

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 200**

**Representative Hagan**

**Cosponsors: Representatives Duffey, Becker, Roegner, Blessing, Hackett**

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**A BILL**

To amend sections 4729.51 and 4729.60 and to enact  
sections 2925.64, 3728.01, 3728.03, 3728.04,  
3728.05, 3728.09, 3728.10, 3728.11, 4723.489,  
4729.88, 4730.432, and 4731.96 of the Revised  
Code to permit epinephrine autoinjectors for  
which no prescriptions have been written to be  
stored and accessed for use in case of  
emergency.

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

**Section 1.** That sections 4729.51 and 4729.60 be amended  
and sections 2925.64, 3728.01, 3728.03, 3728.04, 3728.05,  
3728.09, 3728.10, 3728.11, 4723.489, 4729.88, 4730.432, and  
4731.96 of the Revised Code be enacted to read as follows:

**Sec. 2925.64.** (A) As used in this section:

(1) "Administer epinephrine" means to inject an individual  
with epinephrine using an autoinjector in a manufactured dosage  
form.

(2) "Prescriber" and "qualified entity" have the same  
meanings as in section 3728.01 of the Revised Code.

(B) An individual or qualified entity is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual or entity, acting in good faith and in accordance with Chapter 3728. of the Revised Code, administers epinephrine or provides an epinephrine autoinjector to an individual who appears to be experiencing or at risk of experiencing anaphalaxis or to the parent, guardian, or custodian of such an individual. 19  
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**Sec. 3728.01.** As used in this chapter: 28

(A) "Administer epinephrine" means to inject an individual with epinephrine using an autoinjector in a manufactured dosage form. 29  
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(B) "Prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following: 32  
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(1) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code; 36  
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(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 39  
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(3) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code. 42  
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(C) "Qualified entity" means any public or private entity that is associated with a location where allergens capable of causing anaphylaxis may be present, including child day-care centers, colleges and universities, places of employment, 44  
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restaurants, amusement parks, recreation camps, sports playing 48  
fields and arenas, and other similar locations, except that 49  
"qualified entity" does not include either of the following: 50

(1) A chartered or nonchartered nonpublic school; 51  
community school; science, technology, engineering, and 52  
mathematics school; or a school operated by the board of 53  
education of a city, local, exempted village, or joint 54  
vocational school district; 55

(2) A camp described in section 5101.76 of the Revised 56  
Code. 57

**Sec. 3728.03.** (A) A qualified entity may acquire and 58  
maintain a supply of epinephrine autoinjectors pursuant to a 59  
prescription issued under section 4723.489, 4730.432, or 4731.96 60  
of the Revised Code. 61

(B) Epinephrine autoinjectors acquired pursuant to this 62  
section shall be stored in a location readily accessible in an 63  
emergency and maintained in accordance with the manufacturer's 64  
instructions and any additional requirements that may be 65  
established by the department of health under section 3728.11 of 66  
the Revised Code. 67

(C) A qualified entity that acquires epinephrine 68  
autoinjectors pursuant to this section shall designate one or 69  
more individuals who are employees or agents of the entity and 70  
have successfully completed anaphylaxis training in accordance 71  
with section 3728.04 of the Revised Code to be responsible for 72  
oversight of the epinephrine autoinjectors, including storage, 73  
maintenance, and control. The qualified entity may authorize 74  
those individuals and other individuals who have successfully 75  
completed the anaphylaxis training to administer epinephrine. 76

