



Ohio Revised Code

Section 3715.871 Drugs must be donated at pharmacy, hospital, or nonprofit clinic participating in program.

Effective: April 6, 2023

Legislation: House Bill 558

(A) Any pharmacy, drug manufacturer, health care facility, or other person or government entity may donate or give prescription drugs to the drug repository program. Any person or government entity may facilitate the donation or gift of drugs to the program. Drugs may be donated or given only at a pharmacy, hospital, or nonprofit clinic participating in the program.

(B) Any pharmacy, hospital, or nonprofit clinic may elect to participate in the program if it meets eligibility criteria for participation, as established in rules adopted under section 3715.873 of the Revised Code. Participation in the program by pharmacies, hospitals, and nonprofit clinics is voluntary. Nothing in this or any other section of the Revised Code requires a pharmacy, hospital, or nonprofit clinic to participate in the program.

(C) A pharmacy, hospital, or nonprofit clinic participating in the program shall distribute the drugs it accepts under the program to individuals who are residents of this state and meet the eligibility standards established in rules adopted under section 3715.873 of the Revised Code by using either of the following methods of distribution:

- (1) Distributing the drugs to eligible individuals at the pharmacy, hospital, or nonprofit clinic;
- (2) Distributing the drugs to other government entities and nonprofit private entities, which then shall distribute the drugs to eligible individuals.

Regardless of which method of distribution is used, a drug may be distributed to an eligible individual only by being dispensed by a pharmacist pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs or by being personally furnished by such a prescriber.

(D) A pharmacy, hospital, or nonprofit clinic participating in the program shall comply with all



applicable federal laws and laws of this state dealing with storage and distribution of dangerous drugs and shall, in accordance with rules adopted under section 3715.873 of the Revised Code, inspect all drugs prior to distributing them to determine that they are not or appear not to be adulterated.

(E) A pharmacy, hospital, or nonprofit clinic participating in the program may charge individuals receiving donated or given drugs a nominal handling fee established in accordance with rules adopted under section 3715.873 of the Revised Code. Except for occasional sales at wholesale by charitable pharmacies, hospitals, and nonprofit clinics, as authorized in rules adopted under section 3715.873 of the Revised Code, drugs that are donated or given to the program may not be resold.