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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, Amstutz, Anielski, Baker, Boose, Boyd, Buchy, Burkley, Conditt, Craig, Cupp, Derickson, Dovilla, Driehaus, Gerberry, Green, Grossman, Hackett, Hayes, Johnson, T., Kraus, Kunze, Leland, Maag, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips, Ramos, Rezabek, Rogers, Ruhl, Ryan, Schaffer, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Strahorn, Sweeney, Sykes, Young

Senators Beagle, Gardner, Jones, Lehner, Brown

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 charge of the student agrees to submit a revised statement signed by the prescriber to the board or a person designated by the board if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.

(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.

(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.

(6) Any other procedures required by the board are followed.

(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.

(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 98
given to the person in accordance with division (D) of this 99
section prior to administering the drug is liable in civil 100
damages for administering or failing to administer the drug, 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" 131
means a device that delivers medication to alleviate asthmatic 132
symptoms, is manufactured in the form of a metered dose inhaler 133
or dry powdered inhaler, and may include a spacer, holding 134
chamber, or other device that attaches to the inhaler and is 135
used to improve the delivery of the medication. 136

(B) The board of education of each city, local, exempted 137
village, or joint vocational school district may procure 138
inhalers for each school operated by the district to have on the 139
school premises for use in emergency situations identified under 140
division (D)(5) of this section. A district board that elects to 141
procure inhalers under this section is encouraged to maintain, 142
at all times, at least two inhalers at each school operated by 143
the district. 144

(C) A district board that elects to procure inhalers under 145
this section shall require the district's superintendent to 146
adopt a policy governing their maintenance and use. Before 147
adopting the policy, the superintendent shall consult with a 148
licensed health professional authorized to prescribe drugs, as 149
defined in section 4729.01 of the Revised Code. 150

(D) A component of a policy adopted by a superintendent 151
under division (C) of this section shall be a prescriber-issued 152
protocol specifying definitive orders for inhalers, including 153
the dosages of medication to be administered through them, the 154
number of times that each inhaler may be used before disposal, 155
and the methods of disposal. The policy also shall do all of the 156

<u>following:</u>	157
<u>(1) Identify the one or more locations in each school</u>	158
<u>operated by the district in which an inhaler must be stored;</u>	159
<u>(2) Specify the conditions under which an inhaler must be</u>	160
<u>stored, replaced, and disposed;</u>	161
<u>(3) Specify the individuals employed by or under contract</u>	162
<u>with the district board, in addition to a school nurse licensed</u>	163
<u>under section 3319.221 of the Revised Code or an athletic</u>	164
<u>trainer licensed under Chapter 4755. of the Revised Code, who</u>	165
<u>may access and use an inhaler to provide a dosage of medication</u>	166
<u>to an individual in an emergency situation identified under</u>	167
<u>division (D) (5) of this section;</u>	168
<u>(4) Specify any training that employees or contractors</u>	169
<u>specified under division (D) (3) of this section, other than a</u>	170
<u>school nurse or athletic trainer, must complete before being</u>	171
<u>authorized to access and use an inhaler;</u>	172
<u>(5) Identify the emergency situations, including when an</u>	173
<u>individual exhibits signs and symptoms of asthma, in which a</u>	174
<u>school nurse, athletic trainer, or other employees or</u>	175
<u>contractors specified under division (D) (3) of this section may</u>	176
<u>access and use an inhaler;</u>	177
<u>(6) Specify that assistance from an emergency medical</u>	178
<u>service provider must be requested immediately after an employee</u>	179
<u>or contractor, other than a school nurse, athletic trainer, or</u>	180
<u>another licensed health professional, uses an inhaler;</u>	181
<u>(7) Specify the individuals, in addition to students,</u>	182
<u>school employees or contractors, and school visitors, to whom a</u>	183
<u>dosage of medication may be administered through an inhaler in</u>	184
<u>an emergency situation specified under division (D) (5) of this</u>	185

section. 186

(E) A school or school district, a member of a district 187
board of education, or a district or school employee or 188
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 college-preparatory boarding school board of trustees, or a college-preparatory boarding school 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.

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 may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) A college-preparatory boarding school may accept donations of inhalers 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 inhalers.