<u>Sec. 3728.04. (A) The anaphylaxis training required by</u>	77
<u>section 3728.03 of the Revised Code may be any of the following:</u>	78
<u>(1) Training conducted by a nationally recognized</u>	79
<u>organization that has experience in providing training in</u>	80
<u>emergency health care to individuals who are not health care</u>	81
<u>professionals;</u>	82
<u>(2) Training by individuals or organizations approved by</u>	83
<u>the department of health under section 3728.11 of the Revised</u>	84
<u>Code;</u>	85
<u>(3) Classes approved by the department under section</u>	86
<u>3728.11 of the Revised Code.</u>	87
<u>(B) Training may be completed in person or through an</u>	88
<u>online system. The training must cover all of the following and</u>	89
<u>may include any other material the organization or individual</u>	90
<u>conducting it or the department considers appropriate:</u>	91
<u>(1) Ways of recognizing the signs and symptoms of severe</u>	92
<u>allergic reactions, including anaphylaxis;</u>	93
<u>(2) Standards and procedures for administration of</u>	94
<u>epinephrine and storage of epinephrine autoinjectors;</u>	95
<u>(3) Emergency follow-up procedures.</u>	96
<u>(C) An individual must successfully complete training</u>	97
<u>before being authorized to administer epinephrine under section</u>	98
<u>3728.03 of the Revised Code and every two years thereafter. A</u>	99
<u>qualified entity may authorize an individual to administer</u>	100
<u>epinephrine only if the individual provides the entity with a</u>	101
<u>certificate issued by the organization or individual conducting</u>	102
<u>the training attesting to successful completion. The certificate</u>	103
<u>must be on a form developed by the department of health under</u>	104

section 3728.11 of the Revised Code. 105

**Sec. 3728.05.** (A) An individual who has completed the 106  
anaphylaxis training required by section 3728.03 of the Revised 107  
Code and is authorized by a qualified entity may use an 108  
epinephrine autoinjector from a supply maintained under section 109  
3728.03 of the Revised Code to do either of the following: 110

(1) Administer epinephrine to an individual believed in 111  
good faith to be experiencing anaphylaxis; 112

(2) Provide, for immediate administration, an epinephrine 113  
autoinjector to an individual believed in good faith to be 114  
experiencing anaphylaxis or to the parent, guardian, or 115  
caregiver of such an individual. 116

(B) Epinephrine may be administered under this section 117  
regardless of whether the individual believed to be experiencing 118  
anaphylaxis has a prescription for an epinephrine autoinjector 119  
or has previously been diagnosed with an allergy. 120

**Sec. 3728.09.** (A) The following are not liable in damages 121  
in a civil action for injury, death, or loss to person or 122  
property that allegedly arises from an act or omission 123  
associated with administering epinephrine or acquiring, 124  
maintaining, accessing, or using an epinephrine autoinjector 125  
under this chapter, unless the act or omission constitutes 126  
willful or wanton misconduct: 127

(1) A qualified entity that maintains a supply of 128  
epinephrine autoinjectors as authorized in accordance with 129  
section 3728.03 of the Revised Code, and any employees or agents 130  
of the qualified entity; 131

(2) A trained individual who administers epinephrine or 132  
accesses an epinephrine autoinjector as authorized in accordance 133

with section 3728.05 of the Revised Code; 134

(3) An individual or organization that conducts 135  
anaphylaxis training in accordance with section 3728.04 of the 136  
Revised Code. 137

(B) This section does not eliminate, limit, or reduce any 138  
other immunity or defense a person may be entitled to under any 139  
other provision of the Revised Code or under the common law of 140  
this state. 141

(C) A person located in this state is not liable for 142  
injury, death, or loss to person or property that allegedly 143  
arises from an act or omission associated with acquiring, 144  
maintaining, accessing, or using an epinephrine autoinjector 145  
outside of this state if either of the following is the case: 146

(1) The person would not have been liable had the act or 147  
omission occurred within this state; 148

(2) The person is not liable under the law of the state in 149  
which the act or omission occurred. 150

**Sec. 3728.10.** A qualified entity that maintains and makes 151  
available epinephrine autoinjectors as authorized in accordance 152  
with this chapter shall annually report to the department of 153  
health, on a form developed by the department, each 154  
administration of epinephrine or provision of an epinephrine 155  
autoinjector under section 3728.05 of the Revised Code. 156

