As Reported by the House Health Committee

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Representatives Roemer, Jordan

Cosponsors: Representatives Brinkman, Click, Gross, Hall, Lanese, Richardson, Seitz, Wiggam, Bird, Ginter, West

A BILL

To amend sections 3715.87, 3715.871, 3715.872, 3715.873, and 4729.54 of the Revised Code to modify the laws governing the drug repository program for donated prescription drugs and to make temporary changes regarding certificates of need.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3715.87, 3715.871, 3715.872, 3715.873, and 4729.54 of the Revised Code be amended to read as follows:

Sec. 3715.87. (A) As used in this section and in sections 3715.871, 3715.872, and 3715.873 of the Revised Code:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Charitable pharmacy" has the same meaning as in section 3719.811 of the Revised Code.

(3) "Health care facility" has the same meaning as in

section 1337.11 of the Revised Code.

~~(3)~~ (4) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

~~(4)~~ (5) "Nonprofit clinic" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that provides health care services to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code, or to underinsured persons, as defined in rules adopted under section 3715.873 of the Revised Code. "Nonprofit clinic" does not include a hospital ~~as defined in section 3727.01 of the Revised Code~~, a facility licensed under Chapter 3721. of the Revised Code, or a facility that is operated for profit.

~~(5)~~ (6) "Prescription drug" means any drug to which the following applies:

(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend, "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription.

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(B) The state board of pharmacy shall establish a drug repository program to accept ~~and dispense~~ prescription drugs donated or given for the purpose of being ~~dispensed~~ distributed to individuals who are residents of this state and meet

eligibility standards established in rules adopted ~~by the board~~ under section 3715.873 of the Revised Code. ~~Except~~

(C) ~~as provided in division (C) of this section, all~~ All of the following conditions shall apply to the drugs that are accepted and distributed under the program:

(1) ~~Only~~ Except as provided in division (D) of this section:

(a) Only drugs in their original sealed and tamper-evident unit dose packaging may be accepted and ~~dispensed;~~ distributed.

~~(2)~~ (b) The packaging must be unopened, except that drugs packaged in single unit doses may be accepted and ~~dispensed~~ distributed when the outside packaging is opened if the single unit dose packaging is undisturbed~~;~~.

~~(3)~~ (2) A drug shall not be accepted or ~~dispensed~~ distributed if ~~there~~ either of the following is the case:

(a) There is reason to believe that ~~it~~ the drug is adulterated, as described in section 3715.63 of the Revised Code.

(b) The drug, as determined in accordance with rules adopted under section 3715.873 of the Revised Code, is a drug for which the United States food and drug administration requires, as a risk evaluation and mitigation strategy, that the patient be registered with the drug's manufacturer.

~~(C)~~ (D) Drugs that are not in their original sealed and tamper-evident unit dose packaging may be accepted and distributed under the program, subject to rules adopted under section 3715.873 of the Revised Code, if the drugs are included in either of the following categories and are not controlled

substances:

(1) Orally administered cancer drugs ~~that are not controlled substances and~~ that do not require refrigeration, freezing, or storage at a special temperature ~~may be accepted and dispensed even if not in original sealed and tamper-evident unit dose packaging, subject to rules adopted by the board pursuant to section 3715.873 of the Revised Code~~;

(2) Drugs that are accepted and distributed under the program by a charitable pharmacy, hospital, or nonprofit clinic, including any such drugs that are orally administered cancer drugs or that may require storage at a special temperature.

~~(D)~~ (E) Subject to the limitations specified in divisions (B) ~~and (C)~~ to (D) of this section, unused drugs ~~dispensed for purposes of~~ for which the cost was covered by the medicaid program may be accepted and ~~dispensed~~ distributed under the drug repository program.

Sec. 3715.871. (A) Any ~~person, including a~~ pharmacy, drug manufacturer, ~~or~~ health care facility, or ~~any~~ other person or government entity may donate or give prescription drugs to the drug repository program. Any person or government entity may facilitate the donation or gift of drugs to the program. ~~The drugs must~~ Drugs may be donated or given only at a pharmacy, hospital, or nonprofit clinic participating in the program.

(B) Any pharmacy, hospital, or nonprofit clinic ~~that elects~~ may elect to participate in the ~~drug repository~~ program ~~and~~ if it meets eligibility criteria for participation ~~in the program~~, as established in rules adopted ~~by the state board of pharmacy~~ under section 3715.873 of the Revised Code. Participation in the program by pharmacies, hospitals, and

nonprofit clinics is voluntary. Nothing in this or any other section of the Revised Code requires a pharmacy, hospital, or nonprofit clinic to participate in the program.

