

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 200**

**Representative Hagan**

**Cosponsors: Representatives Duffey, Becker, Roegner, Blessing, Hackett, Gonzales, Huffman, Antonio, Barnes, Bishoff, Brown, Butler, Ginter, Johnson, T., Kuhns, LaTourette, Lepore-Hagan, Schuring, Sears, Sprague, Amstutz, Anielski, Arndt, Ashford, Baker, Boose, Boyd, Buchy, Burkley, Celebrezze, Cera, Conditt, Cupp, Derickson, Dever, DeVitis, Dovilla, Driehaus, Fedor, Green, Grossman, Hall, Hambley, Hayes, Henne, Hill, Howse, Koehler, Kunze, Landis, Leland, Maag, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Rogers, Ruhl, Ryan, Schaffer, Scherer, Sheehy, Smith, K., Smith, R., Stinziano, Strahorn, Sweeney, Terhar, Thompson, Young**

**Senators Tavares, Brown, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gardner, Hite, Hottinger, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Schiavoni, Seitz, Thomas, Uecker, Yuko**

---

**A BILL**

To amend sections 3313.7110, 3313.7111, 3314.143, 1  
3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 2  
5101.76 and to enact sections 2925.64, 3728.01, 3  
3728.03, 3728.04, 3728.05, 3728.09, 3728.10, 4  
3728.11, 4723.483, 4729.88, 4730.432, and 5  
4731.96 of the Revised Code regarding procuring, 6  
storing, and accessing epinephrine autoinjectors 7  
for which there are no patient-specific 8  
prescriptions and civil immunity of health 9  
professionals. 10

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

**Section 1.** That sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 5101.76 be amended and sections 2925.64, 3728.01, 3728.03, 3728.04, 3728.05, 3728.09, 3728.10, 3728.11, 4723.483, 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.

**Sec. 3313.7110.** (A) The board of education of each city, local, exempted village, or joint vocational school district may procure epinephrine autoinjectors for each school operated by the district to have on the school premises for use in emergency situations identified under division (C) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.432, or 4731.96 of the Revised Code, personally furnish the

epinephrine autoinjectors to the school or school district or 40  
issue a prescription for them in the name of the school or 41  
district; 42

(2) Having the district's superintendent obtain a 43  
prescriber-issued protocol that includes definitive orders for 44  
epinephrine autoinjectors and the dosages of epinephrine to be 45  
administered through them. A- 46

A district board that elects to procure epinephrine 47  
autoinjectors under this section is encouraged to maintain, at 48  
all times, at least two epinephrine injectors at each school 49  
operated by the district. 50

(B) A district board that elects to procure epinephrine 51  
autoinjectors under this section shall require the district's 52  
superintendent to adopt a policy governing their maintenance and 53  
use. Before adopting the policy, the superintendent shall 54  
consult with a licensed health professional authorized to 55  
prescribe drugs, ~~as defined in section 4729.01 of the Revised~~ 56  
~~Code.~~ 57

~~(C) A component of a policy adopted by a superintendent~~ 58  
~~under division (B) of this section shall be a prescriber-issued~~ 59  
~~protocol specifying definitive orders for epinephrine~~ 60  
~~autoinjectors and the dosages of epinephrine to be administered~~ 61  
~~through them. The policy also adopted under division (B) of this~~ 62  
section shall do all of the following: 63

(1) Identify the one or more locations in each school 64  
operated by the district in which an epinephrine autoinjector 65  
must be stored; 66

(2) Specify the conditions under which an epinephrine 67  
autoinjector must be stored, replaced, and disposed; 68

(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse licensed under section 3319.221 of the Revised Code or an athletic trainer licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(4) Specify any training that employees or contractors specified under division (C) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.

~~(D) A school or school district, a member of a district board of education, or a district or school employee or contractor is~~ (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with

procuring, maintaining, accessing, or using an epinephrine 98  
autoinjector under this section, unless the act or omission 99  
constitutes willful or wanton misconduct; 100

(a) A school or school district; 101

(b) A member of a district board of education; 102

(c) A district or school employee or contractor; 103

(d) A licensed health professional authorized to prescribe 104  
drugs who personally furnishes or prescribes epinephrine 105  
autoinjectors, consults with a superintendent, or issues a 106  
protocol pursuant to this section. 107

(2) This section does not eliminate, limit, or reduce any 108  
other immunity or defense that a school or school district, 109  
member of a district board of education, ~~or~~ district or school 110  
employee or contractor, or licensed health professional may be 111  
entitled to under Chapter 2744. or any other provision of the 112  
Revised Code or under the common law of this state. 113

(E) A school district board of education may accept 114  
donations of epinephrine autoinjectors from a wholesale 115  
distributor of dangerous drugs or a manufacturer of dangerous 116  
drugs, as defined in section 4729.01 of the Revised Code, and 117  
may accept donations of money from any person to purchase 118  
epinephrine autoinjectors. 119

(F) A district board that elects to procure epinephrine 120  
autoinjectors under this section shall report to the department 121  
of education each procurement and occurrence in which an 122  
epinephrine autoinjector is used from a school's supply of 123  
epinephrine autoinjectors. 124

(G) As used in this section, "licensed health professional 125

authorized to prescribe drugs" and "prescriber" have the same 126  
meanings as in section 4729.01 of the Revised Code. 127

**Sec. 3313.7111.** (A) With the approval of its governing 128  
authority, a chartered or nonchartered nonpublic school may 129  
procure epinephrine autoinjectors in the manner prescribed by 130  
section 3313.7110 of the Revised Code. A chartered or 131  
nonchartered nonpublic school that elects to do so shall comply 132  
with all provisions of that section as if it were a school 133  
district. 134

~~(B) A chartered or nonchartered nonpublic school, a member~~ 135  
~~of a chartered or nonchartered nonpublic school governing~~ 136  
~~authority, or an employee or contractor of the school is~~ (1) The 137  
following are not liable in damages in a civil action for 138  
injury, death, or loss to person or property that allegedly 139  
arises from an act or omission associated with procuring, 140  
maintaining, accessing, or using an epinephrine autoinjector 141  
under this section, unless the act or omission constitutes 142  
willful or wanton misconduct; 143