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

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

(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;	359
(c) A STEM school established under Chapter 3326. of the Revised Code;	360 361
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	362 363
(e) A chartered or nonchartered nonpublic school.	364
(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:	365 366 367
(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;	368 369 370 371
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	372 373 374
(c) A registered wholesale distributor of dangerous drugs;	375
(d) A manufacturer of dangerous drugs;	376
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	377 378
(f) Carriers or warehouses for the purpose of carriage or storage;	379 380
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	381 382 383
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the	384 385

Revised Code and has been certified to conduct diabetes 386
education by a national certifying body specified in rules 387
adopted by the state board of pharmacy under section 4729.68 of 388
the Revised Code, but only with respect to insulin that will be 389
used for the purpose of diabetes education and only if diabetes 390
education is within the individual's scope of practice under 391
statutes and rules regulating the individual's profession; 392

(i) An individual who holds a valid certificate issued by 393
a nationally recognized S.C.U.B.A. diving certifying 394
organization approved by the state board of pharmacy in rule, 395
but only with respect to medical oxygen that will be used for 396
the purpose of emergency care or treatment at the scene of a 397
diving emergency; 398

(j) Except as provided in division (B) (2) (b) of this 399
section and division (A) of section 4729.541 of the Revised 400
Code, a business entity that is a corporation formed under 401
division (B) of section 1701.03 of the Revised Code, a limited 402
liability company formed under Chapter 1705. of the Revised 403
Code, or a professional association formed under Chapter 1785. 404
of the Revised Code if the entity has a sole shareholder who is 405
a licensed health professional authorized to prescribe drugs and 406
is authorized to provide the professional services being offered 407
by the entity; 408

(k) Except as provided in division (B) (2) (c) of this 409
section and division (A) of section 4729.541 of the Revised 410
Code, a business entity that is a corporation formed under 411
division (B) of section 1701.03 of the Revised Code, a limited 412
liability company formed under Chapter 1705. of the Revised 413
Code, a partnership or a limited liability partnership formed 414
under Chapter 1775. of the Revised Code, or a professional 415

association formed under Chapter 1785. of the Revised Code, if, 416
to be a shareholder, member, or partner, an individual is 417
required to be licensed, certified, or otherwise legally 418
authorized under Title XLVII of the Revised Code to perform the 419
professional service provided by the entity and each such 420
individual is a licensed health professional authorized to 421
prescribe drugs; 422

(l) With respect to epinephrine autoinjectors that may be 423
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 424
or 3328.29 of the Revised Code, any of the following: the board 425
of education of a city, local, exempted village, or joint 426
vocational school district; a chartered or nonchartered 427
nonpublic school; a community school established under Chapter 428
3314. of the Revised Code; a STEM school established under 429
Chapter 3326. of the Revised Code; or a college-preparatory 430
boarding school established under Chapter 3328. of the Revised 431
Code; 432

(m) With respect to epinephrine autoinjectors that may be 433
possessed under section 5101.76 of the Revised Code, any of the 434
following: a residential camp, as defined in section 2151.011 of 435
the Revised Code; a child day camp, as defined in section 436
5104.01 of the Revised Code; or a child day camp operated by any 437
county, township, municipal corporation, township park district 438
created under section 511.18 of the Revised Code, park district 439
created under section 1545.04 of the Revised Code, or joint 440
recreation district established under section 755.14 of the 441
Revised Code; 442

(n) With respect to naloxone that may be possessed under 443
section 2925.61 of the Revised Code, a law enforcement agency 444
and its peace officers; 445

(o) With respect to inhalers that may be possessed under 446
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 447
the Revised Code, any of the following: the board of education 448
of a city, local, exempted village, or joint vocational school 449
district; a chartered or nonchartered nonpublic school; a 450
community school established under Chapter 3314. of the Revised 451
Code; a STEM school established under Chapter 3326. of the 452
Revised Code; or a college-preparatory boarding school 453
established under Chapter 3328. of the Revised Code; 454

(p) With respect to inhalers that may be possessed under 455
section 5101.77 of the Revised Code, any of the following: a 456
residential camp, as defined in section 2151.011 of the Revised 457
Code; a child day camp, as defined in section 5104.01 of the 458
Revised Code; or a child day camp operated by any county, 459
township, municipal corporation, township park district created 460
under section 511.18 of the Revised Code, park district created 461
under section 1545.04 of the Revised Code, or joint recreation 462
district established under section 755.14 of the Revised Code. 463

(2) No registered wholesale distributor of dangerous drugs 464
shall possess for sale, or sell, at wholesale, dangerous drugs 465
to any of the following: 466

(a) A prescriber who is employed by a pain management 467
clinic that is not licensed as a terminal distributor of 468
dangerous drugs with a pain management clinic classification 469
issued under section 4729.552 of the Revised Code; 470

(b) A business entity described in division (B) (1) (j) of 471
this section that is, or is operating, a pain management clinic 472
without a license as a terminal distributor of dangerous drugs 473
with a pain management clinic classification issued under 474
section 4729.552 of the Revised Code; 475

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

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

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

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

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

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

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

(2) Except as provided in division (C) (4) of this section,

no person shall possess for sale, at retail, dangerous drugs. 505

(3) Except as provided in division (C)(4) of this section, 506
no person shall possess dangerous drugs. 507