~~(B)~~ (C) A pharmacy, hospital, or nonprofit clinic ~~eligible to participate~~ participating in the program shall ~~dispense~~ distribute the drugs ~~donated or given under this section~~ it accepts under the program to individuals who are residents of this state and meet the eligibility standards established in rules adopted ~~by the board~~ under section 3715.873 of the Revised Code ~~or~~ by using either of the following methods of distribution:

(1) Distributing the drugs to eligible individuals at the pharmacy, hospital, or nonprofit clinic;

(2) Distributing the drugs to other government entities and nonprofit private entities, which then shall distribute the drugs to ~~be dispensed to~~ eligible individuals ~~who meet the eligibility standards~~. ~~A~~

Regardless of which method of distribution is used, a drug may be ~~dispensed~~ distributed to an eligible individual only by being dispensed by a pharmacist pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs~~, as defined in section 4729.01 of the Revised Code~~ or by being personally furnished by such a prescriber. ~~A~~

(D) A pharmacy, hospital, or nonprofit clinic ~~that accepts donated or given drugs~~ participating in the program shall comply with all applicable federal laws and laws of this state dealing with storage and distribution of dangerous drugs and shall, in accordance with rules adopted ~~pursuant to~~ under section 3715.873 of the Revised Code, inspect all drugs prior to ~~dispensing~~

distributing them to determine that they are not or appear not to be adulterated. ~~The~~

(E) A pharmacy, hospital, or nonprofit clinic participating in the program may charge individuals receiving donated or given drugs a nominal handling fee established in accordance with rules adopted ~~by the board~~ under section 3715.873 of the Revised Code. ~~Drugs~~ Except for occasional sales at wholesale by charitable pharmacies, hospitals, and nonprofit clinics, as authorized in rules adopted under section 3715.873 of the Revised Code, drugs that are donated or given to the ~~repository~~ program may not be resold.

Sec. 3715.872. (A) As used in this section, "health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(3) Physician assistants ~~authorized to practice~~ licensed under Chapter 4730. of the Revised Code;

(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;

(5) Optometrists licensed under Chapter 4725. of the Revised Code;

(6) Pharmacists licensed under Chapter 4729. of the Revised Code.

(B) For matters related to ~~donating, giving, accepting, or~~

~~dispensing drugs~~ activities conducted under the drug repository program, all of the following apply:

(1) ~~Any person, including a~~ A pharmacy, drug manufacturer, ~~or~~ health care facility, or ~~any~~ other person or government entity that donates or gives drugs to the ~~drug repository~~ program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property.

(2) A pharmacy, hospital, or nonprofit clinic that accepts or ~~dispenses~~ distributes drugs under the program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.

(3) A health care professional who accepts ~~or~~, dispenses, or personally furnishes drugs under the program on behalf of a pharmacy, hospital, or nonprofit clinic participating in the program, and the pharmacy, hospital, or nonprofit clinic that employs or otherwise uses the services of the health care professional, shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the health care professional, pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.

(4) The state board of pharmacy ~~and the director of health~~ shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the board ~~or director~~ constitutes willful and wanton misconduct.

~~(C)~~ (5) In addition to the civil immunity granted under division (B)(1) of this section, ~~any person, including~~ a pharmacy, drug manufacturer, ~~or~~ health care facility, ~~and any~~ or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to criminal prosecution for ~~the donation, giving, acceptance, or dispensing of drugs~~ matters related to activities that it conducts or another party conducts under the program, unless an action or omission of the ~~person or government entity~~ party that donates, gives, or facilitates the donation or gift of the drugs does not comply with the provisions of this chapter or the rules adopted under it.

~~(D)~~ (6) In the case of a drug manufacturer, the immunities from civil liability and criminal prosecution granted to another party under divisions (B)(1) and ~~(C)~~ (5) of this section ~~apply with respect to~~ extend to the manufacturer when any drug ~~manufactured by the drug manufacturer that~~ it manufactures is ~~donated or given by any person or government entity~~ the subject of an activity conducted under the program~~, including~~. This extension of immunities includes, but is not limited to, immunity from liability or prosecution for failure to transfer or communicate product or consumer information or the expiration date of ~~the~~ a drug that is donated or given.