(a) A chartered or nonchartered nonpublic school; 144

(b) A member of a chartered or nonchartered nonpublic 145  
school governing authority; 146

(c) An employee or contractor of the school; 147

(d) A licensed health professional authorized to prescribe 148  
drugs who personally furnishes or prescribes epinephrine 149  
autoinjectors, provides a consultation, or issues a protocol 150  
pursuant to this section. 151

(2) This division does not eliminate, limit, or reduce any 152  
other immunity or defense that a chartered or nonchartered 153  
nonpublic school or governing authority, member of a chartered 154

or nonchartered nonpublic school governing authority, chartered 155  
or nonchartered nonpublic school employee or contractor, or 156  
licensed health professional may be entitled to under any other 157  
provision of the Revised Code or the common law of this state. 158

(C) A chartered or nonchartered nonpublic school may 159  
accept donations of epinephrine autoinjectors from a wholesale 160  
distributor of dangerous drugs or a manufacturer of dangerous 161  
drugs, as defined in section 4729.01 of the Revised Code, and 162  
may accept donations of money from any person to purchase 163  
epinephrine autoinjectors. 164

(D) A chartered or nonchartered nonpublic school that 165  
elects to procure epinephrine autoinjectors under this section 166  
shall report to the department of education each procurement and 167  
occurrence in which an epinephrine autoinjector is used from the 168  
school's supply of epinephrine autoinjectors. 169

**Sec. 3314.143.** (A) With the approval of its governing 170  
authority, a community school established under this chapter may 171  
procure epinephrine autoinjectors in the manner prescribed by 172  
section 3313.7110 of the Revised Code. A community school that 173  
elects to do so shall comply with all provisions of that section 174  
as if it were a school district. 175

(B) ~~A community school, a member of a community school~~ 176  
~~governing authority, or a community school employee or~~ 177  
~~contractor is~~ (1) The following are not liable in damages in a 178  
civil action for injury, death, or loss to person or property 179  
that allegedly arises from an act or omission associated with 180  
procuring, maintaining, accessing, or using an epinephrine 181  
autoinjector under this section, unless the act or omission 182  
constitutes willful or wanton misconduct; 183

<u>(a) A community school;</u>	184
<u>(b) A member of a community school governing authority;</u>	185
<u>(c) A community school employee or contractor;</u>	186
<u>(d) A licensed health professional authorized to prescribe</u>	187
<u>drugs who personally furnishes or prescribes epinephrine</u>	188
<u>autoinjectors, provides a consultation, or issues a protocol</u>	189
<u>pursuant to this section.</u>	190
<u>(2) This division does not eliminate, limit, or reduce any</u>	191
<u>other immunity or defense that a community school or governing</u>	192
<u>authority, member of a community school governing authority, <del>or</del></u>	193
<u>community school employee or contractor, <u>or licensed health</u></u>	194
<u>professional</u> may be entitled to under Chapter 2744. or any other	195
provision of the Revised Code or under the common law of this	196
state.	197
(C) A community school may accept donations of epinephrine	198
autoinjectors from a wholesale distributor of dangerous drugs or	199
a manufacturer of dangerous drugs, as defined in section 4729.01	200
of the Revised Code, and may accept donations of money from any	201
person to purchase epinephrine autoinjectors.	202
(D) A community school that elects to procure epinephrine	203
autoinjectors under this section shall report to the department	204
of education each procurement and occurrence in which an	205
epinephrine autoinjector is used from the school's supply of	206
epinephrine autoinjectors.	207
<b>Sec. 3326.28.</b> (A) With the approval of its governing body,	208
a STEM school established under this chapter may procure	209
epinephrine autoinjectors in the manner prescribed by section	210
3313.7110 of the Revised Code. A STEM school that elects to do	211
so shall comply with all provisions of that section as if it	212



were a school district. 213

~~(B) A STEM school, a member of a STEM school governing body, or a STEM school employee or contractor is~~ 214  
(1) The 215  
following are not liable in damages in a civil action for 216  
injury, death, or loss to person or property that allegedly 217  
arises from an act or omission associated with procuring, 218  
maintaining, accessing, or using an epinephrine autoinjector 219  
under this section, unless the act or omission constitutes 220  
willful or wanton misconduct: 221

(a) A STEM school; 222

(b) A member of a STEM school governing body; 223

(c) A STEM school employee or contractor; 224

(d) A licensed health professional authorized to prescribe 225  
drugs who personally furnishes or prescribes epinephrine 226  
autoinjectors, provides a consultation, or issues a protocol 227  
pursuant to this section. 228

(2) This division does not eliminate, limit, or reduce any 229  
other immunity or defense that a STEM school or governing body, 230  
member of a STEM school governing body, ~~or~~ STEM school employee 231  
or contractor, or licensed health professional may be entitled 232  
to under Chapter 2744. or any other provision of the Revised 233  
Code or under the common law of this state. 234

(C) A STEM school may accept donations of epinephrine 235  
autoinjectors from a wholesale distributor of dangerous drugs or 236  
a manufacturer of dangerous drugs, as defined in section 4729.01 237  
of the Revised Code, and may accept donations of money from any 238  
person to purchase epinephrine autoinjectors. 239

(D) A STEM school that elects to procure epinephrine 240

autoinjectors under this section shall report to the department 241  
of education each procurement and occurrence in which an 242  
epinephrine autoinjector is used from the school's supply of 243  
epinephrine autoinjectors. 244

**Sec. 3328.29.** (A) With the approval of its board of 245  
trustees, a college-preparatory boarding school established 246  
under this chapter may procure epinephrine autoinjectors in the 247  
manner prescribed by section 3313.7110 of the Revised Code. A 248  
college-preparatory boarding school that elects to do so shall 249  
comply with all provisions of that section as if it were a 250  
school district. 251

~~(B) A college-preparatory boarding school, a member of a~~ 252  
~~college-preparatory boarding school board of trustees, or a~~ 253  
~~college-preparatory boarding school employee or contractor is~~ 254  
(1) The following are not liable in damages in a civil action 255  
for injury, death, or loss to person or property that allegedly 256  
arises from an act or omission associated with procuring, 257  
maintaining, accessing, or using an epinephrine autoinjector 258  
under this section, unless the act or omission constitutes 259  
willful or wanton misconduct. 260

(a) A college-preparatory boarding school; 261

(b) A member of a college-preparatory boarding school 262  
board of trustees; 263

(c) A college-preparatory boarding school employee or 264  
contractor; 265

(d) A licensed health professional authorized to prescribe 266  
drugs who personally furnishes or prescribes epinephrine 267  
autoinjectors, provides a consultation, or issues a protocol 268  
pursuant to this section. 269

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, ~~or~~ college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A college-preparatory boarding school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A college-preparatory boarding school that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply of epinephrine autoinjectors.

