

As Reported by the House Health and Aging Committee

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Sub. H. B. No. 39

Representatives Duffey, DeVitis

Cosponsors: Representatives Butler, Thompson, Roegner, Dever, LaTourette, Blessing, Landis, Gonzales, Perales, Hagan, Retherford, Cera, Hill, Hall, Reece, Bishoff, Stinziano, Fedor, Huffman, Antonio, Barnes, Brown, Celebrezze, Schuring, Sprague, Lepore-Hagan

A BILL

To amend sections 3313.713, 4729.51, and 4729.60 1
and to enact sections 3313.7113, 3313.7114, 2
3314.144, 3326.30, 3328.30, and 5101.77 of the 3
Revised Code to permit schools and camps to 4
procure and use inhalers for alleviating 5
asthmatic symptoms and to exempt the schools and 6
camps from licensing requirements related to 7
possession of inhalers. 8

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

Section 1. That sections 3313.713, 4729.51, and 4729.60 be 9
amended and sections 3313.7113, 3313.7114, 3314.144, 3326.30, 10
3328.30, and 5101.77 of the Revised Code be enacted to read as 11
follows: 12

Sec. 3313.713. (A) As used in this section: 13

(1) "Drug" means a drug, as defined in section 4729.01 of 14
the Revised Code, that is to be administered pursuant to the 15
instructions of the prescriber, whether or not required by law 16

to be sold only upon a prescription. 17

(2) "Federal law" means the "Individuals with Disabilities 18
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as 19
amended. 20

(3) "Prescriber" has the same meaning as in section 21
4729.01 of the Revised Code. 22

(B) The board of education of each city, local, exempted 23
village, and joint vocational school district shall adopt a 24
policy on the authority of its employees, when acting in 25
situations other than those governed by sections 2305.23, 26
2305.231, 3313.712, ~~and~~ 3313.7110, 3313.7112, and 3313.7113 of 27
the Revised Code, to administer drugs prescribed to students 28
enrolled in the schools of the district. The policy shall 29
provide either that: 30

(1) Except as otherwise required by federal law, no person 31
employed by the board shall, in the course of such employment, 32
administer any drug prescribed to any student enrolled in the 33
schools of the district. 34

(2) Designated persons employed by the board are 35
authorized to administer to a student a drug prescribed for the 36
student. Effective July 1, 2011, only employees of the board who 37
are licensed health professionals, or who have completed a drug 38
administration training program conducted by a licensed health 39
professional and considered appropriate by the board, may 40
administer to a student a drug prescribed for the student. 41
Except as otherwise provided by federal law, the board's policy 42
may provide that certain drugs or types of drugs shall not be 43
administered or that no employee shall use certain procedures, 44
such as injection, to administer a drug to a student. 45

(C) No drug prescribed for a student shall be administered 46
pursuant to federal law or a policy adopted under division (B) 47
of this section until the following occur: 48

(1) The board, or a person designated by the board, 49
receives a written request, signed by the parent, guardian, or 50
other person having care or charge of the student, that the drug 51
be administered to the student. 52

(2) The board, or a person designated by the board, 53
receives a statement, signed by the prescriber, that includes 54
all of the following information: 55

(a) The name and address of the student; 56

(b) The school and class in which the student is enrolled; 57

(c) The name of the drug and the dosage to be 58
administered; 59

(d) The times or intervals at which each dosage of the 60
drug is to be administered; 61

(e) The date the administration of the drug is to begin; 62

(f) The date the administration of the drug is to cease; 63

(g) Any severe adverse reactions that should be reported 64
to the prescriber and one or more phone numbers at which the 65
prescriber can be reached in an emergency; 66

(h) Special instructions for administration of the drug, 67
including sterile conditions and storage. 68

