

As Reported by the Senate Health and Human Services Committee

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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

Senators Hottinger, Jones, Tavares, Brown, Hite, Beagle

A BILL

To amend sections 2925.61, 3719.13, 3719.27, 1
4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 2
4729.51, 4729.60, 4730.431, 4731.94, and 3
5119.371 and to enact sections 3707.56, 4
4729.292, 4729.44, 4731.941, 4731.942, and 5
5119.372 of the Revised Code to modify the laws 6
governing the authority to dispense or furnish 7
naloxone for opioid overdoses, to establish 8
standards for certain opioid treatment programs, 9
and to declare an emergency. 10

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

Section 1. That sections 2925.61, 3719.13, 3719.27, 11
4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 4729.51, 4729.60, 12

4730.431, 4731.94, and 5119.371 be amended and sections 3707.56, 13
4729.292, 4729.44, 4731.941, 4731.942, and 5119.372 of the 14
Revised Code be enacted to read as follows: 15

Sec. 2925.61. (A) As used in this section: 16

(1) ~~"Administer naloxone" means to give naloxone to a 17
person by either of the following routes: 18~~

~~(a) Using a device manufactured for the intranasal 19
administration of liquid drugs; 20~~

~~(b) Using an autoinjector in a manufactured dosage form. 21~~

~~(2) "Law enforcement agency" means a government entity 22
that employs peace officers to perform law enforcement duties. 23~~

~~(3) (2) "Licensed health professional" means all of the 24
following: 25~~

~~(a) A physician who is authorized under Chapter 4731. of 26
the Revised Code to practice medicine and surgery, osteopathic 27
medicine and surgery, or podiatric medicine and surgery; 28~~

~~(b) A physician assistant who holds a certificate to 29
prescribe issued under Chapter 4730. of the Revised Code; 30~~

~~(c) A clinical nurse specialist, certified nurse-midwife, 31
or certified nurse practitioner who holds a certificate to 32
prescribe issued under section 4723.48 of the Revised Code. 33~~

~~(4) (3) "Peace officer" has the same meaning as in section 34
2921.51 of the Revised Code. 35~~

(4) "Physician" means an individual who is authorized 36
under Chapter 4731. of the Revised Code to practice medicine and 37
surgery, osteopathic medicine and surgery, or podiatric medicine 38
and surgery. 39

(B) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following:

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

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

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

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

(D) A peace officer employed by a law enforcement agency is not subject to administrative action, criminal prosecution

for a violation of section 4731.41 of the Revised Code, or 69
criminal prosecution under this chapter if the peace officer, 70
acting in good faith, obtains naloxone from the peace officer's 71
law enforcement agency and administers the naloxone to an 72
individual who is apparently experiencing an opioid-related 73
overdose. 74

Sec. 3707.56. (A) As used in this section, "board of 75
health" means a board of health of a city or general health 76
district or the authority having the duties of a board of health 77
under section 3709.05 of the Revised Code. 78

(B) A board of health, through a physician serving as the 79
board's health commissioner or medical director, may authorize 80
pharmacists and pharmacy interns working in the board's 81
jurisdiction to use the protocol developed pursuant to rules 82
adopted under section 4729.44 of the Revised Code for the 83
purpose of dispensing naloxone under section 4729.44 of the 84
Revised Code. 85

Sec. 3719.13. Prescriptions, orders, and records, required 86
by Chapter 3719. of the Revised Code, and stocks of dangerous 87
drugs and controlled substances, shall be open for inspection 88
only to federal, state, county, and municipal officers, and 89
employees of the state board of pharmacy whose duty it is to 90
enforce the laws of this state or of the United States relating 91
to controlled substances. Such prescriptions, orders, records, 92
and stocks shall be open for inspection by employees of the 93
state medical board for purposes of enforcing Chapters 4730. and 94
4731. of the Revised Code ~~and~~, employees of the board of 95
nursing for purposes of enforcing Chapter 4723. of the Revised 96
Code, and employees of the department of mental health and 97
addiction services for purposes of section 5119.372 of the 98

Revised Code. No person having knowledge of any such 99
prescription, order, or record shall divulge such knowledge, 100
except in connection with a prosecution or proceeding in court 101
or before a licensing or registration board or officer, to which 102
prosecution or proceeding the person to whom such prescriptions, 103
orders, or records relate is a party. 104

Sec. 3719.27. (A) Persons required~~r~~ by Chapter 3719. of 105
the Revised Code, to keep files or records shall, upon the 106
written request of an officer or employee designated by the 107
state board of pharmacy, make such files or records available to 108
such officer or employee, at all reasonable hours, for 109
inspection and copying, and accord to such officer or employee 110
full opportunity to check the correctness of such files or 111
records, including opportunity to make inventory of all stocks 112
of controlled substances on hand. No person shall fail to make 113
such files or records available or to accord such opportunity to 114
check their correctness. 115

(B) Persons required by Chapter 3719. of the Revised Code 116
to keep files or records shall, upon the written request of an 117
employee designated by the director of mental health and 118
addiction services, make such files or records available to the 119
employee for the purpose of section 5119.372 of the Revised 120
Code, at all reasonable hours, for inspection and copying, and 121
accord to such employee full opportunity to check the 122
correctness of such files or records. No person shall fail to 123
make such files or records available or to accord such 124
opportunity to check their correctness. 125

Sec. 4723.488. (A) Notwithstanding any provision of this 126
chapter or rule adopted by the board of nursing, a clinical 127
nurse specialist, certified nurse-midwife, or certified nurse 128

practitioner who holds a certificate to prescribe issued under 129
section 4723.48 of the Revised Code may personally furnish a 130
supply of naloxone, or issue a prescription for naloxone, 131
without having examined the individual to whom it may be 132
administered if ~~all~~ both of the following conditions are met: 133

