



Ohio Revised Code

Section 4729.69 Establishment and administration of drug take-back program.

Effective: March 22, 2019

Legislation: Senate Bill 229 - 132nd General Assembly

(A)(1) The state board of pharmacy, in collaboration with the director of mental health and addiction services and attorney general, shall establish and administer a drug take-back program under which drugs are collected from the community by participating entities for the purpose of destruction or disposal of the drugs.

(2) Each of the following may participate in the program:

(a) A law enforcement agency;

(b) Any registrant authorized by the federal drug enforcement administration to be a collector pursuant to 21 C.F.R. 1317.40;

(c) Any other entity specified by the board in rule.

(B) The program shall be established and administered in such a manner that it does both of the following:

(1) Complies with any state or federal laws regarding the collection, destruction, or disposal of drugs;

(2) Maintains the confidentiality of individuals who submit or otherwise provide drugs under the program.

(C) In consultation with the director of mental health and addiction services and attorney general, the board shall adopt rules governing the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. In adopting the rules, the board shall specify all of the following:

(1) The entities that may participate;



- (2) Guidelines and responsibilities for accepting drugs by participating entities;
 - (3) Drugs that may be collected;
 - (4) Record-keeping requirements;
 - (5) Proper methods to destroy unused drugs;
 - (6) Privacy protocols and security standards;
 - (7) Drug transportation procedures;
 - (8) The schedule, duration, and frequency of the collections of drugs;
 - (9) Any other standards and procedures the board considers necessary for purposes of governing the program.
- (D) In accordance with state and federal law, the board may adopt rules to allow an entity participating in the program to return any unused drugs to the pharmacy that originally dispensed the drug. The rules shall include procedures to be followed to maintain the confidentiality of the person for whom the drug was dispensed.
- (E) Rules adopted under this section may not do any of the following:
- (1) Require any entity to establish, fund, or operate a drug take-back program;
 - (2) Establish any new licensing requirement or fee to participate in the program;
 - (3) Require any entity to compile data on drugs collected;
 - (4) Limit the authority of an entity to collect controlled substances in accordance with federal law.



(F) The board may compile data on the amount and type of drugs collected under the program. For purposes of this division, the board may cooperate with a public or private entity in obtaining assistance in the compilation of data. An entity providing the assistance shall not be reimbursed under the program for any costs incurred in providing the assistance.

(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the total weight of drugs collected.

(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or professional disciplinary action for declining to participate.

(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code.

(J) An ordinance, resolution, or other law that is adopted by a municipal corporation or other political subdivision on or after the effective date of this amendment and regulates the collection of drugs for destruction or disposal shall comply with division (E) of this section.