



Waiver of the 5 Percent Limitation for Wholesale Sales

Updated 9/23/2021

In order to mitigate reported drug shortages, the State of Ohio Board of Pharmacy has adopted the following resolution waiving the 5 percent limitation on occasional wholesale sales established in rule [4729:5-3-09](#) of the Administrative Code.

This guidance is being issued in accordance with a Board resolution adopted on September 14, 2021.

Licensees are also advised that the U.S. Drug Enforcement Administration has also temporarily suspended wholesale limits for registrants. Licensees are expected to comply with the guidance set forth in the DEA exception, which can be accessed here:

[https://www.deadiversion.usdoj.gov/GDP/\(DEA-DC-029\)\(DEA085\)_DEA_5_percent_practitioner_exception_\(final\).pdf](https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-029)(DEA085)_DEA_5_percent_practitioner_exception_(final).pdf)

This guidance is in effect until rescinded by the United States Drug Enforcement Administration.

