



## **Terminal Distributor Licensure Requirements for the Possession of Controlled Substances**

**Updated 3-10-2017**

On January 4, 2017, SB 319 was signed by Governor Kasich. A provision of this law requires **all locations** that possess controlled substances to obtain licensure as a category III terminal distributor of dangerous drugs. Please be advised that this requirement takes effect on **April 6, 2017**.

On or after April 6, 2017, any facility possessing controlled substances without being properly licensed as a terminal distributor will be in violation of Ohio law. In addition, a facility that is not licensed as a terminal distributor will not be able to purchase any controlled substance medications from an Ohio licensed wholesaler. **All potential applicants are encouraged to apply as soon as possible to ensure their license application is processed prior to the statutory deadline.**

**NOTE: This requirement applies to all locations and includes previously exempted prescriber practices (dentist, solo-practitioners, etc.) if they possess controlled substances. Controlled substances include anything designated as Schedule I-V.**

### **What is a controlled substance?**

Drugs that are considered controlled substances under the Federal Controlled Substances Act are divided into five schedules (I-V). Schedule I & II controlled substance drugs require a [DEA Form 222](#) to purchase. For more information, including a complete list, visit: <https://www.dea.gov/druginfo/ds.shtml>

NOTE: Controlled substances do not include drugs such as antibiotics, procaine (Novocain®) or vaccines.

Please be advised that this licensure requirement applies to any location storing controlled substances. This includes: emergency packs, samples or any other stock of controlled substance medications.



## **Application Information**

- To obtain a license as a terminal distributor of dangerous drugs, please visit the Pharmacy Board's licensing page: <http://www.pharmacy.ohio.gov/Licensing/TDDD.aspx>
- Scroll down to the APPLICATIONS header and select "[Facility or Practitioner Application](#)"
- On question 5 of the application, be sure to select "Category III" license.
- For more information regarding the legal questions (8 & 9), there is a guidance document included at the end of the application. This guidance document can also be accessed here: [www.pharmacy.ohio.gov/legal](http://www.pharmacy.ohio.gov/legal)
- Applications must be signed using a wet-ink signature and original copies must be submitted to the Board with the correct payment. The Board will not process incomplete or scanned copies of applications.
- **If you were previously exempted from licensure based on your business type, you are eligible for a reduced fee of \$60.00 (\$40.00 for veterinarian practices). Please review and sign the fee attestation form included in the application.**

## **Responsible Person on an Application**

Every terminal distributor license is required to have a responsible person at all times. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules regulating the distribution of dangerous drugs (i.e. prescription drugs). For a prescriber office or clinic, the responsible person must be any of the following: MD, DO, APRN, RPH, DDS or DPM.

### *Pursuant to rule 4729-5-11 of the Administrative Code:*

Unless otherwise approved by the Board, no responsible person for locations licensed as a terminal distributor of dangerous drugs shall:

- (a) Have ever been denied a license by the drug enforcement administration or appropriate issuing body of any state or jurisdiction.
- (b) Have been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction:
  - (i) A disciplinary action that resulted in the suspension or revocation of the person's license or registration; or
  - (ii) A disciplinary action that was based, in whole or in part, on the person's inappropriate prescribing, dispensing, diverting, administering, storing, personally furnishing, compounding, supplying or selling a controlled substance or other dangerous drug.
- (c) Have been convicted of any of the following: (i) a felony; (ii) a misdemeanor related to, or committed in, the person's professional practice; (iii) an act of moral turpitude; or (iv) a crime of moral turpitude as defined in section 4776.10 of the Revised Code.

### **What if I already have a license?**

If you currently possess a category III terminal distributor license, then you are already compliant with the requirements of the law.

### **For More Information**

If you need additional information, the most expedient way to have your questions answered will be to e-mail the Board office by visiting: <http://www.pharmacy.ohio.gov/contact.aspx>.

For a summary of SB 319, please visit:

<https://www.legislature.ohio.gov/download?key=6079&format=pdf>