**Sec. 3728.11.** (A) The department of health shall do all of 157  
the following: 158

(1) Prescribe a form to be used by an individual or 159  
organization to certify successful completion of anaphylaxis 160  
training under section 3728.04 of the Revised Code; 161

(2) Prescribe a form to be used to report each 162  
administration of epinephrine or provision of an epinephrine 163  
autoinjector as required by section 3728.10 of the Revised Code; 164

(3) Annually publish a report summarizing and analyzing 165  
all reports received by the department under section 3728.10 of 166  
the Revised Code in the previous year. 167

(B) The department may do either of the following: 168

(1) Approve individuals or organizations to conduct 169  
anaphylaxis training under section 3728.04 of the Revised Code 170  
or approve certain classes offered by an individual or 171  
organization; 172

(2) Adopt rules in accordance with Chapter 119. of the 173  
Revised Code specifying standards and procedures for storage and 174  
maintenance of epinephrine autoinjectors acquired pursuant to 175  
section 3728.03 of the Revised Code. 176

**Sec. 4723.489.** (A) As used in this section, "qualified 177  
entity" has the same meaning as in section 3728.01 of the 178  
Revised Code. 179

(B) (1) Subject to division (B) (2) of this section, and 180  
notwithstanding any provision of this chapter or rule adopted by 181  
the board of nursing, a clinical nurse specialist, certified 182  
nurse-midwife, or certified nurse practitioner who holds a 183  
certificate to prescribe issued under section 4723.48 of the 184  
Revised Code may do either of the following without having 185  
examined an individual to whom epinephrine may be administered 186  
under Chapter 3728. of the Revised Code: 187

(a) Personally furnish a supply of epinephrine 188  
autoinjectors to a qualified entity for use in accordance with 189  
sections 3728.03 to 3728.05 of the Revised Code; 190

(b) Issue a prescription for epinephrine autoinjectors to a qualified entity for use in accordance with sections 3728.03 to 3728.05 of the Revised Code. 191  
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(2) An epinephrine autoinjector personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form. 194  
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(C) A nurse who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of a qualified entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 198  
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**Sec. 4729.51.** (A)(1) Except as provided in division (A)(2) of this section, no person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: 204  
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(a) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; 209  
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(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the 213  
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transfer or delivery.	220
(2) A manufacturer of dangerous drugs may donate epinephrine autoinjectors to any of the following:	221 222
(a) The board of education of a city, local, exempted village, or joint vocational school district;	223 224
(b) A community school established under Chapter 3314. of the Revised Code;	225 226
(c) A STEM school established under Chapter 3326. of the Revised Code;	227 228
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	229 230
(e) A chartered or nonchartered nonpublic school.	231
(B) (1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	232 233 234
(a) Except as provided in division (B) (2) (a) of this section, a licensed health professional authorized to prescribe drugs;	235 236 237
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	238 239 240
(c) A registered wholesale distributor of dangerous drugs;	241
(d) A manufacturer of dangerous drugs;	242
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	243 244
(f) Carriers or warehouses for the purpose of carriage or	245

storage;	246
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	247 248 249
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	250 251 252 253 254 255 256 257 258
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	259 260 261 262 263 264
(j) Except as provided in division (B) (2) (b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;	265 266 267 268 269 270 271 272 273
(k) Except as provided in division (B) (2) (c) of this	274

section, a business entity that is a corporation formed under 275  
division (B) of section 1701.03 of the Revised Code, a limited 276  
liability company formed under Chapter 1705. of the Revised 277  
Code, a partnership or a limited liability partnership formed 278  
under Chapter 1775. of the Revised Code, or a professional 279  
association formed under Chapter 1785. of the Revised Code, if, 280  
to be a shareholder, member, or partner, an individual is 281  
required to be licensed, certified, or otherwise legally 282  
authorized under Title XLVII of the Revised Code to perform the 283  
professional service provided by the entity and each such 284  
individual is a licensed health professional authorized to 285  
prescribe drugs; 286

