(B) If the board determines that a compound, mixture, preparation, or substance meets the criteria specified in division (A) of this section, the board shall determine whether to issue a resolution requesting that the governor issue an order pursuant to division (G) of section 119.03 of the Revised Code. If a resolution is issued, the resolution shall include the full text of the proposed emergency rule and the reasons for the board's determination that the compound, mixture, preparation, or substance meets the criteria specified in division (A) of this section.

(C) The board may utilize a telephone conference call to make the determinations set forth in divisions (A) and (B) of this section.

(D) An emergency rule adopted under this section takes effect as provided in division (G) of section 119.03 of the Revised Code.



(E) Authority to control under this section does not extend to any of the following:

(1) Distilled spirits, wine, or beer, as those terms are defined or used in Chapter 4301. of the Revised Code ;

(2) Dangerous drugs approved by the United States food and drug administration;

(3) Any drug approved by the United States food and drug administration to be lawfully sold over the counter without a prescription.