



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

### **Executive Order 2015-09K**

The Emergency Adoption of Rule 4729-5-39 of the Ohio Administrative Code  
by the State of Ohio Board of Pharmacy

**WHEREAS**, opioids, including prescription pain relievers and heroin, remain the driving factor behind the unintentional drug overdose epidemic in Ohio. According to the latest figures from the Ohio Department of Health, nearly three-quarters of drug overdoses involved an opioid in 2013; and

**WHEREAS**, in 2013 more than 16,000 deaths in the United States involved prescription opioids, and more than 8,000 others were related to heroin; and

**WHEREAS**, naloxone is a prescription drug that can reverse the effects of prescription opioid and heroin overdose, and can be lifesaving if administered in time; and

**WHEREAS**, naloxone is a safe and cost-effective measure to reduce overdose deaths when provided to opioid users, or their families, friends, or others in a position to assist an individual at risk of an overdose; and

**WHEREAS**, Ohio Amended Substitute House Bill 4 (131<sup>st</sup> General Assembly) further expands access to naloxone by permitting pharmacists to dispense this lifesaving medication without a prescription, when authorized by a local board of health or physician and according to a physician-approved protocol, pursuant to rules adopted by the State of Ohio Board of Pharmacy ("Board of Pharmacy"), after consultation with the Ohio Department of Health and the State of Ohio Medical Board; and

**WHEREAS**, section 4729.26 of the Ohio Revised Code authorizes the Board of Pharmacy to promulgate rules pertaining to the practice of pharmacists in this state; and

**WHEREAS**, division (G) of section 119.03 of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules, and when such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are valid only for 120 days; and

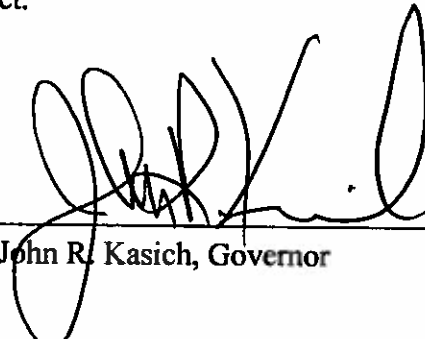
**WHEREAS**, the Board of Pharmacy has requested a determination whether an emergency exists that requires the immediate adoption of Rule 4729-5-39 of the Ohio Administrative Code and that would, therefore, permit the Board of Pharmacy, pursuant to sections 119.03(G) and 4729.26 of the Ohio Revised Code and amended section 4729.44 of the Ohio Revised Code, immediately to adopt this rule to authorize the adoption of protocols to permit a licensed pharmacist to dispense naloxone without a prescription;

**NOW THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Board of Pharmacy, that an emergency exists requiring the immediate adoption of Rule 4729-5-39 of the Ohio Administrative Code by the Board of Pharmacy.

Further, I hereby order that the procedure prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of such a specified rule be suspended and the Board of Pharmacy be permitted to immediately adopt this rule by electronically filing it with the Secretary of State, Director of Legislative Services Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Board of Pharmacy, the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on July 16<sup>th</sup>, 2015, in Columbus, Ohio, and it will expire at the end of the one hundred twentieth day it is in effect.



John R. Kasich, Governor

**ATTEST:**

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Jon Husted, Secretary of State