



## For Stakeholder Comment - Approval of Instruments to Reduce Drug Poisoning

**Date Issued: 7/2/2025**  
**Comments Due: 7/21/2025**

Effective September 28, 2025, ORC 4729.261 authorizes the Board of Pharmacy to adopt rules establishing standards and procedures for its approval of types of instruments that are not to be considered drug paraphernalia because they demonstrate efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds.

This section of the ORC allows the Board to develop a process to legalize additional tools to prevent drug overdose (similar to fentanyl test strips, which are already legal under Ohio law). When added, these tools will not be subject to Ohio's drug paraphernalia laws, as established in ORC 2925.14 (effective 9/28/2025):

*(4) Division (C)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound or any other equipment, product, or material approved by the state board of pharmacy, in rules adopted under section 4729.261 of the Revised Code, as a type of instrument that demonstrates efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds.*

**NOTE:** ORC 4729.261 does not authorize the Board to approve any type of instrument to the extent that the instrument is intended to measure the purity of a mixture. Therefore, only detect the presence of a compound rather than the amount are permitted.

Comments on the proposed rule will be accepted until the close of business on **Monday, July 21, 2025**. Please send all comments to the following email address:  
[rulecomments@pharmacy.ohio.gov](mailto:rulecomments@pharmacy.ohio.gov)

## **4729-8-02 Approval of Instruments to Reduce Drug Poisoning**

(A) Pursuant to sections 4729.261 and 2925.14 of the Revised Code, the state board of pharmacy hereby determines that drug testing strips and reagent kits are effective at reducing drug poisoning by determining the presence of the following compounds:

- (1) Fentanyl and fentanyl-related compounds;
- (2) Xylazine;
- (3) Medetomidine;
- (4) Nitazene; and
- (5) Benzodiazepine.

(B) The Board may approve additional instruments via resolution. The board shall consider the following when deciding on whether to approve additional instruments:

- (1) Drug poisoning data, including data from other states;
- (2) Reports provided by established forensic laboratories as defined in rule 4729:9-1-01 of the Administrative Code;
- (3) Reports from harm reduction organizations operating within the state;
- (4) Any other information as determined by the board.

(C) A resolution issued in accordance with paragraph (B) of this rule shall exempt the instrument from the definition of drug paraphernalia under section 2925.14 of the Revised Code.

(D) This rule shall be updated periodically to reflect any new instruments approved via paragraph (B) of this rule.

(E) In accordance with section 4729.261 of the Revised Code, none of the instruments approved pursuant to this rule shall measure the proportion of a controlled substance within the total mixture.