(3) The parent, guardian, or other person having care or 69
charge of the student agrees to submit a revised statement 70
signed by the prescriber to the board or a person designated by 71
the board if any of the information provided by the prescriber 72

pursuant to division (C) (2) of this section changes.	73
(4) The person authorized by the board to administer the drug receives a copy of the statement required by division (C) (2) or (3) of this section.	74 75 76
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.	77 78 79 80
(6) Any other procedures required by the board are followed.	81 82
(D) If a drug is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C) (1) and the statements required by divisions (C) (2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received. The board, or a person designated by the board, shall establish a location in each school building for the storage of drugs to be administered under this section and federal law. All such drugs shall be stored in that location in a locked storage place, except that drugs that require refrigeration may be kept in a refrigerator in a place not commonly used by students.	83 84 85 86 87 88 89 90 91 92 93 94 95
(E) No person who has been authorized by a board of education to administer a drug and has a copy of the most recent statement required by division (C) (2) or (3) of this section given to the person in accordance with division (D) of this section prior to administering the drug is liable in civil damages for administering or failing to administer the drug,	96 97 98 99 100 101

unless such person acts in a manner that constitutes gross 102
negligence or wanton or reckless misconduct. 103

(F) A board of education may designate a person or persons 104
to perform any function or functions in connection with a drug 105
policy adopted under this section either by name or by position, 106
training, qualifications, or similar distinguishing factors. 107

(G) A policy adopted by a board of education pursuant to 108
this section may be changed, modified, or revised by action of 109
the board. 110

(H) Nothing in this section shall be construed to require 111
a person employed by a board of education to administer a drug 112
to a student unless the board's policy adopted in compliance 113
with this section establishes such a requirement. A board shall 114
not require an employee to administer a drug to a student if the 115
employee objects, on the basis of religious convictions, to 116
administering the drug. 117

Nothing in this section affects the application of section 118
2305.23, 2305.231, 3313.712, ~~or~~ 3313.7110, 3313.7112, or 119
3313.7113 of the Revised Code to the administration of emergency 120
care or treatment to a student. 121

Nothing in this section affects the ability of a public or 122
nonpublic school to participate in a school-based fluoride mouth 123
rinse program established by the director of health pursuant to 124
section 3701.136 of the Revised Code. Nothing in this section 125
affects the ability of a person who is employed by, or who 126
volunteers for, a school that participates in such a program to 127
administer fluoride mouth rinse to a student in accordance with 128
section 3701.136 of the Revised Code and any rules adopted by 129
the director under that section. 130

Sec. 3313.7113. (A) As used in this section, "inhaler" means a device that delivers medication to alleviate asthmatic symptoms, is manufactured in the form of a metered dose inhaler or dry powdered inhaler, and may include a spacer, holding chamber, or other device that attaches to the inhaler and is used to improve the delivery of the medication. 131
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(B) The board of education of each city, local, exempted village, or joint vocational school district may procure inhalers for each school operated by the district to have on the school premises for use in emergency situations identified under division (D) (5) of this section. A district board that elects to procure inhalers under this section is encouraged to maintain, at all times, at least two inhalers at each school operated by the district. 137
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(C) A district board that elects to procure inhalers under this section shall require the district's superintendent to adopt a policy governing their maintenance and use. Before adopting the policy, the superintendent shall consult with a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code. 145
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(D) A component of a policy adopted by a superintendent under division (C) of this section shall be a prescriber-issued protocol specifying definitive orders for inhalers, including the dosages of medication to be administered through them, the number of times that each inhaler may be used before disposal, and the methods of disposal. The policy also shall do all of the following: 151
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(1) Identify the one or more locations in each school operated by the district in which an inhaler must be stored; 158
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(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed; 160
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(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 inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D)(5) of this section; 162
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(4) Specify any training that employees or contractors specified under division (D)(3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an inhaler; 169
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(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, 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 inhaler; 173
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a school nurse, athletic trainer, or another licensed health professional, uses an inhaler; 178
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(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D)(5) of this section. 182
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(E) A school or school district, a member of a district board of education, or a district or school employee or 187
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contractor is not liable in damages in a civil action for 189
injury, death, or loss to person or property that allegedly 190
arises from an act or omission associated with procuring, 191
maintaining, accessing, or using an inhaler under this section, 192
unless the act or omission constitutes willful or wanton 193
misconduct. 194