(1) The naloxone supply is furnished to, or the 134
prescription is issued to and in the name of, a family member, 135
friend, or other individual in a position to assist an 136
individual who there is reason to believe is at risk of 137
experiencing an opioid-related overdose. 138

(2) The nurse instructs the individual receiving the 139
naloxone supply or prescription to summon emergency services as 140
soon as practicable either ~~immediately~~ before or ~~immediately~~ 141
after administering naloxone to an individual apparently 142
experiencing an opioid-related overdose. 143

~~(3) The naloxone is personally furnished or prescribed in 144
such a manner that it may be administered by only either of the 145
following routes: 146~~

~~(a) Using a device manufactured for the intranasal 147
administration of liquid drugs; 148~~

~~(b) Using an autoinjector in a manufactured dosage form. 149~~

(B) A nurse who under division (A) of this section in good 150
faith furnishes a supply of naloxone or issues a prescription 151
for naloxone is not liable for or subject to any of the 152
following for any action or omission of the individual to whom 153
the naloxone is furnished or the prescription is issued: damages 154
in any civil action, prosecution in any criminal proceeding, or 155
professional disciplinary action. 156

Sec. 4729.01. As used in this chapter: 157

(A) "Pharmacy," except when used in a context that refers 158
to the practice of pharmacy, means any area, room, rooms, place 159
of business, department, or portion of any of the foregoing 160
where the practice of pharmacy is conducted. 161

(B) "Practice of pharmacy" means providing pharmacist care 162
requiring specialized knowledge, judgment, and skill derived 163
from the principles of biological, chemical, behavioral, social, 164
pharmaceutical, and clinical sciences. As used in this division, 165
"pharmacist care" includes the following: 166

(1) Interpreting prescriptions; 167

(2) Dispensing drugs and drug therapy related devices; 168

(3) Compounding drugs; 169

(4) Counseling individuals with regard to their drug 170
therapy, recommending drug therapy related devices, and 171
assisting in the selection of drugs and appliances for treatment 172
of common diseases and injuries and providing instruction in the 173
proper use of the drugs and appliances; 174

(5) Performing drug regimen reviews with individuals by 175
discussing all of the drugs that the individual is taking and 176
explaining the interactions of the drugs; 177

(6) Performing drug utilization reviews with licensed 178
health professionals authorized to prescribe drugs when the 179
pharmacist determines that an individual with a prescription has 180
a drug regimen that warrants additional discussion with the 181
prescriber; 182

(7) Advising an individual and the health care 183
professionals treating an individual with regard to the 184
individual's drug therapy; 185

(8) Acting pursuant to a consult agreement with a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established with the physician;	186 187 188 189 190
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	191 192
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	193 194 195
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	196 197
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	198 199
(3) As an incident to research, teaching activities, or chemical analysis;	200 201
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	202 203 204
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	205 206 207 208 209
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from	210 211 212 213

a manufacturer.	214
(b) A limited quantity of the drug is compounded and provided to the professional.	215 216
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	217 218 219
(D) "Consult agreement" means an agreement to manage an individual's drug therapy that has been entered into by a pharmacist and a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	220 221 222 223 224
(E) "Drug" means:	225
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	226 227 228 229
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	230 231 232
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	233 234
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	235 236 237 238
(F) "Dangerous drug" means any of the following:	239
(1) Any drug to which either of the following applies:	240

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 241
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 242
required to bear a label containing the legend "Caution: Federal 243
law prohibits dispensing without prescription" or "Caution: 244
Federal law restricts this drug to use by or on the order of a 245
licensed veterinarian" or any similar restrictive statement, or 246
the drug may be dispensed only upon a prescription; 247

(b) Under Chapter 3715. or 3719. of the Revised Code, the 248
drug may be dispensed only upon a prescription. 249

(2) Any drug that contains a schedule V controlled 250
substance and that is exempt from Chapter 3719. of the Revised 251
Code or to which that chapter does not apply; 252

(3) Any drug intended for administration by injection into 253
the human body other than through a natural orifice of the human 254
body. 255

(G) "Federal drug abuse control laws" has the same meaning 256
as in section 3719.01 of the Revised Code. 257

(H) "Prescription" means ~~a~~ both of the following: 258

(1) A written, electronic, or oral order for drugs or 259
combinations or mixtures of drugs to be used by a particular 260
individual or for treating a particular animal, issued by a 261
licensed health professional authorized to prescribe drugs; 262

(2) For purposes of section 2925.61, 4723.488, 4729.44, 263
4730.431, and 4731.94 of the Revised Code, a written, 264
electronic, or oral order for naloxone issued to and in the name 265
of a family member, friend, or other individual in a position to 266
assist an individual who there is reason to believe is at risk 267
of experiencing an opioid-related overdose. 268

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

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

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

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

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

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

(6) A veterinarian licensed under Chapter 4741. of the Revised Code.

(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other

than a wholesale sale or sale at wholesale. 297

(M) "Retail seller" means any person that sells any 298
dangerous drug to consumers without assuming control over and 299
responsibility for its administration. Mere advice or 300
instructions regarding administration do not constitute control 301
or establish responsibility. 302

(N) "Price information" means the price charged for a 303
prescription for a particular drug product and, in an easily 304
understandable manner, all of the following: 305

(1) The proprietary name of the drug product; 306

(2) The established (generic) name of the drug product; 307

(3) The strength of the drug product if the product 308
contains a single active ingredient or if the drug product 309
contains more than one active ingredient and a relevant strength 310
can be associated with the product without indicating each 311
active ingredient. The established name and quantity of each 312
active ingredient are required if such a relevant strength 313
cannot be so associated with a drug product containing more than 314
one ingredient. 315

