

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4729:5-3-10

Rule Type: New

Rule Title/Tagline: Employment of individuals with felony convictions.

Agency Name: State Board of Pharmacy

Division: Terminal Distributors of Dangerous Drugs

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4729.26, 3719.28
5. What statute(s) does the rule implement or amplify? 4729.54, 4729.55
6. What are the reasons for proposing the rule?

Without these regulations, the Board would not be able to implement uniform standards for terminal distributors.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Establishes the requirement that a terminal distributor of dangerous not employ individual with felony convictions if position allows for access to controlled substances as required by federal regulations.

8. Does the rule incorporate material by reference? Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule references the Code of Federal Regulations. The C.F.R. is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule. Ohio Revised Code Sections 121.75 and 121.76 exempts these texts from inclusion in this filing.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This is a federal requirement that all DEA registrants must comply with and will not result in any additional costs to the licensee.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office? Yes**

16. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Licensure as a terminal distributor of dangerous drugs costs between \$160 and \$220 annually.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**