This section does not eliminate, limit, or reduce any 195
other immunity or defense that a school or school district, 196
member of a district board of education, or district or school 197
employee or contractor may be entitled to under Chapter 2744. or 198
any other provision of the Revised Code or under the common law 199
of this state. 200

(F) A school district board of education may accept 201
donations of inhalers from a wholesale distributor of dangerous 202
drugs or a manufacturer of dangerous drugs, as defined in 203
section 4729.01 of the Revised Code, and may accept donations of 204
money from any person to purchase inhalers. 205

(G) A district board that elects to procure inhalers under 206
this section shall report to the department of education each 207
procurement and occurrence in which an inhaler is used from a 208
school's supply of inhalers. 209

Sec. 3313.7114. (A) As used in this section, "inhaler" has 210
the same meaning as in section 3313.7113 of the Revised Code. 211

(B) With the approval of its governing authority, a 212
chartered or nonchartered nonpublic school may procure inhalers 213
in the manner prescribed by section 3313.7113 of the Revised 214
Code. A chartered or nonchartered nonpublic school that elects 215
to do so shall comply with all provisions of that section as if 216
it were a school district. 217

(C) A chartered or nonchartered nonpublic school, a member 218
of a chartered or nonchartered nonpublic school governing 219
authority, or an employee or contractor of the school is not 220
liable in damages in a civil action for injury, death, or loss 221
to person or property that allegedly arises from an act or 222
omission associated with procuring, maintaining, accessing, or 223
using an inhaler under this section, unless the act or omission 224
constitutes willful or wanton misconduct. 225

(D) A chartered or nonchartered nonpublic school may 226
accept donations of inhalers from a wholesale distributor of 227
dangerous drugs or a manufacturer of dangerous drugs, as defined 228
in section 4729.01 of the Revised Code, and may accept donations 229
of money from any person to purchase inhalers. 230

(E) A chartered or nonchartered nonpublic school that 231
elects to procure inhalers under this section shall report to 232
the department of education each procurement and occurrence in 233
which an inhaler is used from the school's supply of inhalers. 234

Sec. 3314.144. (A) As used in this section, "inhaler" has 235
the same meaning as in section 3313.7113 of the Revised Code. 236

(B) With the approval of its governing authority, a 237
community school may procure inhalers in the manner prescribed 238
by section 3313.7113 of the Revised Code. A community school 239
that elects to do so shall comply with all provisions of that 240
section as if it were a school district. 241

(C) A community school, a member of a community school 242
governing authority, or a community school employee or 243
contractor is not liable in damages in a civil action for 244
injury, death, or loss to person or property that allegedly 245
arises from an act or omission associated with procuring, 246

maintaining, accessing, or using an inhaler under this section, 247
unless the act or omission constitutes willful or wanton 248
misconduct. 249

This division does not eliminate, limit, or reduce any 250
other immunity or defense that a community school or governing 251
authority, member of a community school governing authority, or 252
community school employee or contractor may be entitled to under 253
Chapter 2744. or any other provision of the Revised Code or 254
under the common law of this state. 255

(D) A community school may accept donations of inhalers 256
from a wholesale distributor of dangerous drugs or a 257
manufacturer of dangerous drugs, as defined in section 4729.01 258
of the Revised Code, and may accept donations of money from any 259
person to purchase inhalers. 260

(E) A community school that elects to procure inhalers 261
under this section shall report to the department of education 262
each procurement and occurrence in which an inhaler is used from 263
the school's supply of inhalers. 264

Sec. 3326.30. (A) As used in this section, "inhaler" has 265
the same meaning as in section 3313.7113 of the Revised Code. 266

(B) With the approval of its governing body, a STEM school 267
may procure inhalers in the manner prescribed by section 268
3313.7113 of the Revised Code. A STEM school that elects to do 269
so shall comply with all provisions of that section as if it 270
were a school district. 271

(C) A STEM school, a member of a STEM school governing 272
body, or a STEM school employee or contractor is not liable in 273
damages in a civil action for injury, death, or loss to person 274
or property that allegedly arises from an act or omission 275

associated with procuring, maintaining, accessing, or using an 276
inhaler under this section, unless the act or omission 277
constitutes willful or wanton misconduct. 278