**Sec. 3728.01. As used in this chapter:**

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

(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:

(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; 299

(2) A physician authorized under Chapter 4731. of the 300  
Revised Code to practice medicine and surgery, osteopathic 301  
medicine and surgery, or podiatric medicine and surgery; 302

(3) A physician assistant who is licensed under Chapter 303  
4730. of the Revised Code, holds a valid prescriber number 304  
issued by the state medical board, and has been granted 305  
physician-delegated prescriptive authority. 306

(C) "Qualified entity" means any public or private entity 307  
that is associated with a location where allergens capable of 308  
causing anaphylaxis may be present, including child day-care 309  
centers, colleges and universities, places of employment, 310  
restaurants, amusement parks, recreation camps, sports playing 311  
fields and arenas, and other similar locations, except that 312  
"qualified entity" does not include either of the following: 313

(1) A chartered or nonchartered nonpublic school; 314  
community school; science, technology, engineering, and 315  
mathematics school; or a school operated by the board of 316  
education of a city, local, exempted village, or joint 317  
vocational school district; 318

(2) A camp described in section 5101.76 of the Revised 319  
Code. 320

**Sec. 3728.03.** (A) A qualified entity may acquire and 321  
maintain a supply of epinephrine autoinjectors that, in 322  
accordance with section 4723.483, 4730.432, or 4731.96 of the 323  
Revised Code, are personally furnished by a prescriber or 324  
obtained pursuant to a prescription issued by a prescriber. 325

(B) Epinephrine autoinjectors acquired pursuant to this 326  
section shall be stored in a location readily accessible in an 327

emergency and maintained in accordance with the manufacturer's 328  
instructions and any additional requirements that may be 329  
established by the department of health under section 3728.11 of 330  
the Revised Code. 331

(C) A qualified entity that acquires epinephrine 332  
autoinjectors pursuant to this section shall designate one or 333  
more individuals who are employees or agents of the entity and 334  
have successfully completed anaphylaxis training in accordance 335  
with section 3728.04 of the Revised Code to be responsible for 336  
oversight of the epinephrine autoinjectors, including storage, 337  
maintenance, and control. The qualified entity may authorize 338  
those individuals and other individuals who have successfully 339  
completed the anaphylaxis training to administer epinephrine. 340

**Sec. 3728.04.** (A) The anaphylaxis training required by 341  
section 3728.03 of the Revised Code may be any of the following: 342

(1) Training conducted by a nationally recognized 343  
organization that has experience in providing training in 344  
emergency health care to individuals who are not health care 345  
professionals; 346

(2) Training by individuals or organizations approved by 347  
the department of health under section 3728.11 of the Revised 348  
Code; 349

(3) Classes approved by the department under section 350  
3728.11 of the Revised Code. 351

(B) Training may be completed in person or through an 352  
online system. The training must cover all of the following and 353  
may include any other material the organization or individual 354  
conducting it or the department considers appropriate: 355

(1) Ways of recognizing the signs and symptoms of severe 356

<u>allergic reactions, including anaphylaxis;</u>	357
<u>(2) Standards and procedures for administration of</u>	358
<u>epinephrine and storage of epinephrine autoinjectors;</u>	359
<u>(3) Emergency follow-up procedures.</u>	360
<u>(C) An individual must successfully complete training</u>	361
<u>before being authorized to administer epinephrine under section</u>	362
<u>3728.03 of the Revised Code and every two years thereafter. A</u>	363
<u>qualified entity may authorize an individual to administer</u>	364
<u>epinephrine only if the individual provides the entity with a</u>	365
<u>certificate issued by the organization or individual conducting</u>	366
<u>the training attesting to successful completion. The certificate</u>	367
<u>must be on a form developed by the department of health under</u>	368
<u>section 3728.11 of the Revised Code.</u>	369
<b><u>Sec. 3728.05.</u></b> <u>(A) An individual who has completed the</u>	370
<u>anaphylaxis training required by section 3728.03 of the Revised</u>	371
<u>Code and is authorized by a qualified entity may use an</u>	372
<u>epinephrine autoinjector from a supply maintained under section</u>	373
<u>3728.03 of the Revised Code to do either of the following:</u>	374
<u>(1) Administer epinephrine to an individual believed in</u>	375
<u>good faith to be experiencing anaphylaxis;</u>	376
<u>(2) Provide, for immediate administration, an epinephrine</u>	377
<u>autoinjector to an individual believed in good faith to be</u>	378
<u>experiencing anaphylaxis or to the parent, guardian, or</u>	379
<u>caregiver of such an individual.</u>	380
<u>(B) Epinephrine may be administered under this section</u>	381
<u>regardless of whether the individual believed to be experiencing</u>	382
<u>anaphylaxis has a prescription for an epinephrine autoinjector</u>	383
<u>or has previously been diagnosed with an allergy.</u>	384

Sec. 3728.09. (A) The following are not liable in damages 385  
in a civil action for injury, death, or loss to person or 386  
property that allegedly arises from an act or omission 387  
associated with administering epinephrine or acquiring, 388  
maintaining, accessing, or using an epinephrine autoinjector 389  
under this chapter, unless the act or omission constitutes 390  
willful or wanton misconduct: 391

