

As Passed by the House

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 4

Representatives Sprague, Rezabek

Cosponsors: Representatives Gonzales, Huffman, Antonio, Barnes, Bishoff, Brown, Butler, Ginter, Johnson, T., LaTourette, Lepore-Hagan, Ramos, Sears, Schuring, Sykes, Amstutz, Anielski, Antani, Baker, Blessing, Boose, Brenner, Buchy, Burkley, Celebrezze, Cera, Conditt, Craig, Curtin, Derickson, Dever, Dovilla, Driehaus, Duffey, Fedor, Gerberry, Green, Grossman, Hackett, Hall, Hayes, Henne, Howse, Johnson, G., Koehler, Kraus, Kunze, Landis, Leland, Manning, McClain, O'Brien, M., O'Brien, S., Patmon, Patterson, Pelanda, Perales, Phillips, Rogers, Ruhl, Scherer, Sheehy, Slaby, Smith, K., Smith, R., Stinziano, Strahorn, Sweeney, Terhar, Thompson, Vitale, Zeltwanger, Speaker Rosenberger

A BILL

To amend sections 2925.61, 4729.29, and 4731.94 and 1
to enact sections 4729.44 and 4731.941 of the 2
Revised Code regarding authority to furnish or 3
dispense naloxone to a person who may be at risk 4
of an opioid overdose or a person who may be in 5
a position to assist a person who is at risk. 6

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

Section 1. That sections 2925.61, 4723.488, 4729.16, 7
4729.29, 4729.51, 4730.431, and 4731.94 be amended and sections 8
3707.56, 4729.44, 4731.941, and 4731.942 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2925.61. (A) As used in this section: 11

(1) ~~"Administer naloxone" means to give naloxone to a~~ 12

~~person by either of the following routes:~~ 13

~~(a) Using a device manufactured for the intranasal~~ 14
~~administration of liquid drugs;~~ 15

~~(b) Using an autoinjector in a manufactured dosage form.~~ 16

~~(2)~~ "Law enforcement agency" means a government entity 17
that employs peace officers to perform law enforcement duties. 18

~~(3)~~ (2) "Licensed health professional" means all of the 19
following: 20

(a) A physician ~~who is authorized under Chapter 4731. of~~ 21
~~the Revised Code to practice medicine and surgery, osteopathic~~ 22
~~medicine and surgery, or podiatric medicine and surgery;~~ 23

(b) A physician assistant who holds a certificate to 24
prescribe issued under Chapter 4730. of the Revised Code; 25

(c) A clinical nurse specialist, certified nurse-midwife, 26
or certified nurse practitioner who holds a certificate to 27
prescribe issued under section 4723.48 of the Revised Code. 28

~~(4)~~ (3) "Peace officer" has the same meaning as in section 29
2921.51 of the Revised Code. 30

(4) "Physician" means an individual who is authorized 31
under Chapter 4731. of the Revised Code to practice medicine and 32
surgery, osteopathic medicine and surgery, or podiatric medicine 33
and surgery. 34

(B) A family member, friend, or other individual who is in 35
a position to assist an individual who is apparently 36
experiencing or at risk of experiencing an opioid-related 37
overdose, is not subject to criminal prosecution for a violation 38
of section 4731.41 of the Revised Code or criminal prosecution 39

under this chapter if the individual, acting in good faith, does 40
all of the following: 41

(1) Obtains naloxone ~~from a licensed health professional~~ 42
~~or pursuant to a prescription for naloxone from issued by a~~ 43
licensed health professional or obtains naloxone from one of the 44
following: a licensed health professional, an individual who is 45
authorized by a physician under section 4731.941 of the Revised 46
Code to personally furnish naloxone, or a pharmacist or pharmacy 47
intern who is authorized by a physician or board of health under 48
section 4729.44 of the Revised Code to dispense naloxone without 49
a prescription; 50

(2) Administers ~~that the~~ naloxone obtained as described in 51
division (B) (1) of this section to an individual who is 52
apparently experiencing an opioid-related overdose; 53