This division does not eliminate, limit, or reduce any 279
other immunity or defense that a STEM school or governing body, 280
member of a STEM school governing body, or STEM school employee 281
or contractor may be entitled to under Chapter 2744. or any 282
other provision of the Revised Code or under the common law of 283
this state. 284

(D) A STEM school may accept donations of inhalers from a 285
wholesale distributor of dangerous drugs or a manufacturer of 286
dangerous drugs, as defined in section 4729.01 of the Revised 287
Code, and may accept donations of money from any person to 288
purchase inhalers. 289

(E) A STEM school that elects to procure inhalers under 290
this section shall report to the department of education each 291
procurement and occurrence in which an inhaler is used from the 292
school's supply of inhalers. 293

Sec. 3328.30. (A) As used in this section, "inhaler" has 294
the same meaning as in section 3313.7113 of the Revised Code. 295

(B) With the approval of its board of trustees, a college- 296
preparatory boarding school may procure inhalers in the manner 297
prescribed by section 3313.7113 of the Revised Code. A college- 298
preparatory boarding school that elects to do so shall comply 299
with all provisions of that section as if it were a school 300
district. 301

(C) A college-preparatory boarding school, a member of a 302
college-preparatory boarding school board of trustees, or a 303
college-preparatory boarding school employee or contractor is 304

not liable in damages in a civil action for injury, death, or 305
loss to person or property that allegedly arises from an act or 306
omission associated with procuring, maintaining, accessing, or 307
using an inhaler under this section, unless the act or omission 308
constitutes willful or wanton misconduct. 309

This division does not eliminate, limit, or reduce any 310
other immunity or defense that a college-preparatory boarding 311
school or board of trustees, member of a college-preparatory 312
boarding school board of trustees, or college-preparatory 313
boarding school employee or contractor may be entitled to under 314
Chapter 2744. or any other provision of the Revised Code or 315
under the common law of this state. 316

(D) A college-preparatory boarding school may accept 317
donations of inhalers from a wholesale distributor of dangerous 318
drugs or a manufacturer of dangerous drugs, as defined in 319
section 4729.01 of the Revised Code, and may accept donations of 320
money from any person to purchase inhalers. 321

(E) A college-preparatory boarding school that elects to 322
procure inhalers under this section shall report to the 323
department of education each procurement and occurrence in which 324
an inhaler is used from a school's supply of inhalers. 325

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 326
of this section, no person other than a registered wholesale 327
distributor of dangerous drugs shall possess for sale, sell, 328
distribute, or deliver, at wholesale, dangerous drugs, except as 329
follows: 330

(a) A pharmacist who is a licensed terminal distributor of 331
dangerous drugs or who is employed by a licensed terminal 332
distributor of dangerous drugs may make occasional sales of 333

dangerous drugs at wholesale; 334

(b) A licensed terminal distributor of dangerous drugs 335
having more than one establishment or place may transfer or 336
deliver dangerous drugs from one establishment or place for 337
which a license has been issued to the terminal distributor to 338
another establishment or place for which a license has been 339
issued to the terminal distributor if the license issued for 340
each establishment or place is in effect at the time of the 341
transfer or delivery. 342

(2) A manufacturer of dangerous drugs may donate inhalers, 343
as defined in section 3313.7113 of the Revised Code, and 344
epinephrine autoinjectors to any of the following: 345

(a) The board of education of a city, local, exempted 346
village, or joint vocational school district; 347

(b) A community school established under Chapter 3314. of 348
the Revised Code; 349

(c) A STEM school established under Chapter 3326. of the 350
Revised Code; 351

(d) A college-preparatory boarding school established 352
under Chapter 3328. of the Revised Code; 353

(e) A chartered or nonchartered nonpublic school. 354

(B) (1) No registered wholesale distributor of dangerous 355
drugs shall possess for sale, or sell, at wholesale, dangerous 356
drugs to any person other than the following: 357

(a) Except as provided in division (B) (2) (a) of this 358
section, a licensed health professional authorized to prescribe 359
drugs; 360