Sec. 3715.873. ~~In consultation with the director of health, the~~ The state board of pharmacy shall adopt rules governing the drug repository program that establish all of the following:

(A) Eligibility criteria for pharmacies, hospitals, and nonprofit clinics to ~~receive and dispense drugs donated or given~~

~~under~~ participate in the program, including, in the case of nonprofit clinics, a definition of "underinsured person";

(B) Standards and procedures for accepting, safely storing, and ~~dispensing~~ distributing drugs donated or given;

(C) ~~With respect to drugs that are donated or given, other than orally administered cancer drugs described in division (C) of section 3715.87 of the Revised Code that are not in original sealed and tamper-evident unit dose packaging, standards~~ Standards and procedures for inspecting the drugs described in division (C)(1) of section 3715.87 of the Revised Code to determine that the original unit dose packaging is sealed and tamper-evident and that the drugs are unadulterated, safe, and suitable for ~~dispensing~~ distribution;

(D) With respect to ~~orally administered cancer~~ drugs described in division ~~(C)~~ (D) of section 3715.87 of the Revised Code ~~that are not in original sealed and tamper-evident unit dose packaging~~, standards and procedures to determine based on a basic visual inspection that the drugs appear to be unadulterated, safe, and suitable for ~~dispensing~~ distribution;

(E) Eligibility standards based on economic need for individuals to receive drugs under the program;

(F) A means, such as an identification card, by which an individual who is eligible to receive drugs under the program may demonstrate eligibility to ~~the~~ a pharmacy, hospital, or nonprofit clinic ~~dispensing the drugs~~ participating in the program;

(G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;

(H) A form that each individual who is donating or giving drugs to the program, or who represents the person or government entity that is donating or giving drugs to the program, must sign stating that the individual or the person or government entity being represented is the owner of the drugs and intends to voluntarily donate or give them to the program;

(I) A formula to determine the amount of a nominal handling fee that pharmacies, hospitals, and nonprofit clinics participating in the program may charge to drug recipients to cover restocking and ~~dispensing~~ distribution costs;

~~(I) In addition, for drugs donated or given to the program by individuals:~~

~~(1)~~ (J) A list of drugs~~, arranged either by category or by individual drug, that the program will accept from individuals. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.~~

~~(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from individuals. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include~~ or drug types, if applicable, that are ineligible to be donated or given under the program, including those described in division (C)(2)(b) of section 3715.87 of the Revised Code, and a statement as to why the ~~drug is~~ listed drugs or drug types are ineligible to be donated or given~~.~~

~~(3) A form each donor must sign stating that the donor is the owner of the drugs and intends to voluntarily donate them to~~

~~the program.~~

~~(J) In addition, for drugs donated to the program by health care facilities:~~

~~(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from health care facilities. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.~~

~~(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from health care facilities. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.~~;

(K) The standards by which a charitable pharmacy, hospital, or nonprofit clinic participating in the program may make occasional sales at wholesale, pursuant to section 4729.51 of the Revised Code, of drugs that have been donated or given to the program;

(L) Any other standards and procedures the board considers appropriate.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4729.54. (A) As used in this section:

(1) "Category II" means any dangerous drug that is not included in category III.

(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.

(3) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Emergency medical service organization satellite" means a location where dangerous drugs are stored that is separate from, but associated with, the headquarters of an emergency medical service organization. "Emergency medical service organization satellite" does not include the units under the control of the emergency medical service organization.

(5) "Person" includes an emergency medical service organization or an emergency medical service organization satellite.

(6) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B)(1) A person seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(b) A statement as to whether the person is seeking to be licensed as a category II, category III, limited category II, or limited category III terminal distributor of dangerous drugs;

(c) If the person is seeking to be licensed as a limited

category II or limited category III terminal distributor of dangerous drugs, a list of the dangerous drugs that the person is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;

(d) If the person is an emergency medical service organization, the information that is specified in divisions (C)(1) and (2) of this section, and if the person is an emergency medical service organization satellite, the information required under division (D) of this section;

(e) Except with respect to the units under the control of an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption;

(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code;

(g) If the application pertains to a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, information that demonstrates, to the satisfaction of the board, compliance with division (C) of that section.

(C)(1) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license

shall submit with its application all of the following:

(a) A copy of its standing orders or protocol, which orders or protocol shall be signed by a physician;

(b) A list of the dangerous drugs that the units under its control may carry, expressed in standard dose units, which shall be signed by a physician;

(c) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when an emergency medical service organization that is licensed as a terminal distributor must notify the board of any changes in its documentation submitted pursuant to division (C)(1) of this section.

(2) An emergency medical service organization seeking to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category II or III.

(3) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in

the number or location of any of its units or if there is any change in the category of the dangerous drugs that any unit will possess.