(3) Attempts to summon emergency services as soon as 54
practicable either ~~immediately before~~ or ~~immediately after~~ 55
administering the naloxone. 56

(C) Division (B) of this section does not apply to a peace 57
officer or to an emergency medical technician-basic, emergency 58
medical technician-intermediate, or emergency medical 59
technician-paramedic, as defined in section 4765.01 of the 60
Revised Code. 61

(D) A peace officer employed by a law enforcement agency 62
is not subject to administrative action, criminal prosecution 63
for a violation of section 4731.41 of the Revised Code, or 64
criminal prosecution under this chapter if the peace officer, 65
acting in good faith, obtains naloxone from the peace officer's 66
law enforcement agency and administers the naloxone to an 67
individual who is apparently experiencing an opioid-related 68

overdose.

69

Sec. 3707.56. (A) As used in this section, "board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

70

71

72

73

(B) (1) The department of health shall develop a model protocol under which one or more pharmacists and any of the pharmacy interns supervised by the pharmacist or pharmacists may dispense naloxone without a prescription. The model protocol shall include all of the following:

74

75

76

77

78

(a) A description of the clinical pharmacology of naloxone;

79

80

(b) Precautions and contraindications concerning dispensing naloxone;

81

82

(c) Any limitations concerning the individuals to whom naloxone may be dispensed;

83

84

(d) The naloxone dosage that may be dispensed and any variation in the dosage based on circumstances specified in the protocol;

85

86

87

(e) Procedures for dispensing subsequent supplies of naloxone to the same individual;

88

89

(f) Training in preventing, recognizing, and responding to opioid overdose that must be completed by a pharmacist or pharmacy intern before the pharmacist or pharmacy intern will be authorized to dispense naloxone;

90

91

92

93

(g) A requirement that a pharmacist or pharmacy intern who dispenses naloxone pursuant to a protocol instruct the individual to whom the naloxone is dispensed to summon emergency

94

95

96

services as soon as practicable either before or after 97
administering naloxone; 98

(h) Any instructions or training that a pharmacist or 99
pharmacy intern must provide to an individual to whom naloxone 100
is dispensed. 101

(2) The department shall provide a copy of the model 102
protocol to each board of health and shall assist any board of 103
health that establishes a protocol pursuant to division (C) of 104
this section. 105

(3) The department shall review and update the model 106
protocol not less than once every two years for consistency with 107
standard clinical practices. 108

(C) A board of health, through a physician serving as the 109
board's health commissioner or medical director, may establish a 110
protocol under which one or more pharmacists and any of the 111
pharmacy interns supervised by the pharmacist or pharmacists may 112
dispense naloxone without a prescription. The protocol shall not 113
be less stringent than the model protocol described in division 114
(B) of this section. 115

A board of health that establishes a protocol under this 116
section shall provide a copy of the protocol to the department 117
of health. The board of health shall review and update the 118
protocol not less than once every two years for consistency with 119
standard clinical practices and the model protocol described in 120
division (B) of this section. 121

Sec. 4723.488. (A) Notwithstanding any provision of this 122
chapter or rule adopted by the board of nursing, a clinical 123
nurse specialist, certified nurse-midwife, or certified nurse 124
practitioner who holds a certificate to prescribe issued under 125

section 4723.48 of the Revised Code may personally furnish a 126
supply of naloxone, or issue a prescription for naloxone, 127
without having examined the individual to whom it may be 128
administered if ~~all~~ both of the following conditions are met: 129

(1) The naloxone supply is furnished to, or the 130
prescription is issued to and in the name of, a family member, 131
friend, or other individual in a position to assist an 132
individual who there is reason to believe is at risk of 133
experiencing an opioid-related overdose. 134

(2) The nurse instructs the individual receiving the 135
naloxone supply or prescription to summon emergency services as 136
soon as practicable either ~~immediately~~ before or ~~immediately~~ 137
after administering naloxone to an individual apparently 138
experiencing an opioid-related overdose. 139

~~(3) The naloxone is personally furnished or prescribed in~~ 140
~~such a manner that it may be administered by only either of the~~ 141
~~following routes:~~ 142