(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	361 362 363
(c) A registered wholesale distributor of dangerous drugs;	364
(d) A manufacturer of dangerous drugs;	365
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	366 367
(f) Carriers or warehouses for the purpose of carriage or storage;	368 369
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	370 371 372
(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;	373 374 375 376 377 378 379 380 381
(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;	382 383 384 385 386 387
(j) Except as provided in division (B) (2) (b) of this	388

section, a business entity that is a corporation formed under 389
division (B) of section 1701.03 of the Revised Code, a limited 390
liability company formed under Chapter 1705. of the Revised 391
Code, or a professional association formed under Chapter 1785. 392
of the Revised Code if the entity has a sole shareholder who is 393
a licensed health professional authorized to prescribe drugs and 394
is authorized to provide the professional services being offered 395
by the entity; 396

(k) Except as provided in division (B) (2) (c) of this 397
section, a business entity that is a corporation formed under 398
division (B) of section 1701.03 of the Revised Code, a limited 399
liability company formed under Chapter 1705. of the Revised 400
Code, a partnership or a limited liability partnership formed 401
under Chapter 1775. of the Revised Code, or a professional 402
association formed under Chapter 1785. of the Revised Code, if, 403
to be a shareholder, member, or partner, an individual is 404
required to be licensed, certified, or otherwise legally 405
authorized under Title XLVII of the Revised Code to perform the 406
professional service provided by the entity and each such 407
individual is a licensed health professional authorized to 408
prescribe drugs; 409

(l) With respect to epinephrine autoinjectors that may be 410
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 411
or 3328.29 of the Revised Code, any of the following: the board 412
of education of a city, local, exempted village, or joint 413
vocational school district; a chartered or nonchartered 414
nonpublic school; a community school established under Chapter 415
3314. of the Revised Code; a STEM school established under 416
Chapter 3326. of the Revised Code; or a college-preparatory 417
boarding school established under Chapter 3328. of the Revised 418
Code; 419

(m) With respect to epinephrine autoinjectors that may be 420
possessed under section 5101.76 of the Revised Code, any of the 421
following: a residential camp, as defined in section 2151.011 of 422
the Revised Code; a child day camp, as defined in section 423
5104.01 of the Revised Code; or a child day camp operated by any 424
county, township, municipal corporation, township park district 425
created under section 511.18 of the Revised Code, park district 426
created under section 1545.04 of the Revised Code, or joint 427
recreation district established under section 755.14 of the 428
Revised Code; 429

(n) With respect to naloxone that may be possessed under 430
section 2925.61 of the Revised Code, a law enforcement agency 431
and its peace officers; 432

(o) With respect to inhalers that may be possessed under 433
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 434
the Revised Code, any of the following: the board of education 435
of a city, local, exempted village, or joint vocational school 436
district; a chartered or nonchartered nonpublic school; a 437
community school established under Chapter 3314. of the Revised 438
Code; a STEM school established under Chapter 3326. of the 439
Revised Code; or a college-preparatory boarding school 440
established under Chapter 3328. of the Revised Code; 441

(p) With respect to inhalers that may be possessed under 442
section 5101.77 of the Revised Code, any of the following: a 443
residential camp, as defined in section 2151.011 of the Revised 444
Code; a child day camp, as defined in section 5104.01 of the 445
Revised Code; or a child day camp operated by any county, 446
township, municipal corporation, township park district created 447
under section 511.18 of the Revised Code, park district created 448
under section 1545.04 of the Revised Code, or joint recreation 449

district established under section 755.14 of the Revised Code. 450

(2) No registered wholesale distributor of dangerous drugs 451
shall possess for sale, or sell, at wholesale, dangerous drugs 452
to any of the following: 453

(a) A prescriber who is employed by a pain management 454
clinic that is not licensed as a terminal distributor of 455
dangerous drugs with a pain management clinic classification 456
issued under section 4729.552 of the Revised Code; 457

(b) A business entity described in division (B)(1)(j) of 458
this section that is, or is operating, a pain management clinic 459
without a license as a terminal distributor of dangerous drugs 460
with a pain management clinic classification issued under 461
section 4729.552 of the Revised Code; 462