(4) The dosage form; 316

(5) The price charged for a specific quantity of the drug 317
product. The stated price shall include all charges to the 318
consumer, including, but not limited to, the cost of the drug 319
product, professional fees, handling fees, if any, and a 320
statement identifying professional services routinely furnished 321
by the pharmacy. Any mailing fees and delivery fees may be 322
stated separately without repetition. The information shall not 323
be false or misleading. 324

(O) "Wholesale distributor of dangerous drugs" means a 325
person engaged in the sale of dangerous drugs at wholesale and 326
includes any agent or employee of such a person authorized by 327
the person to engage in the sale of dangerous drugs at 328
wholesale. 329

(P) "Manufacturer of dangerous drugs" means a person, 330
other than a pharmacist, who manufactures dangerous drugs and 331
who is engaged in the sale of those dangerous drugs within this 332
state. 333

(Q) "Terminal distributor of dangerous drugs" means a 334
person who is engaged in the sale of dangerous drugs at retail, 335
or any person, other than a wholesale distributor or a 336
pharmacist, who has possession, custody, or control of dangerous 337
drugs for any purpose other than for that person's own use and 338
consumption, and includes pharmacies, hospitals, nursing homes, 339
and laboratories and all other persons who procure dangerous 340
drugs for sale or other distribution by or under the supervision 341
of a pharmacist or licensed health professional authorized to 342
prescribe drugs. 343

(R) "Promote to the public" means disseminating a 344
representation to the public in any manner or by any means, 345
other than by labeling, for the purpose of inducing, or that is 346
likely to induce, directly or indirectly, the purchase of a 347
dangerous drug at retail. 348

(S) "Person" includes any individual, partnership, 349
association, limited liability company, or corporation, the 350
state, any political subdivision of the state, and any district, 351
department, or agency of the state or its political 352
subdivisions. 353

(T) "Finished dosage form" has the same meaning as in 354
section 3715.01 of the Revised Code. 355

(U) "Generically equivalent drug" has the same meaning as 356
in section 3715.01 of the Revised Code. 357

(V) "Animal shelter" means a facility operated by a humane 358
society or any society organized under Chapter 1717. of the 359
Revised Code or a dog pound operated pursuant to Chapter 955. of 360
the Revised Code. 361

(W) "Food" has the same meaning as in section 3715.01 of 362
the Revised Code. 363

(X) "Pain management clinic" has the same meaning as in 364
section 4731.054 of the Revised Code. 365

Sec. 4729.16. (A) The state board of pharmacy, after 366
notice and hearing in accordance with Chapter 119. of the 367
Revised Code, may revoke, suspend, limit, place on probation, or 368
refuse to grant or renew an identification card, or may impose a 369
monetary penalty or forfeiture not to exceed in severity any 370
fine designated under the Revised Code for a similar offense, or 371
in the case of a violation of a section of the Revised Code that 372
does not bear a penalty, a monetary penalty or forfeiture of not 373
more than five hundred dollars, if the board finds a pharmacist 374
or pharmacy intern: 375

(1) Guilty of a felony or gross immorality; 376

(2) Guilty of dishonesty or unprofessional conduct in the 377
practice of pharmacy; 378

(3) Addicted to or abusing liquor or drugs or impaired 379
physically or mentally to such a degree as to render the 380
pharmacist or pharmacy intern unfit to practice pharmacy; 381

(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	382 383
(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	384 385 386 387 388 389
(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;	390 391
(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;	392 393 394 395
(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	396 397 398 399 400 401
(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	402 403
(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.	404 405 406 407
(B) Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten	408 409 410

days after receipt of notice of such action.	411
(C) As used in this section:	412
"Unprofessional conduct in the practice of pharmacy"	413
includes any of the following:	414
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	415 416
(2) Except as provided in section 4729.281 <u>or 4729.44</u> of the Revised Code, the <u>dispensing or sale</u> of any drug for which a prescription is required, without having received a prescription for the drug;	417 418 419 420
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	421 422
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	423 424 425 426
(5) Obtaining any remuneration by fraud, misrepresentation, or deception.	427 428
(D) The board may suspend a license or identification card under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	429 430 431 432
(E) If, pursuant to an adjudication under Chapter 119. of the Revised Code, the board has reasonable cause to believe that a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the pharmacist or pharmacy intern to submit to a physical or mental examination, or both.	433 434 435 436 437

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 438
section 4729.28 of the Revised Code do not do any of the 439
following: 440

(A) Apply to a licensed health professional authorized to 441
prescribe drugs who is acting within the prescriber's scope of 442
professional practice; 443

(B) Prevent a prescriber from personally furnishing the 444
prescriber's patients with drugs, within the prescriber's scope 445
of professional practice, that seem proper to the prescriber, as 446
long as the drugs are furnished in accordance with section 447
4729.291 of the Revised Code; 448

(C) Apply to an individual who personally furnishes a 449
supply of naloxone under authority conferred by a physician 450
under section 4731.941 of the Revised Code or prevent that 451
individual from personally furnishing the supply of naloxone in 452
accordance with a protocol established by the physician under 453
section 4731.942 of the Revised Code; 454

(D) Apply to the sale of oxygen, the sale of peritoneal 455
dialysis solutions, or the sale of drugs that are not dangerous 456
drugs by a retail dealer, in original packages when labeled as 457
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 458
1040 (1938), 21 U.S.C.A. 301, as amended. 459

Sec. 4729.291. (A) When a licensed health professional 460
authorized to prescribe drugs personally furnishes drugs to a 461
patient pursuant to division (B) of section 4729.29 of the 462
Revised Code, the prescriber shall ensure that the drugs are 463
labeled and packaged in accordance with state and federal drug 464
laws and any rules and regulations adopted pursuant to those 465
laws. Records of purchase and disposition of all drugs 466

personally furnished to patients shall be maintained by the 467
prescriber in accordance with state and federal drug statutes 468
and any rules adopted pursuant to those statutes. 469