(1) A qualified entity that maintains a supply of 392  
epinephrine autoinjectors as authorized in accordance with 393  
section 3728.03 of the Revised Code, and any employees or agents 394  
of the qualified entity; 395

(2) A trained individual who administers epinephrine or 396  
accesses an epinephrine autoinjector as authorized in-accordance 397  
with section 3728.05 of the Revised Code; 398

(3) An individual or organization that conducts 399  
anaphylaxis training in accordance with section 3728.04 of the 400  
Revised Code. 401

(B) This section does not eliminate, limit, or reduce any 402  
other immunity or defense a person may be entitled to under any 403  
other provision of the Revised Code or under the common law of 404  
this state. 405

(C) A person located in this state is not liable for 406  
injury, death, or loss to person or property that allegedly 407  
arises from an act or omission associated with acquiring, 408  
maintaining, accessing, or using an epinephrine autoinjector 409  
outside of this state if either of the following is the case: 410

(1) The person would not have been liable had the act or 411  
omission occurred within this state; 412

(2) The person is not liable under the law of the state in 413

which the act or omission occurred. 414

Sec. 3728.10. A qualified entity that maintains and makes 415  
available epinephrine autoinjectors as authorized in accordance 416  
with this chapter shall annually report to the department of 417  
health, on a form developed by the department, each 418  
administration of epinephrine or provision of an epinephrine 419  
autoinjector under section 3728.05 of the Revised Code. 420

Sec. 3728.11. (A) The department of health shall do all of 421  
the following: 422

(1) Develop a form to be used by an individual or 423  
organization to certify successful completion of anaphylaxis 424  
training under section 3728.04 of the Revised Code; 425

(2) Develop a form to be used to report each 426  
administration of epinephrine or provision of an epinephrine 427  
autoinjector as required by section 3728.10 of the Revised Code; 428

(3) Annually publish a report summarizing and analyzing 429  
all reports received by the department under section 3728.10 of 430  
the Revised Code in the previous year. 431

(B) The department may do either of the following: 432

(1) Approve individuals or organizations to conduct 433  
anaphylaxis training under section 3728.04 of the Revised Code 434  
or approve certain classes offered by an individual or 435  
organization; 436

(2) Adopt rules in accordance with Chapter 119. of the 437  
Revised Code specifying standards and procedures for storage and 438  
maintenance of epinephrine autoinjectors acquired pursuant to 439  
section 3728.03 of the Revised Code. 440

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 441



section, and notwithstanding any provision of this chapter or 442  
rule adopted by the board of nursing, a clinical nurse 443  
specialist, certified nurse-midwife, or certified nurse 444  
practitioner who holds a certificate to prescribe issued under 445  
section 4723.48 of the Revised Code may do either of the 446  
following without having examined an individual to whom 447  
epinephrine may be administered: 448

(a) Personally furnish a supply of epinephrine 449  
autoinjectors for use in accordance with sections 3313.7110, 450  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 451  
5101.76 of the Revised Code; 452

(b) Issue a prescription for epinephrine autoinjectors for 453  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 454  
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 455  
Code. 456

(2) An epinephrine autoinjector personally furnished or 457  
prescribed under division (A) (1) of this section must be 458  
furnished or prescribed in such a manner that it may be 459  
administered only in a manufactured dosage form. 460

(B) A nurse who acts in good faith in accordance with this 461  
section is not liable for or subject to any of the following for 462  
any action or omission of an entity to which an epinephrine 463  
autoinjector is furnished or a prescription is issued: damages 464  
in any civil action, prosecution in any criminal proceeding, or 465  
professional disciplinary action. 466

**Sec. 4729.01.** As used in this chapter: 467

(A) "Pharmacy," except when used in a context that refers 468  
to the practice of pharmacy, means any area, room, rooms, place 469  
of business, department, or portion of any of the foregoing 470

where the practice of pharmacy is conducted. 471

(B) "Practice of pharmacy" means providing pharmacist care 472  
requiring specialized knowledge, judgment, and skill derived 473  
from the principles of biological, chemical, behavioral, social, 474  
pharmaceutical, and clinical sciences. As used in this division, 475  
"pharmacist care" includes the following: 476

(1) Interpreting prescriptions; 477

(2) Dispensing drugs and drug therapy related devices; 478

(3) Compounding drugs; 479

(4) Counseling individuals with regard to their drug 480  
therapy, recommending drug therapy related devices, and 481  
assisting in the selection of drugs and appliances for treatment 482  
of common diseases and injuries and providing instruction in the 483  
proper use of the drugs and appliances; 484

(5) Performing drug regimen reviews with individuals by 485  
discussing all of the drugs that the individual is taking and 486  
explaining the interactions of the drugs; 487

(6) Performing drug utilization reviews with licensed 488  
health professionals authorized to prescribe drugs when the 489  
pharmacist determines that an individual with a prescription has 490  
a drug regimen that warrants additional discussion with the 491  
prescriber; 492

(7) Advising an individual and the health care 493  
professionals treating an individual with regard to the 494  
individual's drug therapy; 495

(8) Acting pursuant to a consult agreement with one or 496  
more physicians authorized under Chapter 4731. of the Revised 497  
Code to practice medicine and surgery or osteopathic medicine 498

and surgery, if an agreement has been established;	499
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	500 501
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	502 503 504
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	505 506
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	507 508
(3) As an incident to research, teaching activities, or chemical analysis;	509 510
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	511 512 513
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	514 515 516 517 518
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	519 520 521 522 523
(b) A limited quantity of the drug is compounded and provided to the professional.	524 525

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(a) Under the "Federal 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.	554 555
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	556 557 558
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	559 560 561
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	562 563
(H) "Prescription" means <del>both</del> <u>all</u> of the following:	564
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	565 566 567 568
(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	569 570 571 572 573 574
(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhoea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user;	575 576 577 578 579 580
<u>(4) For purposes of sections 3313.7110, 3313.7111,</u>	581

3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.432, 582  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 583  
or oral order for an epinephrine autoinjector issued to and in 584  
the name of a school, school district, or camp; 585