~~(a) Using a device manufactured for the intranasal~~ 143
~~administration of liquid drugs;~~ 144

~~(b) Using an autoinjector in a manufactured dosage form.~~ 145

(B) A nurse who under division (A) of this section in good 146
faith furnishes a supply of naloxone or issues a prescription 147
for naloxone is not liable for or subject to any of the 148
following for any action or omission of the individual to whom 149
the naloxone is furnished or the prescription is issued: damages 150
in any civil action, prosecution in any criminal proceeding, or 151
professional disciplinary action. 152

Sec. 4729.16. (A) The state board of pharmacy, after 153
notice and hearing in accordance with Chapter 119. of the 154

Revised Code, may revoke, suspend, limit, place on probation, or 155
refuse to grant or renew an identification card, or may impose a 156
monetary penalty or forfeiture not to exceed in severity any 157
fine designated under the Revised Code for a similar offense, or 158
in the case of a violation of a section of the Revised Code that 159
does not bear a penalty, a monetary penalty or forfeiture of not 160
more than five hundred dollars, if the board finds a pharmacist 161
or pharmacy intern: 162

(1) Guilty of a felony or gross immorality; 163

(2) Guilty of dishonesty or unprofessional conduct in the 164
practice of pharmacy; 165

(3) Addicted to or abusing liquor or drugs or impaired 166
physically or mentally to such a degree as to render the 167
pharmacist or pharmacy intern unfit to practice pharmacy; 168

(4) Has been convicted of a misdemeanor related to, or 169
committed in, the practice of pharmacy; 170

(5) Guilty of willfully violating, conspiring to violate, 171
attempting to violate, or aiding and abetting the violation of 172
any of the provisions of this chapter, sections 3715.52 to 173
3715.72 of the Revised Code, Chapter 2925. or 3719. of the 174
Revised Code, or any rule adopted by the board under those 175
provisions; 176

(6) Guilty of permitting anyone other than a pharmacist or 177
pharmacy intern to practice pharmacy; 178

(7) Guilty of knowingly lending the pharmacist's or 179
pharmacy intern's name to an illegal practitioner of pharmacy or 180
having professional connection with an illegal practitioner of 181
pharmacy; 182

(8) Guilty of dividing or agreeing to divide remuneration 183
made in the practice of pharmacy with any other individual, 184
including, but not limited to, any licensed health professional 185
authorized to prescribe drugs or any owner, manager, or employee 186
of a health care facility, residential care facility, or nursing 187
home; 188

(9) Has violated the terms of a consult agreement entered 189
into pursuant to section 4729.39 of the Revised Code; 190

(10) Has committed fraud, misrepresentation, or deception 191
in applying for or securing a license or identification card 192
issued by the board under this chapter or under Chapter 3715. or 193
3719. of the Revised Code. 194

(B) Any individual whose identification card is revoked, 195
suspended, or refused, shall return the identification card and 196
license to the offices of the state board of pharmacy within ten 197
days after receipt of notice of such action. 198

(C) As used in this section: 199

"Unprofessional conduct in the practice of pharmacy" 200
includes any of the following: 201

(1) Advertising or displaying signs that promote dangerous 202
drugs to the public in a manner that is false or misleading; 203

(2) Except as provided in section 4729.281 or 4729.44 of 204
the Revised Code, the dispensing or sale of any drug for which a 205
prescription is required, without having received a prescription 206
for the drug; 207

(3) Knowingly dispensing medication pursuant to false or 208
forged prescriptions; 209

(4) Knowingly failing to maintain complete and accurate 210

records of all dangerous drugs received or dispensed in 211
compliance with federal laws and regulations and state laws and 212
rules; 213

(5) Obtaining any remuneration by fraud, 214
misrepresentation, or deception. 215

(D) The board may suspend a license or identification card 216
under division (B) of section 3719.121 of the Revised Code by 217
utilizing a telephone conference call to review the allegations 218
and take a vote. 219

