MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-06D

The Emergency Adoption of Rule 4729-5-30.2 of the Ohio Administrative Code by the State of Ohio Board of Pharmacy

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirmed the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

WHEREAS, on March 9, 2020, I declared a State of Emergency in Executive Order 2020-01D; and

WHEREAS, there have been reports of a significant increase in the prescribing of chloroquine and hydroxychloroquine as a result of COVID-19; and

WHEREAS, there is a need to ensure the drugs are not stockpiled, are dispensed appropriately, and can continue to be accessed particularly for patient populations prescribed them prior to the inception of COVID-19; and

WHEREAS, Section 4729.26 of the Ohio Revised Code authorizes the State of Ohio Board of Pharmacy (State Board of Pharmacy) to promulgate rules to govern the practice of pharmacy and the distribution of prescription drugs; and

WHEREAS, Section 119.03 (G) of the Ohio Revised Code authorizes the Governor, on 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. When such a determination is made, the agency may immediately adopt, amend or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

WHEREAS, the State Board of Pharmacy has requested a determination whether an emergency exists that requires the adoption of rule 4729-5-30.2 on an emergency basis and that would therefore permit the State Board of Pharmacy, pursuant to Section 4729.26 of the Ohio Revised Code, to make an immediate and necessary adoption of the rule;

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the State Board of Pharmacy, that an emergency exists requiring the immediate adoption of rule 4729-5-30.2 of the Ohio Administrative Code.

I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the adoption of the specified rule be suspended and that the State Board of Pharmacy be permitted to adopt the rule immediately by filing it electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review ("JCARR").

Furthermore, I hereby order that this Executive Order be filed in electronic form with the State Board of Pharmacy, the Secretary of State, the Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on March 22, 2020, in Columbus, Ohio, and it will expire one hundred twenty days (120) from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.

Mike DeWine

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State