(5) For purposes of Chapter 3728. and sections 4723.483, 586  
4729.88, 4730.432, and 4731.96 of the Revised Code, a written, 587  
electronic, or oral order for an epinephrine autoinjector issued 588  
to and in the name of a qualified entity, as defined in section 589  
3728.01 of the Revised Code. 590

(I) "Licensed health professional authorized to prescribe 591  
drugs" or "prescriber" means an individual who is authorized by 592  
law to prescribe drugs or dangerous drugs or drug therapy 593  
related devices in the course of the individual's professional 594  
practice, including only the following: 595

(1) A dentist licensed under Chapter 4715. of the Revised 596  
Code; 597

(2) A clinical nurse specialist, certified nurse-midwife, 598  
or certified nurse practitioner who holds a certificate to 599  
prescribe issued under section 4723.48 of the Revised Code; 600

(3) An optometrist licensed under Chapter 4725. of the 601  
Revised Code to practice optometry under a therapeutic 602  
pharmaceutical agents certificate; 603

(4) A physician authorized under Chapter 4731. of the 604  
Revised Code to practice medicine and surgery, osteopathic 605  
medicine and surgery, or podiatric medicine and surgery; 606

(5) A physician assistant who holds a license to practice 607  
as a physician assistant issued under Chapter 4730. of the 608  
Revised Code, holds a valid prescriber number issued by the 609  
state medical board, and has been granted physician-delegated 610

prescriptive authority;	611
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	612 613
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	614 615 616 617
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	618 619 620
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	621 622
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	623 624 625 626 627
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	628 629 630
(1) The proprietary name of the drug product;	631
(2) The established (generic) name of the drug product;	632
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength	633 634 635 636 637 638

cannot be so associated with a drug product containing more than 639  
one ingredient. 640

(4) The dosage form; 641

(5) The price charged for a specific quantity of the drug 642  
product. The stated price shall include all charges to the 643  
consumer, including, but not limited to, the cost of the drug 644  
product, professional fees, handling fees, if any, and a 645  
statement identifying professional services routinely furnished 646  
by the pharmacy. Any mailing fees and delivery fees may be 647  
stated separately without repetition. The information shall not 648  
be false or misleading. 649

(O) "Wholesale distributor of dangerous drugs" means a 650  
person engaged in the sale of dangerous drugs at wholesale and 651  
includes any agent or employee of such a person authorized by 652  
the person to engage in the sale of dangerous drugs at 653  
wholesale. 654

(P) "Manufacturer of dangerous drugs" means a person, 655  
other than a pharmacist, who manufactures dangerous drugs and 656  
who is engaged in the sale of those dangerous drugs within this 657  
state. 658

(Q) "Terminal distributor of dangerous drugs" means a 659  
person who is engaged in the sale of dangerous drugs at retail, 660  
or any person, other than a wholesale distributor or a 661  
pharmacist, who has possession, custody, or control of dangerous 662  
drugs for any purpose other than for that person's own use and 663  
consumption, and includes pharmacies, hospitals, nursing homes, 664  
and laboratories and all other persons who procure dangerous 665  
drugs for sale or other distribution by or under the supervision 666  
of a pharmacist or licensed health professional authorized to 667



prescribe drugs. 668

(R) "Promote to the public" means disseminating a 669  
representation to the public in any manner or by any means, 670  
other than by labeling, for the purpose of inducing, or that is 671  
likely to induce, directly or indirectly, the purchase of a 672  
dangerous drug at retail. 673

(S) "Person" includes any individual, partnership, 674  
association, limited liability company, or corporation, the 675  
state, any political subdivision of the state, and any district, 676  
department, or agency of the state or its political 677  
subdivisions. 678

(T) "Finished dosage form" has the same meaning as in 679  
section 3715.01 of the Revised Code. 680

(U) "Generically equivalent drug" has the same meaning as 681  
in section 3715.01 of the Revised Code. 682

(V) "Animal shelter" means a facility operated by a humane 683  
society or any society organized under Chapter 1717. of the 684  
Revised Code or a dog pound operated pursuant to Chapter 955. of 685  
the Revised Code. 686

(W) "Food" has the same meaning as in section 3715.01 of 687  
the Revised Code. 688

(X) "Pain management clinic" has the same meaning as in 689  
section 4731.054 of the Revised Code. 690

**Sec. 4729.51.** (A) (1) Except as provided in division (A) (2) 691  
of this section, no person other than a registered wholesale 692  
distributor of dangerous drugs shall possess for sale, sell, 693  
distribute, or deliver, at wholesale, dangerous drugs, except as 694  
follows: 695

(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.

(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 transfer or delivery.

(c) A licensed terminal distributor of dangerous drugs may make occasional sales of naloxone at wholesale to a state or local law enforcement agency if the terminal distributor is any of the following:

(i) A board of health of a city or general health district;

(ii) An authority having the duties of a board of health under section 3709.05 of the Revised Code;

(iii) A health department operated by such a board or authority.

(2) A manufacturer of dangerous drugs may donate inhalers, as defined in section 3313.7113 of the Revised Code, and epinephrine autoinjectors to any of the following:

(a) The board of education of a city, local, exempted village, or joint vocational school district;

(b) A community school established under Chapter 3314. of

the Revised Code;	724
(c) A STEM school established under Chapter 3326. of the Revised Code;	725 726
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	727 728
(e) A chartered or nonchartered nonpublic school.	729
(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:	730 731 732
(a) Except as provided in division (B) (2) (a) of this section and division (B) of section 4729.541 of the Revised Code, a licensed health professional authorized to prescribe drugs;	733 734 735 736
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	737 738 739
(c) A registered wholesale distributor of dangerous drugs;	740
(d) A manufacturer of dangerous drugs;	741
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	742 743
(f) Carriers or warehouses for the purpose of carriage or storage;	744 745
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	746 747 748
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the	749 750

Revised Code and has been certified to conduct diabetes 751  
education by a national certifying body specified in rules 752  
adopted by the state board of pharmacy under section 4729.68 of 753  
the Revised Code, but only with respect to insulin that will be 754  
used for the purpose of diabetes education and only if diabetes 755  
education is within the individual's scope of practice under 756  
statutes and rules regulating the individual's profession; 757