(B) When personally furnishing to a patient RU-486 470
(mifepristone), a prescriber is subject to section 2919.123 of 471
the Revised Code. A prescription for RU-486 (mifepristone) shall 472
be in writing and in accordance with section 2919.123 of the 473
Revised Code. 474

(C) (1) Except as provided in ~~division~~ divisions (D) and 475
(E) of this section, no prescriber shall do either of the 476
following: 477

(a) In any thirty-day period, personally furnish to or for 478
patients, taken as a whole, controlled substances in an amount 479
that exceeds a total of two thousand five hundred dosage units; 480

(b) In any seventy-two-hour period, personally furnish to 481
or for a patient an amount of a controlled substance that 482
exceeds the amount necessary for the patient's use in a seventy- 483
two-hour period. 484

(2) The state board of pharmacy may impose a fine of not 485
more than five thousand dollars on a prescriber who fails to 486
comply with the limits established under division (C) (1) of this 487
section. A separate fine may be imposed for each instance of 488
failing to comply with the limits. In imposing the fine, the 489
board's actions shall be taken in accordance with Chapter 119. 490
of the Revised Code. 491

(D) ~~(1)~~ None of the following shall be counted in 492
determining whether the amounts specified in division (C) (1) of 493
this section have been exceeded: 494

~~(a) (1) Methadone provided personally furnished to~~ 495

patients for the purpose of treating drug dependence or 496
addiction, if the prescriber meets the conditions specified in 497
21 C.F.R. 1306.07; 498

~~(b) (2) Buprenorphine provided personally furnished to~~ 499
patients for the purpose of treating drug dependence or 500
addiction as part of an opioid treatment program that possesses 501
a terminal distributor of dangerous drugs license issued under 502
section 4729.54 of the Revised Code, is the subject of a 503
current, valid certification from the substance abuse and mental 504
health services administration of the United States department 505
of health and human services pursuant to 42 C.F.R. 8.11, and 506
~~distributes both buprenorphine~~ meets either of the following 507
criteria: 508

(a) Buprenorphine and methadone, are personally furnished 509
by physicians treating patients participating in the program. 510

(b) Buprenorphine, but not methadone, is personally 511
furnished by physicians treating patients participating in the 512
program, the program is accredited by a national accrediting 513
organization approved by the substance abuse and mental health 514
services administration, the service of personally furnishing 515
buprenorphine has, notwithstanding section 5119.371 of the 516
Revised Code, been certified by the department of mental health 517
and addiction services under section 5119.36 of the Revised 518
Code, and the program maintains in the record of a patient to 519
whom buprenorphine has been administered or personally furnished 520
a copy of the physician's signed and dated written order for 521
that act. 522

(c) Controlled substances ~~provided personally furnished to~~ 523
research subjects by a facility conducting clinical research in 524
studies approved by a hospital-based institutional review board 525

or an institutional review board accredited by the association 526
for the accreditation of human research protection programs. 527

~~(2)~~ (E) Division (C) (1) of this section does not apply to 528
a prescriber who is a veterinarian. 529

Sec. 4729.292. The state board of pharmacy shall annually 530
conduct an on-site inspection of a community mental health 531
services provider or community addiction services provider that 532
is an opioid treatment program described in division (D) (2) (b) 533
of section 4729.291 of the Revised Code. 534

Sec. 4729.44. (A) As used in this section: 535

(1) "Board of health" means a board of health of a city or 536
general health district or an authority having the duties of a 537
board of health under section 3709.05 of the Revised Code. 538

(2) "Physician" means an individual authorized under 539
Chapter 4731. of the Revised Code to practice medicine and 540
surgery, osteopathic medicine and surgery, or podiatric medicine 541
and surgery. 542

(B) If use of the protocol developed pursuant to rules 543
adopted under division (G) of this section has been authorized 544
under section 3707.56 or 4731.942 of the Revised Code, a 545
pharmacist or pharmacy intern may dispense naloxone without a 546
prescription to either of the following in accordance with that 547
protocol: 548

(1) An individual who there is reason to believe is 549
experiencing or at risk of experiencing an opioid-related 550
overdose; 551

(2) A family member, friend, or other person in a position 552
to assist an individual who there is reason to believe is at 553

risk of experiencing an opioid-related overdose. 554

(C) A pharmacist or pharmacy intern who dispenses naloxone 555
under this section shall instruct the individual to whom 556
naloxone is dispensed to summon emergency services as soon as 557
practicable either before or after administering naloxone. 558

(D) A pharmacist may document the dispensing of naloxone 559
by the pharmacist or a pharmacy intern supervised by the 560
pharmacist on a prescription form. The form may be assigned a 561
number for record-keeping purposes. 562

(E) This section does not affect the authority of a 563
pharmacist or pharmacy intern to fill or refill a prescription 564
for naloxone. 565

(F) A board of health that in good faith authorizes a 566
pharmacist or pharmacy intern to dispense naloxone without a 567
prescription in accordance with a protocol developed pursuant to 568
rules adopted under division (G) of this section is not liable 569
for or subject to any of the following for any action or 570
omission of the individual to whom the naloxone is dispensed: 571
damages in any civil action, prosecution in any criminal 572
proceeding, or professional disciplinary action. 573

A physician who in good faith authorizes a pharmacist or 574
pharmacy intern to dispense naloxone without a prescription in 575
accordance with a protocol developed pursuant to rules adopted 576
under division (G) of this section is not liable for or subject 577
to any of the following for any action or omission of the 578
individual to whom the naloxone is dispensed: damages in any 579
civil action, prosecution in any criminal proceeding, or 580
professional disciplinary action. 581