(E) If, pursuant to an adjudication under Chapter 119. of 220
the Revised Code, the board has reasonable cause to believe that 221
a pharmacist or pharmacy intern is physically or mentally 222
impaired, the board may require the pharmacist or pharmacy 223
intern to submit to a physical or mental examination, or both. 224

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 225
section 4729.28 of the Revised Code do not do any of the 226
following: 227

(A) Apply to a licensed health professional authorized to 228
prescribe drugs who is acting within the prescriber's scope of 229
professional practice; 230

(B) Prevent a prescriber from personally furnishing the 231
prescriber's patients with drugs, within the prescriber's scope 232
of professional practice, that seem proper to the prescriber, as 233
long as the drugs are furnished in accordance with section 234
4729.291 of the Revised Code; 235

(C) Apply to an individual who personally furnishes a 236
supply of naloxone under authority conferred by a physician 237
under section 4731.941 of the Revised Code or prevent that 238
individual from personally furnishing the supply of naloxone in 239

accordance with a protocol established by the physician under 240
section 4731.942 of the Revised Code; 241

(D) Apply to the sale of oxygen, the sale of peritoneal 242
dialysis solutions, or the sale of drugs that are not dangerous 243
drugs by a retail dealer, in original packages when labeled as 244
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 245
1040 (1938), 21 U.S.C.A. 301, as amended. 246

Sec. 4729.44. (A) As used in this section: 247

(1) "Board of health" means a board of health of a city or 248
general health district or an authority having the duties of a 249
board of health under section 3709.05 of the Revised Code. 250

(2) "Physician" means an individual authorized under 251
Chapter 4731. of the Revised Code to practice medicine and 252
surgery, osteopathic medicine and surgery, or podiatric medicine 253
and surgery. 254

(B) A pharmacist or pharmacy intern may dispense naloxone 255
without a prescription to either of the following in accordance 256
with a protocol established by a board of health under section 257
3707.56 of the Revised Code or a physician under section 258
4731.942 of the Revised Code: 259

(1) An individual who there is reason to believe is 260
experiencing or at risk of experiencing an opioid-related 261
overdose; 262

(2) A family member, friend, or other person in a position 263
to assist an individual who there is reason to believe is at 264
risk of experiencing an opioid-related overdose. 265

(C) A pharmacist or pharmacy intern who dispenses naloxone 266
under this section shall instruct the individual to whom 267

naloxone is dispensed to summon emergency services as soon as 268
practicable either before or after administering naloxone. 269

(D) A pharmacist may document the dispensing of naloxone 270
by the pharmacist or a pharmacy intern supervised by the 271
pharmacist on a prescription form. The form may be assigned a 272
number for record-keeping purposes. 273

(E) This section does not affect the authority of a 274
pharmacist or pharmacy intern to fill or refill a prescription 275
for naloxone. 276

(F) A board of health that in good faith authorizes a 277
pharmacist or pharmacy intern to dispense naloxone without a 278
prescription in accordance with a protocol established by the 279
board under section 3707.56 of the Revised Code is not liable 280
for or subject to any of the following for any action or 281
omission of the individual to whom the naloxone is dispensed: 282
damages in any civil action, prosecution in any criminal 283
proceeding, or professional disciplinary action. 284

A physician who in good faith authorizes a pharmacist or 285
pharmacy intern to dispense naloxone without a prescription in 286
accordance with a protocol established by the physician under 287
section 4731.942 of the Revised Code is not liable for or 288
subject to any of the following for any action or omission of 289
the individual to whom the naloxone is dispensed: damages in any 290
civil action, prosecution in any criminal proceeding, or 291
professional disciplinary action. 292

A pharmacist or pharmacy intern authorized under this 293
section to dispense naloxone without a prescription who does so 294
in good faith is not liable for or subject to any of the 295
following for any action or omission of the individual to whom 296

the naloxone is dispensed: damages in any civil action, 297
prosecution in any criminal proceeding, or professional 298
disciplinary action. 299

(G) The state board of pharmacy may adopt rules as the 300
board considers necessary to implement this section. The rules 301
shall be adopted in accordance with Chapter 119. of the Revised 302
Code. 303

