MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2025-04D

The Emergency Adoption of Rule 4729-8-02 of the Ohio Administrative Code by the Ohio Board of Pharmacy

WHEREAS, my first action as Governor was to sign Executive Order 2019-01D creating RecoveryOhio to combat the scourge of fentanyl and other drugs contributing to overdose deaths; and

WHEREAS, since the start of my administration the Ohio Board of Pharmacy has exercised its authority to classify drugs contributing to overdose deaths such as xylazine, benzimidazole-opioids (nitazenes), and non-FDA approved benzodiazepines (collectively "contributing drugs"); and

WHEREAS, the presence of contributing drugs have been reported by crime labs in Ohio with xylazine being in the top five of most reported substances in 2024; and

WHEREAS, the Substance Abuse and Mental Health Services Administration recognizes that drug checking equipment such as test strips and reagent kits are low-cost methods of preventing drug overdoses; and

WHEREAS, prior to House Bill 96, drug testing strips were only allowed under Section 2925.14 of the Ohio Revised Code to determine the presence of fentanyl or a fentanyl-related compound; and

WHEREAS, on June 30, 2025, I signed House Bill 96, which, in part, authorized the Ohio Board of Pharmacy to approve any other equipment, product, or material that demonstrates efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds; and

WHEREAS, the Ohio Board of Pharmacy has determined pursuant to Section 4729.261 of the Ohio Revised Code that drug testing strips and reagent kits are effective at reducing drug poisoning for contributing drugs; and

WHEREAS, there is a need to adopt the Ohio Board of Pharmacy's administrative rule immediately so that approved drug checking equipment can be utilized to reduce drug poisoning and save lives; 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 Ohio Board of Pharmacy has requested a determination whether an emergency exists that requires the adoption of rule 4729-8-02 of the Ohio Administrative Code on an emergency basis and that would therefore permit the Ohio Board of Pharmacy, pursuant to Section 4729.261, to immediately adopt this rule.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Ohio Board of Pharmacy, that an emergency exists requiring the immediate adoption of rule 4729-8-02 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 or amendment of the specified rule be suspended and that the Ohio 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 Ohio Board of Pharmacy, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on October 1, 2025, in Columbus, Ohio, and it will expire one hundred and twenty (120) 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