A pharmacist or pharmacy intern authorized under this 582

section to dispense naloxone without a prescription who does so 583
in good faith is not liable for or subject to any of the 584
following for any action or omission of the individual to whom 585
the naloxone is dispensed: damages in any civil action, 586
prosecution in any criminal proceeding, or professional 587
disciplinary action. 588

(G) The state board of pharmacy shall, after consulting 589
with the department of health and state medical board, adopt 590
rules to implement this section. The rules shall specify a 591
protocol under which pharmacists or pharmacy interns may 592
dispense naloxone without a prescription. 593

All rules adopted under this section shall be adopted in 594
accordance with Chapter 119. of the Revised Code. 595

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 596
of this section, no person other than a registered wholesale 597
distributor of dangerous drugs shall possess for sale, sell, 598
distribute, or deliver, at wholesale, dangerous drugs, except as 599
follows: 600

(a) A pharmacist who is a licensed terminal distributor of 601
dangerous drugs or who is employed by a licensed terminal 602
distributor of dangerous drugs may make occasional sales of 603
dangerous drugs at wholesale. 604

(b) A licensed terminal distributor of dangerous drugs 605
having more than one establishment or place may transfer or 606
deliver dangerous drugs from one establishment or place for 607
which a license has been issued to the terminal distributor to 608
another establishment or place for which a license has been 609
issued to the terminal distributor if the license issued for 610
each establishment or place is in effect at the time of the 611

transfer or delivery. 612

(c) A licensed terminal distributor of dangerous drugs may 613
make occasional sales of naloxone at wholesale to a state or 614
local law enforcement agency if the terminal distributor is any 615
of the following: 616

(i) A board of health of a city or general health 617
district; 618

(ii) An authority having the duties of a board of health 619
under section 3709.05 of the Revised Code; 620

(iii) A health department operated by such board or 621
authority. 622

(2) A manufacturer of dangerous drugs may donate 623
epinephrine autoinjectors to any of the following: 624

(a) The board of education of a city, local, exempted 625
village, or joint vocational school district; 626

(b) A community school established under Chapter 3314. of 627
the Revised Code; 628

(c) A STEM school established under Chapter 3326. of the 629
Revised Code; 630

(d) A college-preparatory boarding school established 631
under Chapter 3328. of the Revised Code; 632

(e) A chartered or nonchartered nonpublic school. 633

(B) (1) No registered wholesale distributor of dangerous 634
drugs shall possess for sale, or sell, at wholesale, dangerous 635
drugs to any person other than the following: 636

(a) Except as provided in division (B) (2) (a) of this 637
section, a licensed health professional authorized to prescribe 638

drugs; 639

(b) An optometrist licensed under Chapter 4725. of the 640
Revised Code who holds a topical ocular pharmaceutical agents 641
certificate; 642

(c) A registered wholesale distributor of dangerous drugs; 643

(d) A manufacturer of dangerous drugs; 644

(e) Subject to division (B) (3) of this section, a licensed 645
terminal distributor of dangerous drugs; 646

(f) Carriers or warehouses for the purpose of carriage or 647
storage; 648

(g) Terminal or wholesale distributors of dangerous drugs 649
who are not engaged in the sale of dangerous drugs within this 650
state; 651

(h) An individual who holds a current license, 652
certificate, or registration issued under Title XLVII of the 653
Revised Code and has been certified to conduct diabetes 654
education by a national certifying body specified in rules 655
adopted by the state board of pharmacy under section 4729.68 of 656
the Revised Code, but only with respect to insulin that will be 657
used for the purpose of diabetes education and only if diabetes 658
education is within the individual's scope of practice under 659
statutes and rules regulating the individual's profession; 660

(i) An individual who holds a valid certificate issued by 661
a nationally recognized S.C.U.B.A. diving certifying 662
organization approved by the state board of pharmacy in rule, 663
but only with respect to medical oxygen that will be used for 664
the purpose of emergency care or treatment at the scene of a 665
diving emergency; 666

(j) Except as provided in division (B) (2) (b) of this 667
section, a business entity that is a corporation formed under 668
division (B) of section 1701.03 of the Revised Code, a limited 669
liability company formed under Chapter 1705. of the Revised 670
Code, or a professional association formed under Chapter 1785. 671
of the Revised Code if the entity has a sole shareholder who is 672
a licensed health professional authorized to prescribe drugs and 673
is authorized to provide the professional services being offered 674
by the entity; 675

(k) Except as provided in division (B) (2) (c) of this 676
section, a business entity that is a corporation formed under 677
division (B) of section 1701.03 of the Revised Code, a limited 678
liability company formed under Chapter 1705. of the Revised 679
Code, a partnership or a limited liability partnership formed 680
under Chapter 1775. of the Revised Code, or a professional 681
association formed under Chapter 1785. of the Revised Code, if, 682
to be a shareholder, member, or partner, an individual is 683
required to be licensed, certified, or otherwise legally 684
authorized under Title XLVII of the Revised Code to perform the 685
professional service provided by the entity and each such 686
individual is a licensed health professional authorized to 687
prescribe drugs; 688

(l) With respect to epinephrine autoinjectors that may be 689
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 690
or 3328.29 of the Revised Code, any of the following: the board 691
of education of a city, local, exempted village, or joint 692
vocational school district; a chartered or nonchartered 693
nonpublic school; a community school established under Chapter 694
3314. of the Revised Code; a STEM school established under 695
Chapter 3326. of the Revised Code; or a college-preparatory 696
boarding school established under Chapter 3328. of the Revised 697

Code; 698

(m) With respect to epinephrine autoinjectors that may be 699
possessed under section 5101.76 of the Revised Code, any of the 700
following: a residential camp, as defined in section 2151.011 of 701
the Revised Code; a child day camp, as defined in section 702
5104.01 of the Revised Code; or a child day camp operated by any 703
county, township, municipal corporation, township park district 704
created under section 511.18 of the Revised Code, park district 705
created under section 1545.04 of the Revised Code, or joint 706
recreation district established under section 755.14 of the 707
Revised Code; 708