(l) With respect to epinephrine autoinjectors that may be 287  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 288  
or 3328.29 of the Revised Code, any of the following: the board 289  
of education of a city, local, exempted village, or joint 290  
vocational school district; a chartered or nonchartered 291  
nonpublic school; a community school established under Chapter 292  
3314. of the Revised Code; a STEM school established under 293  
Chapter 3326. of the Revised Code; or a college-preparatory 294  
boarding school established under Chapter 3328. of the Revised 295  
Code; 296

(m) With respect to epinephrine autoinjectors that may be 297  
possessed under section 5101.76 of the Revised Code, any of the 298  
following: a residential camp, as defined in section 2151.011 of 299  
the Revised Code; a child day camp, as defined in section 300  
5104.01 of the Revised Code; or a child day camp operated by any 301  
county, township, municipal corporation, township park district 302  
created under section 511.18 of the Revised Code, park district 303  
created under section 1545.04 of the Revised Code, or joint 304  
recreation district established under section 755.14 of the 305

Revised Code;	306
(n) <u>With respect to epinephrine autoinjectors that may be possessed under Chapter 3728. of the Revised Code, a qualified entity, as defined in section 3728.01 of the Revised Code.</u>	307 308 309
(o) <u>With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers.</u>	310 311 312
(2) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any of the following:	313 314 315
(a) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;	316 317 318 319
(b) A business entity described in division (B) (1) (j) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;	320 321 322 323 324
(c) A business entity described in division (B) (1) (k) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.	325 326 327 328 329
(3) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:	330 331 332 333

(a) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A) (1) of section 4729.54 of the Revised Code;

(b) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code;

(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A) (1), (2), and (3) of section 4729.54 of the Revised Code;

(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C) (1) Except as provided in division (C) (4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C) (4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C) (4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C) (1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

Divisions (C) (1), (2), and (3) of this section do not 363  
apply to an individual who holds a current license, certificate, 364  
or registration issued under Title XLVII of the Revised Code and 365  
has been certified to conduct diabetes education by a national 366  
certifying body specified in rules adopted by the state board of 367  
pharmacy under section 4729.68 of the Revised Code, but only to 368  
the extent that the individual possesses insulin or personally 369  
supplies insulin solely for the purpose of diabetes education 370  
and only if diabetes education is within the individual's scope 371  
of practice under statutes and rules regulating the individual's 372  
profession. 373

Divisions (C) (1), (2), and (3) of this section do not 374  
apply to an individual who holds a valid certificate issued by a 375  
nationally recognized S.C.U.B.A. diving certifying organization 376  
approved by the state board of pharmacy in rule, but only to the 377  
extent that the individual possesses medical oxygen or 378  
personally supplies medical oxygen for the purpose of emergency 379  
care or treatment at the scene of a diving emergency. 380

Division (C) (3) of this section does not apply to the 381  
board of education of a city, local, exempted village, or joint 382  
vocational school district, a school building operated by a 383  
school district board of education, a chartered or nonchartered 384  
nonpublic school, a community school, a STEM school, or a 385  
college-preparatory boarding school for the purpose of 386  
possessing epinephrine autoinjectors under section 3313.7110, 387  
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code. 388

Division (C) (3) of this section does not apply to a 389  
residential camp, as defined in section 2151.011 of the Revised 390  
Code, a child day camp, as defined in section 5104.01 of the 391  
Revised Code, or a child day camp operated by any county, 392

township, municipal corporation, township park district created 393  
under section 511.18 of the Revised Code, park district created 394  
under section 1545.04 of the Revised Code, or joint recreation 395  
district established under section 755.14 of the Revised Code 396  
for the purpose of possessing epinephrine autoinjectors under 397  
section 5101.76 of the Revised Code. 398

Division (C) (3) of this section does not apply to a 399  
qualified entity, as defined in section 3728.01 of the Revised 400  
Code, for the purpose of possessing epinephrine autoinjectors 401  
under Chapter 3728. of the Revised Code. 402