(4) Divisions (C)(1), (2), and (3) of this section do not 508
apply to a registered wholesale distributor of dangerous drugs 509
or a licensed terminal distributor of dangerous drugs. 510

Divisions (C)(1), (2), and (3) of this section do not 511
apply to a person who possesses, or possesses for sale or sells, 512
at retail, a dangerous drug in accordance with Chapters 3719., 513
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the 514
Revised Code. 515

Divisions (C)(1), (2), and (3) of this section do not 516
apply to an individual who holds a current license, certificate, 517
or registration issued under Title XLVII of the Revised Code and 518
has been certified to conduct diabetes education by a national 519
certifying body specified in rules adopted by the state board of 520
pharmacy under section 4729.68 of the Revised Code, but only to 521
the extent that the individual possesses insulin or personally 522
supplies insulin solely for the purpose of diabetes education 523
and only if diabetes education is within the individual's scope 524
of practice under statutes and rules regulating the individual's 525
profession. 526

Divisions (C)(1), (2), and (3) of this section do not 527
apply to an individual who holds a valid certificate issued by a 528
nationally recognized S.C.U.B.A. diving certifying organization 529
approved by the state board of pharmacy in rule, but only to the 530
extent that the individual possesses medical oxygen or 531
personally supplies medical oxygen for the purpose of emergency 532
care or treatment at the scene of a diving emergency. 533

Division (C) (3) of this section does not apply to the 534
board of education of a city, local, exempted village, or joint 535
vocational school district, a school building operated by a 536
school district board of education, a chartered or nonchartered 537
nonpublic school, a community school, a STEM school, or a 538
college-preparatory boarding school for the purpose of 539
possessing epinephrine autoinjectors under section 3313.7110, 540
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 541
for the purpose of possessing inhalers under section 3313.7113, 542
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 543

Division (C) (3) of this section does not apply to a 544
residential camp, as defined in section 2151.011 of the Revised 545
Code, a child day camp, as defined in section 5104.01 of the 546
Revised Code, or a child day camp operated by any county, 547
township, municipal corporation, township park district created 548
under section 511.18 of the Revised Code, park district created 549
under section 1545.04 of the Revised Code, or joint recreation 550
district established under section 755.14 of the Revised Code 551
for the purpose of possessing epinephrine autoinjectors under 552
section 5101.76 of the Revised Code and for the purpose of 553
possessing inhalers under section 5101.77 of the Revised Code. 554

Division (C) (3) of this section does not apply to a law 555
enforcement agency or the agency's peace officers if the agency 556
or officers possess naloxone for administration to individuals 557
who are apparently experiencing opioid-related overdoses. 558

(D) No licensed terminal distributor of dangerous drugs 559
shall purchase for the purpose of resale dangerous drugs from 560
any person other than a registered wholesale distributor of 561
dangerous drugs, except as follows: 562

(1) A licensed terminal distributor of dangerous drugs may 563

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 enforcement official authorized by municipal, county, state, or federal law to collect samples of any drug, regardless of its nature or in whose possession it may be.

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

to a school under its control for the purpose of possessing the 594
inhalers under section 3313.7113 of the Revised Code. 595

Sec. 4729.60. (A) Before a registered wholesale 596
distributor of dangerous drugs may sell dangerous drugs at 597
wholesale to any person, other than the persons specified in 598
divisions (B) (1) (a) to (d), (f) to (h), and (l) to ~~(n)~~(p) of 599
section 4729.51 of the Revised Code, such wholesale distributor 600
shall obtain from the purchaser and the purchaser shall furnish 601
to the wholesale distributor a certificate indicating that the 602
purchaser is a licensed terminal distributor of dangerous drugs. 603
The certificate shall be in the form that the state board of 604
pharmacy shall prescribe, and shall set forth the name of the 605
licensee, the number of the license, a description of the place 606
or establishment or each place or establishment for which the 607
license was issued, the category of licensure, and, if the 608
license is a limited category I, II, or III license, the 609
dangerous drugs that the licensee is authorized to possess, have 610
custody or control of, and distribute. 611

If no certificate is obtained or furnished before a sale 612
is made, it shall be presumed that the sale of dangerous drugs 613
by the wholesale distributor is in violation of division (B) of 614
section 4729.51 of the Revised Code and the purchase of 615
dangerous drugs by the purchaser is in violation of division (C) 616
of section 4729.51 of the Revised Code. If a registered 617
wholesale distributor of dangerous drugs obtains or is furnished 618
a certificate from a terminal distributor of dangerous drugs and 619
relies on the certificate in selling dangerous drugs at 620
wholesale to the terminal distributor of dangerous drugs, the 621
wholesale distributor of dangerous drugs shall be deemed not to 622
have violated division (B) of section 4729.51 of the Revised 623
Code in making the sale. 624