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 304
of this section, no person other than a registered wholesale 305
distributor of dangerous drugs shall possess for sale, sell, 306
distribute, or deliver, at wholesale, dangerous drugs, except as 307
follows: 308

(a) A pharmacist who is a licensed terminal distributor of 309
dangerous drugs or who is employed by a licensed terminal 310
distributor of dangerous drugs may make occasional sales of 311
dangerous drugs at wholesale; 312

(b) A licensed terminal distributor of dangerous drugs 313
having more than one establishment or place may transfer or 314
deliver dangerous drugs from one establishment or place for 315
which a license has been issued to the terminal distributor to 316
another establishment or place for which a license has been 317
issued to the terminal distributor if the license issued for 318
each establishment or place is in effect at the time of the 319
transfer or delivery. 320

(c) A licensed terminal distributor of dangerous drugs may 321
make occasional sales of naloxone at wholesale to a state or 322
local law enforcement agency if the terminal distributor is any 323
of the following: 324

(i) A board of health of a city or general health 325

<u>district;</u>	326
<u>(ii) An authority having the duties of a board of health under section 3709.05 of the Revised Code;</u>	327
<u>(iii) A health department operated by such board or authority.</u>	329
(2) A manufacturer of dangerous drugs may donate epinephrine autoinjectors to any of the following:	331
(a) The board of education of a city, local, exempted village, or joint vocational school district;	332
(b) A community school established under Chapter 3314. of the Revised Code;	333
(c) A STEM school established under Chapter 3326. of the Revised Code;	334
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	335
(e) A chartered or nonchartered nonpublic school.	336
(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:	337
(a) Except as provided in division (B) (2) (a) of this section, a licensed health professional authorized to prescribe drugs;	338
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	339
(c) A registered wholesale distributor of dangerous drugs;	340
	341
	342
	343
	344
	345
	346
	347
	348
	349
	350
	351

(d) A manufacturer of dangerous drugs;	352
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	353 354
(f) Carriers or warehouses for the purpose of carriage or storage;	355 356
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	357 358 359
(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;	360 361 362 363 364 365 366 367 368
(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;	369 370 371 372 373 374
(j) Except as provided in division (B) (2) (b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is	375 376 377 378 379 380

a licensed health professional authorized to prescribe drugs and 381
is authorized to provide the professional services being offered 382
by the entity; 383

(k) Except as provided in division (B)(2)(c) of this 384
section, a business entity that is a corporation formed under 385
division (B) of section 1701.03 of the Revised Code, a limited 386
liability company formed under Chapter 1705. of the Revised 387
Code, a partnership or a limited liability partnership formed 388
under Chapter 1775. of the Revised Code, or a professional 389
association formed under Chapter 1785. of the Revised Code, if, 390
to be a shareholder, member, or partner, an individual is 391
required to be licensed, certified, or otherwise legally 392
authorized under Title XLVII of the Revised Code to perform the 393
professional service provided by the entity and each such 394
individual is a licensed health professional authorized to 395
prescribe drugs; 396

(l) With respect to epinephrine autoinjectors that may be 397
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 398
or 3328.29 of the Revised Code, any of the following: the board 399
of education of a city, local, exempted village, or joint 400
vocational school district; a chartered or nonchartered 401
nonpublic school; a community school established under Chapter 402
3314. of the Revised Code; a STEM school established under 403
Chapter 3326. of the Revised Code; or a college-preparatory 404
boarding school established under Chapter 3328. of the Revised 405
Code; 406

(m) With respect to epinephrine autoinjectors that may be 407
possessed under section 5101.76 of the Revised Code, any of the 408
following: a residential camp, as defined in section 2151.011 of 409
the Revised Code; a child day camp, as defined in section 410

5104.01 of the Revised Code; or a child day camp operated by any 411
county, township, municipal corporation, township park district 412
created under section 511.18 of the Revised Code, park district 413
created under section 1545.04 of the Revised Code, or joint 414
recreation district established under section 755.14 of the 415
Revised Code; 416

(n) With respect to naloxone that may be possessed under 417
section 2925.61 of the Revised Code, a law enforcement agency 418
and its peace officers. 419