Division (C) (3) of this section does not apply to a law 403  
enforcement agency or the agency's peace officers if the agency 404  
or officers possess naloxone for administration to individuals 405  
who are apparently experiencing opioid-related overdoses. 406

(D) No licensed terminal distributor of dangerous drugs 407  
shall purchase for the purpose of resale dangerous drugs from 408  
any person other than a registered wholesale distributor of 409  
dangerous drugs, except as follows: 410

(1) A licensed terminal distributor of dangerous drugs may 411  
make occasional purchases of dangerous drugs for resale from a 412  
pharmacist who is a licensed terminal distributor of dangerous 413  
drugs or who is employed by a licensed terminal distributor of 414  
dangerous drugs; 415

(2) A licensed terminal distributor of dangerous drugs 416  
having more than one establishment or place may transfer or 417  
receive dangerous drugs from one establishment or place for 418  
which a license has been issued to the terminal distributor to 419  
another establishment or place for which a license has been 420  
issued to the terminal distributor if the license issued for 421

each establishment or place is in effect at the time of the 422  
transfer or receipt. 423

(E) No licensed terminal distributor of dangerous drugs 424  
shall engage in the sale or other distribution of dangerous 425  
drugs at retail or maintain possession, custody, or control of 426  
dangerous drugs for any purpose other than the distributor's 427  
personal use or consumption, at any establishment or place other 428  
than that or those described in the license issued by the state 429  
board of pharmacy to such terminal distributor. 430

(F) Nothing in this section shall be construed to 431  
interfere with the performance of official duties by any law 432  
enforcement official authorized by municipal, county, state, or 433  
federal law to collect samples of any drug, regardless of its 434  
nature or in whose possession it may be. 435

(G) Notwithstanding anything to the contrary in this 436  
section, the board of education of a city, local, exempted 437  
village, or joint vocational school district may deliver 438  
epinephrine autoinjectors to a school under its control for the 439  
purpose of possessing epinephrine autoinjectors under section 440  
3313.7110 of the Revised Code. 441

**Sec. 4729.60.** (A) Before a registered wholesale 442  
distributor of dangerous drugs may sell dangerous drugs at 443  
wholesale to any person, other than the persons specified in 444  
divisions (B) (1) (a) to (d), (f) to (h), and (l), and (m) to (n) 445  
of section 4729.51 of the Revised Code, such wholesale 446  
distributor shall obtain from the purchaser and the purchaser 447  
shall furnish to the wholesale distributor a certificate 448  
indicating that the purchaser is a licensed terminal distributor 449  
of dangerous drugs. The certificate shall be in the form that 450  
the state board of pharmacy shall prescribe, and shall set forth 451



the name of the licensee, the number of the license, a 452  
description of the place or establishment or each place or 453  
establishment for which the license was issued, the category of 454  
licensure, and, if the license is a limited category I, II, or 455  
III license, the dangerous drugs that the licensee is authorized 456  
to possess, have custody or control of, and distribute. 457

If no certificate is obtained or furnished before a sale 458  
is made, it shall be presumed that the sale of dangerous drugs 459  
by the wholesale distributor is in violation of division (B) of 460  
section 4729.51 of the Revised Code and the purchase of 461  
dangerous drugs by the purchaser is in violation of division (C) 462  
of section 4729.51 of the Revised Code. If a registered 463  
wholesale distributor of dangerous drugs obtains or is furnished 464  
a certificate from a terminal distributor of dangerous drugs and 465  
relies on the certificate in selling dangerous drugs at 466  
wholesale to the terminal distributor of dangerous drugs, the 467  
wholesale distributor of dangerous drugs shall be deemed not to 468  
have violated division (B) of section 4729.51 of the Revised 469  
Code in making the sale. 470