(c) A business entity described in division (B)(1)(k) of 463
this section that is, or is operating, a pain management clinic 464
without a license as a terminal distributor of dangerous drugs 465
with a pain management clinic classification issued under 466
section 4729.552 of the Revised Code. 467

(3) No registered wholesale distributor of dangerous drugs 468
shall possess dangerous drugs for sale at wholesale, or sell 469
such drugs at wholesale, to a licensed terminal distributor of 470
dangerous drugs, except as follows: 471

(a) In the case of a terminal distributor with a category 472
I license, only dangerous drugs described in category I, as 473
defined in division (A)(1) of section 4729.54 of the Revised 474
Code; 475

(b) In the case of a terminal distributor with a category 476
II license, only dangerous drugs described in category I and 477
category II, as defined in divisions (A)(1) and (2) of section 478

4729.54 of the Revised Code; 479

(c) In the case of a terminal distributor with a category 480
III license, dangerous drugs described in category I, category 481
II, and category III, as defined in divisions (A) (1), (2), and 482
(3) of section 4729.54 of the Revised Code; 483

(d) In the case of a terminal distributor with a limited 484
category I, II, or III license, only the dangerous drugs 485
specified in the certificate furnished by the terminal 486
distributor in accordance with section 4729.60 of the Revised 487
Code. 488

(C) (1) Except as provided in division (C) (4) of this 489
section, no person shall sell, at retail, dangerous drugs. 490

(2) Except as provided in division (C) (4) of this section, 491
no person shall possess for sale, at retail, dangerous drugs. 492

(3) Except as provided in division (C) (4) of this section, 493
no person shall possess dangerous drugs. 494

(4) Divisions (C) (1), (2), and (3) of this section do not 495
apply to a registered wholesale distributor of dangerous drugs, 496
a licensed terminal distributor of dangerous drugs, or a person 497
who possesses, or possesses for sale or sells, at retail, a 498
dangerous drug in accordance with Chapters 3719., 4715., 4723., 499
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 500

Divisions (C) (1), (2), and (3) of this section do not 501
apply to an individual who holds a current license, certificate, 502
or registration issued under Title XLVII of the Revised Code and 503
has been certified to conduct diabetes education by a national 504
certifying body specified in rules adopted by the state board of 505
pharmacy under section 4729.68 of the Revised Code, but only to 506
the extent that the individual possesses insulin or personally 507

supplies insulin solely for the purpose of diabetes education 508
and only if diabetes education is within the individual's scope 509
of practice under statutes and rules regulating the individual's 510
profession. 511

Divisions (C) (1), (2), and (3) of this section do not 512
apply to an individual who holds a valid certificate issued by a 513
nationally recognized S.C.U.B.A. diving certifying organization 514
approved by the state board of pharmacy in rule, but only to the 515
extent that the individual possesses medical oxygen or 516
personally supplies medical oxygen for the purpose of emergency 517
care or treatment at the scene of a diving emergency. 518

Division (C) (3) of this section does not apply to the 519
board of education of a city, local, exempted village, or joint 520
vocational school district, a school building operated by a 521
school district board of education, a chartered or nonchartered 522
nonpublic school, a community school, a STEM school, or a 523
college-preparatory boarding school for the purpose of 524
possessing epinephrine autoinjectors under section 3313.7110, 525
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 526
for the purpose of possessing inhalers under section 3313.7113, 527
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 528

Division (C) (3) of this section does not apply to a 529
residential camp, as defined in section 2151.011 of the Revised 530
Code, a child day camp, as defined in section 5104.01 of the 531
Revised Code, or a child day camp operated by any county, 532
township, municipal corporation, township park district created 533
under section 511.18 of the Revised Code, park district created 534
under section 1545.04 of the Revised Code, or joint recreation 535
district established under section 755.14 of the Revised Code 536
for the purpose of possessing epinephrine autoinjectors under 537

section 5101.76 of the Revised Code and for the purpose of 538
possessing inhalers under section 5101.77 of the Revised Code. 539