(i) An individual who holds a valid certificate issued by 758  
a nationally recognized S.C.U.B.A. diving certifying 759  
organization approved by the state board of pharmacy in rule, 760  
but only with respect to medical oxygen that will be used for 761  
the purpose of emergency care or treatment at the scene of a 762  
diving emergency; 763

(j) Except as provided in division (B) (2) (b) of this 764  
section and division (A) of section 4729.541 of the Revised 765  
Code, a business entity that is a corporation formed under 766  
division (B) of section 1701.03 of the Revised Code, a limited 767  
liability company formed under Chapter 1705. of the Revised 768  
Code, or a professional association formed under Chapter 1785. 769  
of the Revised Code if the entity has a sole shareholder who is 770  
a licensed health professional authorized to prescribe drugs and 771  
is authorized to provide the professional services being offered 772  
by the entity; 773

(k) Except as provided in division (B) (2) (c) of this 774  
section and division (A) of section 4729.541 of the Revised 775  
Code, a business entity that is a corporation formed under 776  
division (B) of section 1701.03 of the Revised Code, a limited 777  
liability company formed under Chapter 1705. of the Revised 778  
Code, a partnership or a limited liability partnership formed 779  
under Chapter 1775. of the Revised Code, or a professional 780

association formed under Chapter 1785. of the Revised Code, if, 781  
to be a shareholder, member, or partner, an individual is 782  
required to be licensed, certified, or otherwise legally 783  
authorized under Title XLVII of the Revised Code to perform the 784  
professional service provided by the entity and each such 785  
individual is a licensed health professional authorized to 786  
prescribe drugs; 787

(l) With respect to epinephrine autoinjectors that may be 788  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 789  
or 3328.29 of the Revised Code, any of the following: the board 790  
of education of a city, local, exempted village, or joint 791  
vocational school district; a chartered or nonchartered 792  
nonpublic school; a community school established under Chapter 793  
3314. of the Revised Code; a STEM school established under 794  
Chapter 3326. of the Revised Code; or a college-preparatory 795  
boarding school established under Chapter 3328. of the Revised 796  
Code; 797

(m) With respect to epinephrine autoinjectors that may be 798  
possessed under section 5101.76 of the Revised Code, any of the 799  
following: a residential camp, as defined in section 2151.011 of 800  
the Revised Code; a child day camp, as defined in section 801  
5104.01 of the Revised Code; or a child day camp operated by any 802  
county, township, municipal corporation, township park district 803  
created under section 511.18 of the Revised Code, park district 804  
created under section 1545.04 of the Revised Code, or joint 805  
recreation district established under section 755.14 of the 806  
Revised Code; 807

(n) With respect to epinephrine autoinjectors that may be 808  
possessed under Chapter 3728. of the Revised Code, a qualified 809  
entity, as defined in section 3728.01 of the Revised Code; 810

(o) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers;

~~(o)~~ (p) With respect to inhalers that may be possessed under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

~~(p)~~ (q) With respect to inhalers that may be possessed under section 5101.77 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

(2) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any of the following:

(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;

(b) A business entity described in division (B)(1)(j) of 840  
this section that is, or is operating, a pain management clinic 841  
without a license as a terminal distributor of dangerous drugs 842  
with a pain management clinic classification issued under 843  
section 4729.552 of the Revised Code; 844

(c) A business entity described in division (B)(1)(k) of 845  
this section that is, or is operating, a pain management clinic 846  
without a license as a terminal distributor of dangerous drugs 847  
with a pain management clinic classification issued under 848  
section 4729.552 of the Revised Code. 849

(3) No registered wholesale distributor of dangerous drugs 850  
shall possess dangerous drugs for sale at wholesale, or sell 851  
such drugs at wholesale, to a licensed terminal distributor of 852  
dangerous drugs, except as follows: 853

(a) In the case of a terminal distributor with a category 854  
I license, only dangerous drugs described in category I, as 855  
defined in division (A)(1) of section 4729.54 of the Revised 856  
Code; 857

(b) In the case of a terminal distributor with a category 858  
II license, only dangerous drugs described in category I and 859  
category II, as defined in divisions (A)(1) and (2) of section 860  
4729.54 of the Revised Code; 861

(c) In the case of a terminal distributor with a category 862  
III license, dangerous drugs described in category I, category 863  
II, and category III, as defined in divisions (A)(1), (2), and 864  
(3) of section 4729.54 of the Revised Code; 865

(d) In the case of a terminal distributor with a limited 866  
category I, II, or III license, only the dangerous drugs 867  
specified in the certificate furnished by the terminal 868

distributor in accordance with section 4729.60 of the Revised Code. 869  
870

(C) (1) Except as provided in division (C) (4) of this section, no person shall sell, at retail, dangerous drugs. 871  
872

(2) Except as provided in division (C) (4) of this section, no person shall possess for sale, at retail, dangerous drugs. 873  
874

(3) Except as provided in division (C) (4) of this section, no person shall possess dangerous drugs. 875  
876

(4) Divisions (C) (1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs or a licensed terminal distributor of dangerous drugs. 877  
878  
879

Divisions (C) (1), (2), and (3) of this section do not apply to 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. 880  
881  
882  
883  
884

Divisions (C) (1), (2), and (3) of this section do not apply to 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 to the extent that the individual possesses insulin or personally supplies insulin solely 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. 885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895

Divisions (C) (1), (2), and (3) of this section do not apply to an individual who holds a valid certificate issued by a 896  
897



nationally recognized S.C.U.B.A. diving certifying organization 898  
approved by the state board of pharmacy in rule, but only to the 899  
extent that the individual possesses medical oxygen or 900  
personally supplies medical oxygen for the purpose of emergency 901  
care or treatment at the scene of a diving emergency. 902

Division (C) (3) of this section does not apply to the 903  
board of education of a city, local, exempted village, or joint 904  
vocational school district, a school building operated by a 905  
school district board of education, a chartered or nonchartered 906  
nonpublic school, a community school, a STEM school, or a 907  
college-preparatory boarding school for the purpose of 908  
possessing epinephrine autoinjectors under section 3313.7110, 909  
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 910  
for the purpose of possessing inhalers under section 3313.7113, 911  
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 912