(B) Before a licensed terminal distributor of dangerous 625
drugs may purchase dangerous drugs at wholesale, the terminal 626
distributor shall obtain from the seller and the seller shall 627
furnish to the terminal distributor the number of the seller's 628
registration certificate to engage in the sale of dangerous 629
drugs at wholesale. 630

If no registration number is obtained or furnished before 631
a purchase is made, it shall be presumed that the purchase of 632
dangerous drugs by the terminal distributor is in violation of 633
division (D) of section 4729.51 of the Revised Code and the sale 634
of dangerous drugs by the seller is in violation of division (A) 635
of section 4729.51 of the Revised Code. If a licensed terminal 636
distributor of dangerous drugs obtains or is furnished a 637
registration number from a wholesale distributor of dangerous 638
drugs and relies on the registration number in purchasing 639
dangerous drugs at wholesale from the wholesale distributor of 640
dangerous drugs, the terminal distributor shall be deemed not to 641
have violated division (D) of section 4729.51 of the Revised 642
Code in making the purchase. 643

Sec. 5101.77. (A) As used in this section, "inhaler" means 644
a device that delivers medication to alleviate asthmatic 645
symptoms, is manufactured in the form of a metered dose inhaler 646
or dry powdered inhaler, and may include a spacer, holding 647
chamber, or other device that attaches to the inhaler and is 648
used to improve the delivery of the medication. 649

(B) A residential camp, as defined in section 2151.011 of 650
the Revised Code, a child day camp, as defined in section 651
5104.01 of the Revised Code, or a child day camp operated by any 652
county, township, municipal corporation, township park district 653
created under section 511.18 of the Revised Code, park district 654

created under section 1545.04 of the Revised Code, or joint 655
recreation district established under section 755.14 of the 656
Revised Code may procure inhalers for use in emergency 657
situations identified under division (D) (5) of this section. A 658
camp that elects to procure inhalers under this section is 659
encouraged to maintain at least two inhalers at all times. 660

(C) A camp that elects to procure inhalers under this 661
section shall adopt a policy governing their maintenance and 662
use. Before adopting the policy, the camp shall consult with a 663
licensed health professional authorized to prescribe drugs, as 664
defined in section 4729.01 of the Revised Code. 665

(D) A component of a policy adopted by a camp under 666
division (C) of this section shall be a prescriber-issued 667
protocol specifying definitive orders for inhalers, including 668
the dosages of medication to be administered through them, the 669
number of times that each inhaler may be used before disposal, 670
and the methods of disposal. The policy also shall do all of the 671
following: 672

(1) Identify the one or more locations in which an inhaler 673
must be stored; 674

(2) Specify the conditions under which an inhaler must be 675
stored, replaced, and disposed; 676

(3) Specify the individuals employed by or under contract 677
with the camp who may access and use an inhaler to provide a 678
dosage of medication to an individual in an emergency situation 679
identified under division (D) (5) of this section; 680

(4) Specify any training that employees or contractors 681
specified under division (D) (3) of this section must complete 682
before being authorized to access and use an inhaler; 683

(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; 684
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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; 688
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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. 692
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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. 695
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This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 701
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(F) A camp may accept donations of inhalers from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers. 706
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(G) A camp that elects to procure inhalers under this section shall report to the department of job and family services each procurement and occurrence in which an inhaler is 710
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used from a camp's supply of inhalers. 713

Section 2. That existing sections 3313.713, 4729.51, and 714
4729.60 of the Revised Code are hereby repealed. 715

Section 3. Section 3313.713 of the Revised Code is 716
presented in this act as a composite of the section as amended 717
by both Sub. H.B. 264 and Sub. H.B. 296 of the 130th General 718
Assembly. The General Assembly, applying the principle stated in 719
division (B) of section 1.52 of the Revised Code that amendments 720
are to be harmonized if reasonably capable of simultaneous 721
operation, finds that the composite is the resulting version of 722
the section in effect prior to the effective date of the section 723
as presented in this act. 724

Section 4. Section 4729.51 of the Revised Code is 725
presented in this act as a composite of the section as amended 726
by both Am. Sub. H.B. 4 and Am. Sub. H.B. 64 of the 131st 727
General Assembly. The General Assembly, applying the principle 728
stated in division (B) of section 1.52 of the Revised Code that 729
amendments are to be harmonized if reasonably capable of 730
simultaneous operation, finds that the composite is the 731
resulting version of the section in effect prior to the 732
effective date of the section as presented in this act. 733