(2) No registered wholesale distributor of dangerous drugs 420
shall possess for sale, or sell, at wholesale, dangerous drugs 421
to any of the following: 422

(a) A prescriber who is employed by a pain management 423
clinic that is not licensed as a terminal distributor of 424
dangerous drugs with a pain management clinic classification 425
issued under section 4729.552 of the Revised Code; 426

(b) A business entity described in division (B) (1) (j) of 427
this section that is, or is operating, a pain management clinic 428
without a license as a terminal distributor of dangerous drugs 429
with a pain management clinic classification issued under 430
section 4729.552 of the Revised Code; 431

(c) A business entity described in division (B) (1) (k) of 432
this section that is, or is operating, a pain management clinic 433
without a license as a terminal distributor of dangerous drugs 434
with a pain management clinic classification issued under 435
section 4729.552 of the Revised Code. 436

(3) No registered wholesale distributor of dangerous drugs 437
shall possess dangerous drugs for sale at wholesale, or sell 438
such drugs at wholesale, to a licensed terminal distributor of 439

dangerous drugs, except as follows: 440

(a) In the case of a terminal distributor with a category 441
I license, only dangerous drugs described in category I, as 442
defined in division (A) (1) of section 4729.54 of the Revised 443
Code; 444

(b) In the case of a terminal distributor with a category 445
II license, only dangerous drugs described in category I and 446
category II, as defined in divisions (A) (1) and (2) of section 447
4729.54 of the Revised Code; 448

(c) In the case of a terminal distributor with a category 449
III license, dangerous drugs described in category I, category 450
II, and category III, as defined in divisions (A) (1), (2), and 451
(3) of section 4729.54 of the Revised Code; 452

(d) In the case of a terminal distributor with a limited 453
category I, II, or III license, only the dangerous drugs 454
specified in the certificate furnished by the terminal 455
distributor in accordance with section 4729.60 of the Revised 456
Code. 457

(C) (1) Except as provided in division (C) (4) of this 458
section, no person shall sell, at retail, dangerous drugs. 459

(2) Except as provided in division (C) (4) of this section, 460
no person shall possess for sale, at retail, dangerous drugs. 461

(3) Except as provided in division (C) (4) of this section, 462
no person shall possess dangerous drugs. 463

(4) Divisions (C) (1), (2), and (3) of this section do not 464
apply to a registered wholesale distributor of dangerous drugs, 465
a licensed terminal distributor of dangerous drugs, or a person 466
who possesses, or possesses for sale or sells, at retail, a 467

dangerous drug in accordance with Chapters 3719., 4715., 4723., 468
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 469

Divisions (C)(1), (2), and (3) of this section do not 470
apply to an individual who holds a current license, certificate, 471
or registration issued under Title XLVII of the Revised Code and 472
has been certified to conduct diabetes education by a national 473
certifying body specified in rules adopted by the state board of 474
pharmacy under section 4729.68 of the Revised Code, but only to 475
the extent that the individual possesses insulin or personally 476
supplies insulin solely for the purpose of diabetes education 477
and only if diabetes education is within the individual's scope 478
of practice under statutes and rules regulating the individual's 479
profession. 480

Divisions (C)(1), (2), and (3) of this section do not 481
apply to an individual who holds a valid certificate issued by a 482
nationally recognized S.C.U.B.A. diving certifying organization 483
approved by the state board of pharmacy in rule, but only to the 484
extent that the individual possesses medical oxygen or 485
personally supplies medical oxygen for the purpose of emergency 486
care or treatment at the scene of a diving emergency. 487

Division (C)(3) of this section does not apply to the 488
board of education of a city, local, exempted village, or joint 489
vocational school district, a school building operated by a 490
school district board of education, a chartered or nonchartered 491
nonpublic school, a community school, a STEM school, or a 492
college-preparatory boarding school for the purpose of 493
possessing epinephrine autoinjectors under section 3313.7110, 494
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code. 495

Division (C)(3) of this section does not apply to a 496
residential camp, as defined in section 2151.011 of the Revised 497

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 for the purpose of possessing epinephrine autoinjectors under section 5101.76 of the Revised Code.

