



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2022-05D

The Emergency Adoption of Rule 4729:9-1-01.2 of the Ohio Administrative Code by the State of Ohio Board of Pharmacy

WHEREAS, the availability and abuse of new synthetic opioids (NSOs) remains a serious threat to public health and safety; and

WHEREAS, butanitazene, etodesnitazene, flunitazene, metonitazene, metodesnitazene, N-pyrrolidino etonitazene, and protonitazene (hereinafter referred to as “seven substances”) belong to a class of NSOs commonly referred to as “nitazenes” (benzamidazoles with analgesic properties). These seven substances have pharmacological profiles similar to three nitazenes previously categorized as schedule I controlled substances—clonitazene, etonitazene, and isotonitazene; and

WHEREAS, the seven substances have a high potential for abuse and addiction and can lead to large numbers of drug treatment admissions, emergency department visits, and fatal overdoses; and

WHEREAS, abuse of the seven substances bears particular public health and safety risks as their potency is generally comparable to that of morphine and can exceed the potency of fentanyl. These seven substances are likely to be abused in the same manner as schedule I opioids such as heroin; and

WHEREAS, all of the seven substances have been identified and reported by forensic lab systems in the United States, and a majority of the seven substances have been identified and reported by forensic lab systems in Ohio; and

WHEREAS, Section 3719.45 of the Ohio Revised Code authorizes the State of Ohio Board of Pharmacy (State Board of Pharmacy) to add a previously unscheduled compound, mixture, preparation, or substance to schedule I by emergency rule if the Board determines the compound has no accepted medical use in treatment in this state and poses an imminent hazard to the public health, safety, or welfare; and

WHEREAS, the State Board of Pharmacy found that the seven substances have no accepted medical use in treatment in this state, have a high potential for abuse, and pose an imminent hazard to the public health, safety, or welfare; 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 eighty (180) days; and

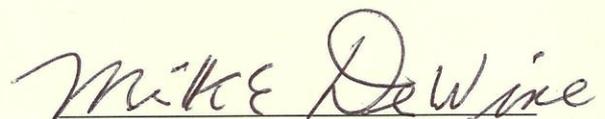
WHEREAS, the State Board of Pharmacy has requested a determination whether an emergency exists that requires 4729:9-1-01.2 on an emergency basis and that would therefore permit the State Board of Pharmacy, pursuant to Section 3719.45 of the Ohio Revised Code, to immediately adopt this rule.

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 4729:9-1-01.2 of the Ohio Administrative Code.

Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption or amendment 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 April 6, 2022, in Columbus, Ohio, and it will expire one hundred and eighty (180) days 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, Governor

ATTEST:

Frank LaRose, Secretary of State

