

**Rule Summary and Fiscal Analysis (Part A)****State Board of Pharmacy**

Agency Name

Division

**Mark Keeley**

Contact

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**4729-9-12**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Verification of license as a distributor of dangerous drugs or  
exempt status of a prescriber.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB283**General Assembly: **127**Sponsor: **Rep. S. Webster**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3719.28, 4729.26**

5. Statute(s) the rule, as filed, amplifies or implements: **3719.04, 4729.51, 4729.54, 4729.541, 4729.60**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To add language pursuant to the passage of House Bill 283 regarding the new license exemptions for sole shareholders and dentists.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

In paragraphs (C)(2) and (C)(2)(a), added references to divisions (B)(1)(a), (j), and (k) of 4729.51 regarding the new and existing prescriber exemptions from licensure as a terminal distributor of dangerous drugs.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **12/1/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date

for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase /decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will decrease revenues.

\$400,000

HB283 made changes to the type of individuals that would require a Terminal Distributor of Dangerous Drug License to possess dangerous drugs. It is estimated that the Board of Pharmacy may have a decrease in revenue of up to \$400,000, but it is also believed that this decrease in revenue could possibly be reduced, or eliminated, by ensuring that all persons that possess dangerous drugs are properly licensed with the Board of Pharmacy.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not Applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**