(B) Before a licensed terminal distributor of dangerous 471  
drugs may purchase dangerous drugs at wholesale, the terminal 472  
distributor shall obtain from the seller and the seller shall 473  
furnish to the terminal distributor the number of the seller's 474  
registration certificate to engage in the sale of dangerous 475  
drugs at wholesale. 476

If no registration number is obtained or furnished before 477  
a purchase is made, it shall be presumed that the purchase of 478  
dangerous drugs by the terminal distributor is in violation of 479  
division (D) of section 4729.51 of the Revised Code and the sale 480  
of dangerous drugs by the seller is in violation of division (A) 481

of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs obtains or is furnished a registration number from a wholesale distributor of dangerous drugs and relies on the registration number in purchasing dangerous drugs at wholesale from the wholesale distributor of dangerous drugs, the terminal distributor shall be deemed not to have violated division (D) of section 4729.51 of the Revised Code in making the purchase.

Sec. 4729.88. Notwithstanding any provision of this chapter or rule adopted by the state board of pharmacy, a pharmacist may dispense epinephrine autoinjectors pursuant to a prescription issued under section 4723.489, 4730.432, or 4731.96 of the Revised Code.

A pharmacist who in good faith dispenses epinephrine autoinjectors under this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4730.432. (A) As used in this section, "qualified entity" has the same meaning as in section 3728.01 of the Revised Code.

(B) (1) Subject to division (B) (2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a certificate to prescribe issued under section 4730.44 of the Revised Code may do either of the following without having examined an individual to whom epinephrine may be administered under Chapter 3728. of the Revised Code:

(a) Personally furnish a supply of epinephrine 511  
autoinjectors to a qualified entity for use in accordance with 512  
sections 3728.03 to 3728.05 of the Revised Code; 513

(b) Issue a prescription for epinephrine autoinjectors to 514  
a qualified entity for use in accordance with sections 3728.03 515  
to 3728.05 of the Revised Code. 516

(2) An epinephrine autoinjector personally furnished or 517  
prescribed under division (B)(1) of this section must be 518  
furnished or prescribed in such a manner that it may be 519  
administered only in a manufactured dosage form. 520

(C) A physician assistant who acts in good faith in 521  
accordance with this section is not liable for or subject to any 522  
of the following for any action or omission of an entity to 523  
which an epinephrine autoinjector is furnished or a prescription 524  
is issued: damages in any civil action, prosecution in any 525  
criminal proceeding, or professional disciplinary action. 526

**Sec. 4731.96. (A) As used in this section:** 527

(1) "Physician" means an individual authorized under this 528  
chapter to practice medicine and surgery, osteopathic medicine 529  
and surgery, or podiatric medicine and surgery. 530

(2) "Qualified entity" has the same meaning as in section 531  
3728.01 of the Revised Code. 532

(B)(1) Subject to division (B)(2) of this section, and 533  
notwithstanding any provision of this chapter or rule adopted by 534  
the state medical board, a physician may do either of the 535  
following without having examined an individual to whom 536  
epinephrine may be administered under Chapter 3728. of the 537  
Revised Code: 538

(a) Personally furnish a supply of epinephrine 539  
autoinjectors to a qualified entity for use in accordance with 540  
sections 3728.03 to 3728.05 of the Revised Code; 541

(b) Issue a prescription for epinephrine autoinjectors to 542  
a qualified entity for use in accordance with sections 3728.03 543  
to 3728.05 of the Revised Code. 544

(2) An epinephrine autoinjector personally furnished or 545  
prescribed under division (B)(1) of this section must be 546  
furnished or prescribed in such a manner that it may be 547  
administered only in a manufactured dosage form. 548

(C) A physician who acts in good faith in accordance with 549  
this section is not liable for or subject to any of the 550  
following for any action or omission of an entity to which an 551  
epinephrine autoinjector is furnished or a prescription is 552  
issued: damages in any civil action, prosecution in any criminal 553  
proceeding, or professional disciplinary action. 554

**Section 2.** That existing sections 4729.51 and 4729.60 of 555  
the Revised Code are hereby repealed. 556