



Ohio Legislative Service Commission

Bill Analysis

Nicholas A. Keller

S.B. 271

130th General Assembly
(As Introduced)

Sens. Jones, Seitz

BILL SUMMARY

- Requires, prior to selling at retail a controlled substance or a drug containing tramadol, a licensed terminal distributor to verify the identity of the prospective purchaser and record certain identification information.
- Exempts from the bill's identification requirement a drug being purchased for use in administering the drug to an individual who is receiving care in or through certain health care facilities, locations, or providers.

CONTENT AND OPERATION

Identification required at sale of tramadol

Except as otherwise provided below, prior to selling at retail a controlled substance or a drug containing tramadol, the bill requires a licensed terminal distributor of dangerous drugs (generally, a pharmacy, but also includes hospitals, nursing homes, and laboratories) to verify the identity of and record certain information about the prospective purchaser. A "purchaser," for purposes of the bill, is an individual engaged in the act of purchasing a dangerous drug from a licensed terminal distributor of dangerous drugs and includes either the individual for whom the prescription for the drug is issued and an individual acting on behalf of the individual for whom the prescription is issued.

The terminal distributor may verify the prospective purchaser's identity against the purchaser's valid photo identification card issued by a state or federal agency. Additionally, the bill allows the State Board of Pharmacy (Board) to adopt rules in

accordance with the Administrative Procedure Act¹ to provide for additional forms of identification against which the purchaser's identity may be verified. The terminal distributor must record the purchaser's name, the type of identification presented, and the unique identification number printed by the issuing agency on the identification, if such a number exists. The terminal distributor must retain this information for three years. The information may be inspected for official purposes by law enforcement officers and Board employees.²

Exemptions

The bill's identification requirements do not apply when a drug is being purchased for use in administering the drug to an individual who is receiving care in or through any of the following: a hospital, an ambulatory surgical facility, a nursing home, a residential care facility, a freestanding rehabilitation facility, a hospice care program, a home and community-based services provider, a residential care facility for individuals with mental illness or developmental disabilities, a physician office, or any similar health care facility, location, or provider.³

Disciplinary actions

Under continuing law disciplinary provisions, if a terminal distributor violates any provision of the bill, the Board may suspend, revoke, or refuse to grant or renew the terminal distributor's license, or may impose a monetary penalty or forfeiture not to exceed \$1,000 or the fine imposed for a similar classified offense (a crime).⁴

Background—tramadol

Tramadol is not a controlled substance under Ohio or federal law. It is marketed in the United States under the trade name Ultram and is used for the treatment of moderate to moderately severe pain.⁵ The U.S. Drug Enforcement Agency has proposed to make tramadol a Schedule IV controlled substance, but at this time, that proposal has not been finalized.⁶

¹ R.C. Chapter 119., not in the bill.

² R.C. 4729.553.

³ R.C. 4729.553(E).

⁴ R.C. 4729.57, not in the bill.

⁵ U.S. Drug Enforcement Administration, Office of Diversion Control, *Tramadol*, http://www.deadiversion.usdoj.gov/drug_chem_info/tramadol.pdf (accessed March 21, 2014).

⁶ 78 Fed. Reg. 65923.



HISTORY

ACTION

DATE

Introduced

02-04-14

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