(n) With respect to naloxone that may be possessed under 709
section 2925.61 of the Revised Code, a law enforcement agency 710
and its peace officers. 711

(2) No registered wholesale distributor of dangerous drugs 712
shall possess for sale, or sell, at wholesale, dangerous drugs 713
to any of the following: 714

(a) A prescriber who is employed by a pain management 715
clinic that is not licensed as a terminal distributor of 716
dangerous drugs with a pain management clinic classification 717
issued under section 4729.552 of the Revised Code; 718

(b) A business entity described in division (B)(1)(j) of 719
this section that is, or is operating, a pain management clinic 720
without a license as a terminal distributor of dangerous drugs 721
with a pain management clinic classification issued under 722
section 4729.552 of the Revised Code; 723

(c) A business entity described in division (B)(1)(k) of 724
this section that is, or is operating, a pain management clinic 725
without a license as a terminal distributor of dangerous drugs 726

with a pain management clinic classification issued under 727
section 4729.552 of the Revised Code. 728

(3) No registered wholesale distributor of dangerous drugs 729
shall possess dangerous drugs for sale at wholesale, or sell 730
such drugs at wholesale, to a licensed terminal distributor of 731
dangerous drugs, except as follows: 732

(a) In the case of a terminal distributor with a category 733
I license, only dangerous drugs described in category I, as 734
defined in division (A)(1) of section 4729.54 of the Revised 735
Code; 736

(b) In the case of a terminal distributor with a category 737
II license, only dangerous drugs described in category I and 738
category II, as defined in divisions (A)(1) and (2) of section 739
4729.54 of the Revised Code; 740

(c) In the case of a terminal distributor with a category 741
III license, dangerous drugs described in category I, category 742
II, and category III, as defined in divisions (A)(1), (2), and 743
(3) of section 4729.54 of the Revised Code; 744

(d) In the case of a terminal distributor with a limited 745
category I, II, or III license, only the dangerous drugs 746
specified in the certificate furnished by the terminal 747
distributor in accordance with section 4729.60 of the Revised 748
Code. 749

(C)(1) Except as provided in division (C)(4) of this 750
section, no person shall sell, at retail, dangerous drugs. 751

(2) Except as provided in division (C)(4) of this section, 752
no person shall possess for sale, at retail, dangerous drugs. 753

(3) Except as provided in division (C)(4) of this section, 754

no person shall possess dangerous drugs. 755

(4) Divisions (C) (1), (2), and (3) of this section do not 756
apply to a registered wholesale distributor of dangerous drugs, 757
a licensed terminal distributor of dangerous drugs, or a person 758
who possesses, or possesses for sale or sells, at retail, a 759
dangerous drug in accordance with Chapters 3719., 4715., 4723., 760
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 761

Divisions (C) (1), (2), and (3) of this section do not 762
apply to an individual who holds a current license, certificate, 763
or registration issued under Title XLVII of the Revised Code and 764
has been certified to conduct diabetes education by a national 765
certifying body specified in rules adopted by the state board of 766
pharmacy under section 4729.68 of the Revised Code, but only to 767
the extent that the individual possesses insulin or personally 768
supplies insulin solely for the purpose of diabetes education 769
and only if diabetes education is within the individual's scope 770
of practice under statutes and rules regulating the individual's 771
profession. 772

Divisions (C) (1), (2), and (3) of this section do not 773
apply to an individual who holds a valid certificate issued by a 774
nationally recognized S.C.U.B.A. diving certifying organization 775
approved by the state board of pharmacy in rule, but only to the 776
extent that the individual possesses medical oxygen or 777
personally supplies medical oxygen for the purpose of emergency 778
care or treatment at the scene of a diving emergency. 779

Division (C) (3) of this section does not apply to the 780
board of education of a city, local, exempted village, or joint 781
vocational school district, a school building operated by a 782
school district board of education, a chartered or nonchartered 783
nonpublic school, a community school, a STEM school, or a 784

college-preparatory boarding school for the purpose of 785
possessing epinephrine autoinjectors under section 3313.7110, 786
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code. 787

Division (C) (3) of this section does not apply to a 788
residential camp, as defined in section 2151.011 of the Revised 789
Code, a child day camp, as defined in section 5104.01 of the 790
Revised Code, or a child day camp operated by any county, 791
township, municipal corporation, township park district created 792
under section 511.18 of the Revised Code, park district created 793
under section 1545.04 of the Revised Code, or joint recreation 794
district established under section 755.14 of the Revised Code 795
for the purpose of possessing epinephrine autoinjectors under 796
section 5101.76 of the Revised Code. 797

Division (C) (3) of this section does not apply to a law 798
enforcement agency or the agency's peace officers if the agency 799
or officers possess naloxone for administration to individuals 800
who are apparently experiencing opioid-related overdoses. 801

(D) No licensed terminal distributor of dangerous drugs 802
shall purchase for the purpose of resale dangerous drugs from 803
any person other than a registered wholesale distributor of 804
dangerous drugs, except as follows: 805

(1) A licensed terminal distributor of dangerous drugs may 806
make occasional purchases of dangerous drugs for resale from a 807
pharmacist who is a licensed terminal distributor of dangerous 808
drugs or who is employed by a licensed terminal distributor of 809
dangerous drugs; 810

(2) A licensed terminal distributor of dangerous drugs 811
having more than one establishment or place may transfer or 812
receive dangerous drugs from one establishment or place for 813

which a license has been issued to the terminal distributor to 814
another establishment or place for which a license has been 815
issued to the terminal distributor if the license issued for 816
each establishment or place is in effect at the time of the 817
transfer or receipt. 818