Division (C) (3) of this section does not apply to a law 540
enforcement agency or the agency's peace officers if the agency 541
or officers possess naloxone for administration to individuals 542
who are apparently experiencing opioid-related overdoses. 543

(D) No licensed terminal distributor of dangerous drugs 544
shall purchase for the purpose of resale dangerous drugs from 545
any person other than a registered wholesale distributor of 546
dangerous drugs, except as follows: 547

(1) A licensed terminal distributor of dangerous drugs may 548
make occasional purchases of dangerous drugs for resale from a 549
pharmacist who is a licensed terminal distributor of dangerous 550
drugs or who is employed by a licensed terminal distributor of 551
dangerous drugs; 552

(2) A licensed terminal distributor of dangerous drugs 553
having more than one establishment or place may transfer or 554
receive dangerous drugs from one establishment or place for 555
which a license has been issued to the terminal distributor to 556
another establishment or place for which a license has been 557
issued to the terminal distributor if the license issued for 558
each establishment or place is in effect at the time of the 559
transfer or receipt. 560

(E) No licensed terminal distributor of dangerous drugs 561
shall engage in the sale or other distribution of dangerous 562
drugs at retail or maintain possession, custody, or control of 563
dangerous drugs for any purpose other than the distributor's 564
personal use or consumption, at any establishment or place other 565
than that or those described in the license issued by the state 566

board of pharmacy to such terminal distributor. 567

(F) Nothing in this section shall be construed to 568
interfere with the performance of official duties by any law 569
enforcement official authorized by municipal, county, state, or 570
federal law to collect samples of any drug, regardless of its 571
nature or in whose possession it may be. 572

(G) Notwithstanding anything to the contrary in this 573
section, the board of education of a city, local, exempted 574
village, or joint vocational school district may deliver 575
epinephrine autoinjectors to a school under its control for the 576
purpose of possessing the epinephrine autoinjectors under 577
section 3313.7110 of the Revised Code and may deliver inhalers 578
to a school under its control for the purpose of possessing the 579
inhalers under section 3313.7113 of the Revised Code. 580

Sec. 4729.60. (A) Before a registered wholesale 581
distributor of dangerous drugs may sell dangerous drugs at 582
wholesale to any person, other than the persons specified in 583
divisions (B) (1) (a) to (d), (f) to (h), (l), ~~and~~ (m), (o), and 584
(p) of section 4729.51 of the Revised Code, such wholesale 585
distributor shall obtain from the purchaser and the purchaser 586
shall furnish to the wholesale distributor a certificate 587
indicating that the purchaser is a licensed terminal distributor 588
of dangerous drugs. The certificate shall be in the form that 589
the state board of pharmacy shall prescribe, and shall set forth 590
the name of the licensee, the number of the license, a 591
description of the place or establishment or each place or 592
establishment for which the license was issued, the category of 593
licensure, and, if the license is a limited category I, II, or 594
III license, the dangerous drugs that the licensee is authorized 595
to possess, have custody or control of, and distribute. 596

If no certificate is obtained or furnished before a sale 597
is made, it shall be presumed that the sale of dangerous drugs 598
by the wholesale distributor is in violation of division (B) of 599
section 4729.51 of the Revised Code and the purchase of 600
dangerous drugs by the purchaser is in violation of division (C) 601
of section 4729.51 of the Revised Code. If a registered 602
wholesale distributor of dangerous drugs obtains or is furnished 603
a certificate from a terminal distributor of dangerous drugs and 604
relies on the certificate in selling dangerous drugs at 605
wholesale to the terminal distributor of dangerous drugs, the 606
wholesale distributor of dangerous drugs shall be deemed not to 607
have violated division (B) of section 4729.51 of the Revised 608
Code in making the sale. 609

(B) Before a licensed terminal distributor of dangerous 610
drugs may purchase dangerous drugs at wholesale, the terminal 611
distributor shall obtain from the seller and the seller shall 612
furnish to the terminal distributor the number of the seller's 613
registration certificate to engage in the sale of dangerous 614
drugs at wholesale. 615