(4) A unit listed in an application for licensure pursuant to division (C)(2) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization satellite that applies for a terminal distributor of dangerous drugs license shall submit with its application all of the information that the board requires to be submitted with the application, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code.

(E) There shall be four categories of terminal distributor of dangerous drugs licenses. The categories are as follows:

(1) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II.

(2) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II that were listed in the application for licensure.

(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category II and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

(4) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II or category III that were listed in the application for licensure.

(F) Except for an application made by a county dog warden or on behalf of an animal shelter, if an applicant for a limited category II license or limited category III license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a copy of its protocol or standing orders. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state.

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G)(1) ~~Each~~ Except as provided in division (G)(3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G)(1) of this section:

(a) Except as provided in division (G)(2)(b) of this section:

(i) Three hundred twenty dollars for a category II or limited category II license;

(ii) Four hundred forty dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license.

(b) One hundred twenty dollars for all of the following:

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (D) of section 4729.541 of the Revised Code;

(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G)(2)(b)(i) of this section;

(iii) An emergency medical service organization satellite.

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code.

(H)(1) The board shall issue a terminal distributor of dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) Except for the license of a county dog warden, the license shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter or county dog warden may possess and use dangerous drugs in the course of business as provided in section 4729.532 of the Revised Code.

(3) The license of an emergency medical service

organization shall cover the organization's headquarters and, in addition, shall cover and describe all the units of the organization listed in its application for licensure.

(I)(1) All licenses issued or renewed pursuant to this section shall be effective for a period specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A license shall be renewed by the board according to the provisions of this section, the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted by the board under section 4729.26 of the Revised Code. A person seeking to renew a license shall submit an application for renewal and pay the required fee on or before the date specified in the rules adopted by the board. The fee required for the renewal of a license shall be the same as the license fee ~~paid~~ that applies under division ~~(G)~~ (G)(2) of this section.

(2)(a) Subject to division (I)(2)(b) of this section, a license that has not been renewed by the date specified in rules adopted by the board may be reinstated only upon payment of the required renewal fee and a penalty fee of one hundred ten dollars.

(b) If an application for renewal has not been submitted by the sixty-first day after the renewal date specified in rules adopted by the board, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

(3) A terminal distributor of dangerous drugs that fails to renew licensure in accordance with this section and rules adopted by the board is prohibited from engaging in the retail

sale, possession, or distribution of dangerous drugs until a valid license is issued by the board.

(J)(1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C)(1), (3), or (4) of this section.

(2) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have custody or control of, or distribute by virtue of its category of licensure.

(3) No licensee that is required by division (F) of this section to notify the board of changes in its protocol or standing orders, or in personnel, shall fail to comply with that division.

(K) The board may enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of terminal distributors of dangerous drugs located within or outside this state and to investigate alleged violations of the laws and rules governing distribution of drugs by terminal distributors. Any information received pursuant to such an agreement is subject to the same confidentiality requirements applicable to the agency or entity from which it was received and shall not be released without prior authorization from that agency or entity.

Section 2. That existing sections 3715.87, 3715.871, 3715.872, 3715.873, and 4729.54 of the Revised Code are hereby repealed.

Section 3. Notwithstanding division (A) of section 3702.523 and divisions (A) and (B) of section 3702.524 of the

Revised Code, or any other conflicting provision in sections 3702.51 to 3702.62 of the Revised Code, all of the following apply in the case of a certificate of need granted during the period beginning March 9, 2020, and ending June 18, 2021:

(A) The Director of Health shall grant the holder of a certificate of need a twenty-four-month extension to obligate capital expenditures and commence construction for a proposed project. The extension shall be effective during the twenty-four-month period immediately following the expiration date of the twenty-four-month period that otherwise would apply, as described in division (A) of section 3702.524 of the Revised Code. The Director shall notify the holder of the certificate of need of the date on which the twenty-four-month extension expires.

(B)(1) Subject to division (B)(2) of this section, the transfer of a certificate of need, or the transfer of the controlling interest in an entity that holds a certificate of need, prior to completion of the reviewable activity for which the certificate of need was granted, does not void the certificate of need.

(2) In the event of a transfer as described in division (B)(1) of this section, upon receipt of written notice from the transferee that provides sufficient evidence to enable the Director to determine that recognizing the new owner and operator will not cause any of the circumstances specified in division (B) of section 3702.59 of the Revised Code to occur, the Director shall recognize the transfer of ownership of the entity granted the certificate of need to the new owner.