(E) No licensed terminal distributor of dangerous drugs 819
shall engage in the sale or other distribution of dangerous 820
drugs at retail or maintain possession, custody, or control of 821
dangerous drugs for any purpose other than the distributor's 822
personal use or consumption, at any establishment or place other 823
than that or those described in the license issued by the state 824
board of pharmacy to such terminal distributor. 825

(F) Nothing in this section shall be construed to 826
interfere with the performance of official duties by any law 827
enforcement official authorized by municipal, county, state, or 828
federal law to collect samples of any drug, regardless of its 829
nature or in whose possession it may be. 830

(G) Notwithstanding anything to the contrary in this 831
section, the board of education of a city, local, exempted 832
village, or joint vocational school district may deliver 833
epinephrine autoinjectors to a school under its control for the 834
purpose of possessing epinephrine autoinjectors under section 835
3313.7110 of the Revised Code. 836

Sec. 4729.60. (A) Before a registered wholesale 837
distributor of dangerous drugs may sell dangerous drugs at 838
wholesale to any person, other than the persons specified in 839
divisions (B) (1) (a) to (d), (f) to (h), and (l), and (m) to (n) 840
of section 4729.51 of the Revised Code, such wholesale 841
distributor shall obtain from the purchaser and the purchaser 842
shall furnish to the wholesale distributor a certificate 843

indicating that the purchaser is a licensed terminal distributor 844
of dangerous drugs. The certificate shall be in the form that 845
the state board of pharmacy shall prescribe, and shall set forth 846
the name of the licensee, the number of the license, a 847
description of the place or establishment or each place or 848
establishment for which the license was issued, the category of 849
licensure, and, if the license is a limited category I, II, or 850
III license, the dangerous drugs that the licensee is authorized 851
to possess, have custody or control of, and distribute. 852

If no certificate is obtained or furnished before a sale 853
is made, it shall be presumed that the sale of dangerous drugs 854
by the wholesale distributor is in violation of division (B) of 855
section 4729.51 of the Revised Code and the purchase of 856
dangerous drugs by the purchaser is in violation of division (C) 857
of section 4729.51 of the Revised Code. If a registered 858
wholesale distributor of dangerous drugs obtains or is furnished 859
a certificate from a terminal distributor of dangerous drugs and 860
relies on the certificate in selling dangerous drugs at 861
wholesale to the terminal distributor of dangerous drugs, the 862
wholesale distributor of dangerous drugs shall be deemed not to 863
have violated division (B) of section 4729.51 of the Revised 864
Code in making the sale. 865

(B) Before a licensed terminal distributor of dangerous 866
drugs may purchase dangerous drugs at wholesale, the terminal 867
distributor shall obtain from the seller and the seller shall 868
furnish to the terminal distributor the number of the seller's 869
registration certificate to engage in the sale of dangerous 870
drugs at wholesale. 871

If no registration number is obtained or furnished before 872
a purchase is made, it shall be presumed that the purchase of 873

dangerous drugs by the terminal distributor is in violation of 874
division (D) of section 4729.51 of the Revised Code and the sale 875
of dangerous drugs by the seller is in violation of division (A) 876
of section 4729.51 of the Revised Code. If a licensed terminal 877
distributor of dangerous drugs obtains or is furnished a 878
registration number from a wholesale distributor of dangerous 879
drugs and relies on the registration number in purchasing 880
dangerous drugs at wholesale from the wholesale distributor of 881
dangerous drugs, the terminal distributor shall be deemed not to 882
have violated division (D) of section 4729.51 of the Revised 883
Code in making the purchase. 884

Sec. 4730.431. (A) Notwithstanding any provision of this 885
chapter or rule adopted by the state medical board, a physician 886
assistant who holds a certificate to prescribe issued under this 887
chapter may personally furnish a supply of naloxone, or issue a 888
prescription for naloxone, without having examined the 889
individual to whom it may be administered if ~~all~~ both of the 890
following conditions are met: 891

(1) The naloxone supply is furnished to, or the 892
prescription is issued to and in the name of, a family member, 893
friend, or other individual in a position to assist an 894
individual who there is reason to believe is at risk of 895
experiencing an opioid-related overdose. 896

(2) The physician assistant instructs the individual 897
receiving the naloxone supply or prescription to summon 898
emergency services as soon as practicable either ~~immediately~~ 899
before or ~~immediately~~ after administering naloxone to an 900
individual apparently experiencing an opioid-related overdose. 901

~~(3) The naloxone is personally furnished or prescribed in 902
such a manner that it may be administered by only either of the 903~~

~~following routes:~~ 904

~~(a) Using a device manufactured for the intranasal
administration of liquid drugs;~~ 905
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~~(b) Using an autoinjector in a manufactured dosage form.~~ 907

(B) A physician assistant who under division (A) of this 908
section in good faith furnishes a supply of naloxone or issues a 909
prescription for naloxone is not liable for or subject to any of 910
the following for any action or omission of the individual to 911
whom the naloxone is furnished or the prescription is issued: 912
damages in any civil action, prosecution in any criminal 913
proceeding, or professional disciplinary action. 914

Sec. 4731.94. (A) As used in this section and sections 915
4731.941 and 4731.942 of the Revised Code, "physician" means an 916
individual authorized under this chapter to practice medicine 917
and surgery, osteopathic medicine and surgery, or podiatric 918
medicine and surgery. 919

(B) Notwithstanding any provision of this chapter or rule 920
adopted by the state medical board, a physician may personally 921
furnish a supply of naloxone, or issue a prescription for 922
naloxone, without having examined the individual to whom it may 923
be administered if ~~all~~ both of the following conditions are met: 924

(1) The naloxone supply is furnished to, or the 925
prescription is issued to and in the name of, a family member, 926
friend, or other individual in a position to assist an 927
individual who there is reason to believe is at risk of 928
experiencing an opioid-related overdose. 929