Division (C) (3) of this section does not apply to a 913  
residential camp, as defined in section 2151.011 of the Revised 914  
Code, a child day camp, as defined in section 5104.01 of the 915  
Revised Code, or a child day camp operated by any county, 916  
township, municipal corporation, township park district created 917  
under section 511.18 of the Revised Code, park district created 918  
under section 1545.04 of the Revised Code, or joint recreation 919  
district established under section 755.14 of the Revised Code 920  
for the purpose of possessing epinephrine autoinjectors under 921  
section 5101.76 of the Revised Code and for the purpose of 922  
possessing inhalers under section 5101.77 of the Revised Code. 923

Division (C) (3) of this section does not apply to a 924  
qualified entity, as defined in section 3728.01 of the Revised 925  
Code, for the purpose of possessing epinephrine autoinjectors 926  
under Chapter 3728. of the Revised Code. 927

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

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

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

(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or receive 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 transfer or receipt.

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

(F) Nothing in this section shall be construed to

interfere with the performance of official duties by any law 957  
enforcement official authorized by municipal, county, state, or 958  
federal law to collect samples of any drug, regardless of its 959  
nature or in whose possession it may be. 960

(G) Notwithstanding anything to the contrary in this 961  
section, the board of education of a city, local, exempted 962  
village, or joint vocational school district may deliver 963  
epinephrine autoinjectors to a school under its control for the 964  
purpose of possessing the epinephrine autoinjectors under 965  
section 3313.7110 of the Revised Code and may deliver inhalers 966  
to a school under its control for the purpose of possessing the 967  
inhalers under section 3313.7113 of the Revised Code. 968

**Sec. 4729.60.** (A) Before a registered wholesale 969  
distributor of dangerous drugs may sell dangerous drugs at 970  
wholesale to any person, other than the persons specified in 971  
divisions (B) (1) (a) to (d), (f) to (h), and (l) to ~~(n)~~ (q) of 972  
section 4729.51 of the Revised Code, such wholesale distributor 973  
shall obtain from the purchaser and the purchaser shall furnish 974  
to the wholesale distributor a certificate indicating that the 975  
purchaser is a licensed terminal distributor of dangerous drugs. 976  
The certificate shall be in the form that the state board of 977  
pharmacy shall prescribe, and shall set forth the name of the 978  
licensee, the number of the license, a description of the place 979  
or establishment or each place or establishment for which the 980  
license was issued, the category of licensure, and, if the 981  
license is a limited category I, II, or III license, the 982  
dangerous drugs that the licensee is authorized to possess, have 983  
custody or control of, and distribute. 984

If no certificate is obtained or furnished before a sale 985  
is made, it shall be presumed that the sale of dangerous drugs 986

by the wholesale distributor is in violation of division (B) of 987  
section 4729.51 of the Revised Code and the purchase of 988  
dangerous drugs by the purchaser is in violation of division (C) 989  
of section 4729.51 of the Revised Code. If a registered 990  
wholesale distributor of dangerous drugs obtains or is furnished 991  
a certificate from a terminal distributor of dangerous drugs and 992  
relies on the certificate in selling dangerous drugs at 993  
wholesale to the terminal distributor of dangerous drugs, the 994  
wholesale distributor of dangerous drugs shall be deemed not to 995  
have violated division (B) of section 4729.51 of the Revised 996  
Code in making the sale. 997

(B) Before a licensed terminal distributor of dangerous 998  
drugs may purchase dangerous drugs at wholesale, the terminal 999  
distributor shall obtain from the seller and the seller shall 1000  
furnish to the terminal distributor the number of the seller's 1001  
registration certificate to engage in the sale of dangerous 1002  
drugs at wholesale. 1003

If no registration number is obtained or furnished before 1004  
a purchase is made, it shall be presumed that the purchase of 1005  
dangerous drugs by the terminal distributor is in violation of 1006  
division (D) of section 4729.51 of the Revised Code and the sale 1007  
of dangerous drugs by the seller is in violation of division (A) 1008  
of section 4729.51 of the Revised Code. If a licensed terminal 1009  
distributor of dangerous drugs obtains or is furnished a 1010  
registration number from a wholesale distributor of dangerous 1011  
drugs and relies on the registration number in purchasing 1012  
dangerous drugs at wholesale from the wholesale distributor of 1013  
dangerous drugs, the terminal distributor shall be deemed not to 1014  
have violated division (D) of section 4729.51 of the Revised 1015  
Code in making the purchase. 1016

Sec. 4729.88. Notwithstanding any provision of this 1017  
chapter or rule adopted by the state board of pharmacy, a 1018  
pharmacist may dispense epinephrine autoinjectors pursuant to a 1019  
prescription issued under section 4723.483, 4730.432, or 4731.96 1020  
of the Revised Code. 1021

A pharmacist who in good faith dispenses epinephrine 1022  
autoinjectors under this section is not liable for or subject to 1023  
any of the following for any action or omission of an entity to 1024  
which an epinephrine autoinjector is dispensed: damages in any 1025  
civil action, prosecution in any criminal proceeding, or 1026  
professional disciplinary action. 1027

Sec. 4730.432. (A) (1) Subject to division (A) (2) of this 1028  
section, and notwithstanding any provision of this chapter or 1029  
rule adopted by the state medical board, a physician assistant 1030  
who holds a license issued under this chapter and a valid 1031  
prescriber number issued by the state medical board and has been 1032  
granted physician-delegated prescriptive authority may do either 1033  
of the following without having examined an individual to whom 1034  
epinephrine may be administered: 1035

(a) Personally furnish a supply of epinephrine 1036  
autoinjectors for use in accordance with sections 3313.7110, 1037  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 1038  
5101.76 of the Revised Code; 1039

(b) Issue a prescription for epinephrine autoinjectors for 1040  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 1041  
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 1042  
Code. 1043

(2) An epinephrine autoinjector personally furnished or 1044  
prescribed under division (A) (1) of this section must be 1045

furnished or prescribed in such a manner that it may be 1046  
administered only in a manufactured dosage form. 1047