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 527
shall engage in the sale or other distribution of dangerous 528
drugs at retail or maintain possession, custody, or control of 529
dangerous drugs for any purpose other than the distributor's 530
personal use or consumption, at any establishment or place other 531
than that or those described in the license issued by the state 532
board of pharmacy to such terminal distributor. 533

(F) Nothing in this section shall be construed to 534
interfere with the performance of official duties by any law 535
enforcement official authorized by municipal, county, state, or 536
federal law to collect samples of any drug, regardless of its 537
nature or in whose possession it may be. 538

(G) Notwithstanding anything to the contrary in this 539
section, the board of education of a city, local, exempted 540
village, or joint vocational school district may deliver 541
epinephrine autoinjectors to a school under its control for the 542
purpose of possessing epinephrine autoinjectors under section 543
3313.7110 of the Revised Code. 544

Sec. 4730.431. (A) Notwithstanding any provision of this 545
chapter or rule adopted by the state medical board, a physician 546
assistant who holds a certificate to prescribe issued under this 547
chapter may personally furnish a supply of naloxone, or issue a 548
prescription for naloxone, without having examined the 549
individual to whom it may be administered if all-both of the 550
following conditions are met: 551

(1) The naloxone supply is furnished to, or the 552
prescription is issued to and in the name of, a family member, 553
friend, or other individual in a position to assist an 554
individual who there is reason to believe is at risk of 555
experiencing an opioid-related overdose. 556

(2) The physician assistant instructs the individual 557
receiving the naloxone supply or prescription to summon 558
emergency services as soon as practicable either ~~immediately~~ 559
before or ~~immediately~~ after administering naloxone to an 560
individual apparently experiencing an opioid-related overdose. 561

~~(3) The naloxone is personally furnished or prescribed in 562
such a manner that it may be administered by only either of the 563
following routes: 564~~

~~(a) Using a device manufactured for the intranasal 565
administration of liquid drugs; 566~~

~~(b) Using an autoinjector in a manufactured dosage form. 567~~

(B) A physician assistant who under division (A) of this 568
section in good faith furnishes a supply of naloxone or issues a 569
prescription for naloxone is not liable for or subject to any of 570
the following for any action or omission of the individual to 571
whom the naloxone is furnished or the prescription is issued: 572
damages in any civil action, prosecution in any criminal 573
proceeding, or professional disciplinary action. 574

Sec. 4731.94. (A) As used in this section and sections 575
4731.941 and 4731.942 of the Revised Code, "physician" means an 576
individual authorized under this chapter to practice medicine 577
and surgery, osteopathic medicine and surgery, or podiatric 578
medicine and surgery. 579

(B) Notwithstanding any provision of this chapter or rule 580
adopted by the state medical board, a physician may personally 581
furnish a supply of naloxone, or issue a prescription for 582
naloxone, without having examined the individual to whom it may 583
be administered if ~~all~~ both of the following conditions are met: 584

(1) The naloxone supply is furnished to, or the 585

prescription is issued to and in the name of, a family member, 586
friend, or other individual in a position to assist an 587
individual who there is reason to believe is at risk of 588
experiencing an opioid-related overdose. 589

(2) The physician instructs the individual receiving the 590
naloxone supply or prescription to summon emergency services as 591
soon as practicable either ~~immediately~~ before or ~~immediately~~ 592
after administering the naloxone to an individual apparently 593
experiencing an opioid-related overdose. 594

~~(3) The naloxone is personally furnished or prescribed in 595
such a manner that it may be administered by only either of the 596
following routes: 597~~

~~(a) Using a device manufactured for the intranasal 598
administration of liquid drugs; 599~~

~~(b) Using an autoinjector in a manufactured dosage form. 600~~

(C) A physician who under division (B) of this section in 601
good faith furnishes a supply of naloxone or issues a 602
prescription for naloxone is not liable for or subject to any of 603
the following for any action or omission of the individual to 604
whom the naloxone is furnished or the prescription is issued: 605
damages in any civil action, prosecution in any criminal 606
proceeding, or professional disciplinary action. 607