If no registration number is obtained or furnished before 616
a purchase is made, it shall be presumed that the purchase of 617
dangerous drugs by the terminal distributor is in violation of 618
division (D) of section 4729.51 of the Revised Code and the sale 619
of dangerous drugs by the seller is in violation of division (A) 620
of section 4729.51 of the Revised Code. If a licensed terminal 621
distributor of dangerous drugs obtains or is furnished a 622
registration number from a wholesale distributor of dangerous 623
drugs and relies on the registration number in purchasing 624
dangerous drugs at wholesale from the wholesale distributor of 625
dangerous drugs, the terminal distributor shall be deemed not to 626
have violated division (D) of section 4729.51 of the Revised 627

Code in making the purchase. 628

Sec. 5101.77. (A) As used in this section, "inhaler" means 629
a device that delivers medication to alleviate asthmatic 630
symptoms, is manufactured in the form of a metered dose inhaler 631
or dry powdered inhaler, and may include a spacer, holding 632
chamber, or other device that attaches to the inhaler and is 633
used to improve the delivery of the medication. 634

(B) A residential camp, as defined in section 2151.011 of 635
the Revised Code, a child day camp, as defined in section 636
5104.01 of the Revised Code, or a child day camp operated by any 637
county, township, municipal corporation, township park district 638
created under section 511.18 of the Revised Code, park district 639
created under section 1545.04 of the Revised Code, or joint 640
recreation district established under section 755.14 of the 641
Revised Code may procure inhalers for use in emergency 642
situations identified under division (D)(5) of this section. A 643
camp that elects to procure inhalers under this section is 644
encouraged to maintain at least two inhalers at all times. 645

(C) A camp that elects to procure inhalers under this 646
section shall adopt a policy governing their maintenance and 647
use. Before adopting the policy, the camp shall consult with a 648
licensed health professional authorized to prescribe drugs, as 649
defined in section 4729.01 of the Revised Code. 650

(D) A component of a policy adopted by a camp under 651
division (C) of this section shall be a prescriber-issued 652
protocol specifying definitive orders for inhalers, including 653
the dosages of medication to be administered through them, the 654
number of times that each inhaler may be used before disposal, 655
and the methods of disposal. The policy also shall do all of the 656
following: 657

- (1) Identify the one or more locations in which an inhaler must be stored; 658
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- (2) Specify the conditions under which an inhaler must be stored, replaced, and disposed; 660
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- (3) Specify the individuals employed by or under contract with the camp who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D) (5) of this section; 662
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- (4) Specify any training that employees or contractors specified under division (D) (3) of this section must complete before being authorized to access and use an inhaler; 666
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- (5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which employees or contractors specified under division (D) (3) of this section may access and use an inhaler; 669
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- (6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a licensed health professional, uses an inhaler; 673
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- (7) Specify the individuals to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section. 677
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- (E) A camp or camp employee or contractor is 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 inhaler under this section, unless the act or omission constitutes willful or wanton misconduct. 680
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This section does not eliminate, limit, or reduce any 686
other immunity or defense that a camp or camp employee or 687
contractor may be entitled to under Chapter 2744. or any other 688
provision of the Revised Code or under the common law of this 689
state. 690

(F) A camp may accept donations of inhalers from a 691
wholesale distributor of dangerous drugs, as defined in section 692
4729.01 of the Revised Code, and may accept donations of money 693
from any person to purchase inhalers. 694

(G) A camp that elects to procure inhalers under this 695
section shall report to the department of job and family 696
services each procurement and occurrence in which an inhaler is 697
used from a camp's supply of inhalers. 698

Section 2. That existing sections 3313.713, 4729.51, and 699
4729.60 of the Revised Code are hereby repealed. 700

Section 3. Section 3313.713 of the Revised Code is 701
presented in this act as a composite of the section as amended 702
by both Sub. H.B. 264 and Sub. H.B. 296 of the 130th General 703
Assembly. The General Assembly, applying the principle stated in 704
division (B) of section 1.52 of the Revised Code that amendments 705
are to be harmonized if reasonably capable of simultaneous 706
operation, finds that the composite is the resulting version of 707
the section in effect prior to the effective date of the section 708
as presented in this act. 709