(B) A physician assistant who acts in good faith in 1048  
accordance with this section is not liable for or subject to any 1049  
of the following for any action or omission of an entity to 1050  
which an epinephrine autoinjector is furnished or a prescription 1051  
is issued: damages in any civil action, prosecution in any 1052  
criminal proceeding, or professional disciplinary action. 1053

**Sec. 4731.96.** (A) As used in this section, "physician" 1054  
means an individual authorized under this chapter to practice 1055  
medicine and surgery, osteopathic medicine and surgery, or 1056  
podiatric medicine and surgery. 1057

(B) (1) Subject to division (B) (2) of this section, and 1058  
notwithstanding any provision of this chapter or rule adopted by 1059  
the state medical board, a physician may do either of the 1060  
following without having examined an individual to whom 1061  
epinephrine may be administered: 1062

(a) Personally furnish a supply of epinephrine 1063  
autoinjectors for use in accordance with sections 3313.7110, 1064  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 1065  
5101.76 of the Revised Code; 1066

(b) Issue a prescription for epinephrine autoinjectors for 1067  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 1068  
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 1069  
Code. 1070

(2) An epinephrine autoinjector personally furnished or 1071  
prescribed under division (B) (1) of this section must be 1072  
furnished or prescribed in such a manner that it may be 1073  
administered only in a manufactured dosage form. 1074

(C) A physician who acts in good faith in accordance with 1075  
this section is not liable for or subject to any of the 1076  
following for any action or omission of an entity to which an 1077  
epinephrine autoinjector is furnished or a prescription is 1078  
issued: damages in any civil action, prosecution in any criminal 1079  
proceeding, or professional disciplinary action. 1080

**Sec. 5101.76.** (A) A residential camp, as defined in 1081  
section 2151.011 of the Revised Code, a child day camp, as 1082  
defined in section 5104.01 of the Revised Code, or a child day 1083  
camp operated by any county, township, municipal corporation, 1084  
township park district created under section 511.18 of the 1085  
Revised Code, park district created under section 1545.04 of the 1086  
Revised Code, or joint recreation district established under 1087  
section 755.14 of the Revised Code may procure epinephrine 1088  
autoinjectors for use in emergency situations identified under 1089  
division (C) (5) of this section by doing one of the following: 1090

(1) Having a licensed health professional authorized to 1091  
prescribe drugs, acting in accordance with section 4723.483, 1092  
4730.432, or 4731.96 of the Revised Code, personally furnish the 1093  
epinephrine autoinjectors to the camp or issue a prescription 1094  
for them in the name of the camp; 1095

(2) Obtaining a prescriber-issued protocol that includes 1096  
definitive orders for epinephrine autoinjectors and the dosages 1097  
of epinephrine to be administered through them. ~~A~~ 1098

A camp that elects to procure epinephrine autoinjectors 1099  
under this section is encouraged to maintain at least two 1100  
epinephrine autoinjectors at all times. 1101

(B) A camp that elects to procure epinephrine 1102  
autoinjectors under this section shall adopt a policy governing 1103

their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs, ~~as defined in section 4729.01 of the Revised Code.~~

~~(C) A component of a policy adopted by a camp under division (B) of this section shall be a prescriber issued protocol specifying definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them. The policy also adopted under division (B) of this section shall do all of the following:~~

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C)(5) of this section;

(4) Specify any training that employees or contractors specified under division (C)(3) of this section must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an



epinephrine autoinjector is used; 1133

(7) Specify the individuals to whom a dosage of 1134  
epinephrine may be administered through an epinephrine 1135  
autoinjector in an emergency situation specified under division 1136  
(C) (5) of this section. 1137

~~(D) A camp or camp employee or contractor is~~ (1) The 1138  
following are not liable in damages in a civil action for 1139  
injury, death, or loss to person or property that allegedly 1140  
arises from an act or omission associated with procuring, 1141  
maintaining, accessing, or using an epinephrine autoinjector 1142  
under this section, unless the act or omission constitutes 1143  
willful or wanton misconduct. 1144

(a) A camp; 1145

(b) A camp employee or contractor; 1146

(c) A licensed health professional authorized to prescribe 1147  
drugs who personally furnishes or prescribes epinephrine 1148  
autoinjectors, provides a consultation, or issues a protocol 1149  
pursuant to this section. 1150

(2) This section does not eliminate, limit, or reduce any 1151  
other immunity or defense that a camp or camp employee or 1152  
contractor or licensed health professional may be entitled to 1153  
under Chapter 2744. or any other provision of the Revised Code 1154  
or under the common law of this state. 1155

(E) A camp may accept donations of epinephrine 1156  
autoinjectors from a wholesale distributor of dangerous drugs, 1157  
as defined in section 4729.01 of the Revised Code, and may 1158  
accept donations of money from any person to purchase 1159  
epinephrine autoinjectors. 1160

(F) A camp that elects to procure epinephrine 1161  
autoinjectors under this section shall report to the department 1162  
of job and family services each procurement and occurrence in 1163  
which an epinephrine autoinjector is used from a camp's supply 1164  
of epinephrine autoinjectors. 1165

(G) As used in this section, "licensed health professional 1166  
authorized to prescribe drugs" and "prescriber" have the same 1167  
meanings as in section 4729.01 of the Revised Code. 1168

**Section 2.** That existing sections 3313.7110, 3313.7111, 1169  
3314.143, 3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 1170  
5101.76 of the Revised Code are hereby repealed. 1171

**Section 3.** Section 4729.01 of the Revised Code is 1172  
presented in this act as a composite of the section as amended 1173  
by both Sub. H.B. 124 and Am. Sub. H.B. 188 of the 131st General 1174  
Assembly. The General Assembly, applying the principle stated in 1175  
division (B) of section 1.52 of the Revised Code that amendments 1176  
are to be harmonized if reasonably capable of simultaneous 1177  
operation, finds that the composite is the resulting version of 1178  
the section in effect prior to the effective date of the section 1179  
as presented in this act. 1180