Sec. 4731.941. (A) (1) A physician who has established a 608
protocol that meets the requirements of section 4731.942 of the 609
Revised Code may authorize one or more other individuals to 610
personally furnish a supply of naloxone pursuant to the protocol 611
to either of the following: 612

(a) An individual who there is reason to believe is 613
experiencing or at risk of experiencing an opioid-related 614

overdose; 615

(b) A family member, friend, or other person in a position 616
to assist an individual who there is reason to believe is at 617
risk of experiencing an opioid-related overdose. 618

(2) An individual authorized under this section to 619
personally furnish naloxone may do so without having examined 620
the individual to whom it may be administered. 621

(B) An individual authorized by a physician under this 622
section may personally furnish naloxone to an individual 623
described in division (A) (1) (a) or (b) of this section if both 624
of the following conditions are met: 625

(1) The authorized individual complies with the protocol 626
established by the authorizing physician, including having 627
completed the training required by the protocol; 628

(2) The authorized individual instructs the individual to 629
whom naloxone is furnished to summon emergency services as soon 630
as practicable either before or after administering naloxone. 631

(C) A physician who in good faith authorizes another 632
individual to personally furnish naloxone in accordance with a 633
protocol established by the physician under section 4731.942 of 634
the Revised Code is not liable for or subject to any of the 635
following for any action or omission of the individual to whom 636
the naloxone is furnished: damages in any civil action, 637
prosecution in any criminal proceeding, or professional 638
disciplinary action. 639

An individual authorized under this section to personally 640
furnish naloxone who does so in good faith is not liable for or 641
subject to any of the following for any action or omission of 642
the individual to whom the naloxone is furnished: damages in any 643

civil action, prosecution in any criminal proceeding, or 644
professional disciplinary action. 645

Sec. 4731.942. (A) A physician may establish a protocol 646
under which one or more pharmacists specified by the physician 647
and any of the pharmacy interns supervised by the pharmacist or 648
pharmacists may dispense naloxone under section 4729.44 of the 649
Revised Code. The protocol must be in writing and include all of 650
the following: 651

(1) A description of the clinical pharmacology of 652
naloxone; 653

(2) Precautions and contraindications concerning 654
dispensing naloxone; 655

(3) Any limitations the physician specifies concerning the 656
individuals to whom naloxone may be dispensed; 657

(4) The naloxone dosage that may be dispensed and any 658
variation in the dosage based on circumstances specified in the 659
protocol; 660

(5) Procedures for dispensing subsequent supplies of 661
naloxone to the same individual; 662

(6) Training in preventing, recognizing, and responding to 663
opioid overdose that must be completed by a pharmacist or 664
pharmacy intern before the pharmacist or pharmacy intern will be 665
authorized to dispense naloxone; 666

(7) Any instructions or training that a pharmacist or 667
pharmacy intern must provide to an individual to whom naloxone 668
is dispensed. 669

(B) A physician may establish a protocol under which one 670
or more other individuals may personally furnish naloxone under 671

section 4731.941 of the Revised Code. The protocol must be in 672
writing and include all of the following: 673

(1) A description of the clinical pharmacology of 674
naloxone; 675

(2) Precautions and contraindications concerning 676
furnishing naloxone; 677

(3) Any limitations the physician specifies concerning the 678
individuals to whom naloxone may be furnished; 679

(4) The naloxone dosage that may be furnished and any 680
variation in the dosage based on circumstances specified in the 681
protocol; 682

(5) Labeling, storage, record-keeping, and administrative 683
requirements; 684

(6) Training requirements that must be met before an 685
individual will be authorized to furnish naloxone; 686

(7) Any instructions or training that the authorized 687
individual must provide to an individual to whom naloxone is 688
furnished. 689

Section 2. That existing sections 2925.61, 4723.488, 690
4729.16, 4729.29, 4729.51, 4730.431, and 4731.94 of the Revised 691
Code are hereby repealed. 692