(2) The physician instructs the individual receiving the 930
naloxone supply or prescription to summon emergency services as 931
soon as practicable either ~~immediately~~ before or ~~immediately~~ 932

after administering the naloxone to an individual apparently 933
experiencing an opioid-related overdose. 934

~~(3) The naloxone is personally furnished or prescribed in 935
such a manner that it may be administered by only either of the 936
following routes: 937~~

~~(a) Using a device manufactured for the intranasal 938
administration of liquid drugs; 939~~

~~(b) Using an autoinjector in a manufactured dosage form. 940~~

(C) A physician who under division (B) of this section in 941
good faith furnishes a supply of naloxone or issues a 942
prescription for naloxone is not liable for or subject to any of 943
the following for any action or omission of the individual to 944
whom the naloxone is furnished or the prescription is issued: 945
damages in any civil action, prosecution in any criminal 946
proceeding, or professional disciplinary action. 947

Sec. 4731.941. (A) (1) A physician who has established a 948
protocol that meets the requirements of division (C) of this 949
section may authorize one or more other individuals to 950
personally furnish a supply of naloxone pursuant to the protocol 951
to either of the following: 952

(a) An individual who there is reason to believe is 953
experiencing or at risk of experiencing an opioid-related 954
overdose; 955

(b) A family member, friend, or other person in a position 956
to assist an individual who there is reason to believe is at 957
risk of experiencing an opioid-related overdose. 958

(2) An individual authorized under this section to 959
personally furnish naloxone may do so without having examined 960

the individual to whom it may be administered. 961

(B) An individual authorized by a physician under this 962
section may personally furnish naloxone to an individual 963
described in division (A)(1)(a) or (b) of this section if both 964
of the following conditions are met: 965

(1) The authorized individual complies with the protocol 966
established by the authorizing physician, including having 967
completed the training required by the protocol. 968

(2) The authorized individual instructs the individual to 969
whom naloxone is furnished to summon emergency services as soon 970
as practicable either before or after administering naloxone. 971

(C) A protocol established by a physician for purposes of 972
this section shall be established in writing and include all of 973
the following: 974

(1) A description of the clinical pharmacology of 975
naloxone; 976

(2) Precautions and contraindications concerning 977
furnishing naloxone; 978

(3) Any limitations the physician specifies concerning the 979
individuals to whom naloxone may be furnished; 980

(4) The naloxone dosage that may be furnished and any 981
variation in the dosage based on circumstances specified in the 982
protocol; 983

(5) Labeling, storage, record-keeping, and administrative 984
requirements; 985

(6) Training requirements that must be met before an 986
individual will be authorized to furnish naloxone; 987

(7) Any instructions or training that the authorized individual must provide to an individual to whom naloxone is furnished. 988
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(D) A physician who in good faith authorizes another individual to personally furnish naloxone in accordance with a protocol established by the physician under section 4731.942 of the Revised Code is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 991
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An individual authorized under this section to personally furnish naloxone who does so in good faith is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 999
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Sec. 4731.942. A physician may authorize one or more pharmacists and any of the pharmacy interns supervised by the pharmacist or pharmacists to use the protocol developed pursuant to rules adopted under section 4729.44 of the Revised Code for the purpose of dispensing naloxone under section 4729.44 of the Revised Code. 1005
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Sec. 5119.371. (A) In lieu of a determination by the director of mental health and addiction services of whether the services of a community mental health services provider or a community addiction services provider satisfy the standards for certification under section 5119.36 of the Revised Code, the director shall accept appropriate accreditation of an applicant's mental health services, alcohol and drug addiction 1011
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services, integrated mental health and alcohol and other drug 1018
addiction services, integrated mental health and physical health 1019
services, or integrated alcohol and other drug addiction and 1020
physical health services being provided in this state from any 1021
of the following national accrediting organizations as evidence 1022
that the applicant satisfies the standards for certification: 1023

(1) The joint commission; 1024

(2) The commission on accreditation of rehabilitation 1025
facilities; 1026

(3) The council on accreditation; 1027

(4) Other behavioral health accreditation as determined by 1028
the director. 1029

(B) If the director determines that an applicant's 1030
accreditation is current, is appropriate for the services for 1031
which the applicant is seeking certification, and the applicant 1032
meets any other requirements established under this section or 1033
in rules adopted under this section, the director shall certify 1034
the applicant's services that are accredited. Except as provided 1035
in division (C) (2) of this section, the director shall issue the 1036
certification without further evaluation of the services. 1037

(C) For purposes of this section, all of the following 1038
apply: 1039

(1) The director may review the accrediting organizations 1040
listed in division (A) of this section to evaluate whether the 1041
accreditation standards and processes used by the organizations 1042
are consistent with service delivery models the director 1043
considers appropriate for mental health services, alcohol or 1044
other drug addiction services, physical health services, or 1045
both. The director may communicate to an accrediting 1046

organization any identified concerns, trends, needs, and 1047
recommendations. 1048

(2) The director may conduct an on-site review or 1049
otherwise evaluate a community mental health services provider 1050
or a community addiction services provider at any time based on 1051
cause, including complaints made by or on behalf of persons 1052
receiving services and confirmed or alleged deficiencies brought 1053
to the attention of the director. This authority does not affect 1054
the director's duty to conduct the annual inspections required 1055
by section 5119.372 of the Revised Code. 1056

(3) The director shall require a community mental health 1057
services provider and a community addiction services provider to 1058
notify the director not later than ten days after any change in 1059
the provider's accreditation status. The provider may notify the 1060
director by providing a copy of the relevant document the 1061
provider received from the accrediting organization. 1062

(4) The director shall require a community mental health 1063
services provider and a community addiction services provider to 1064
submit to the director reports of major unusual incidents. 1065

(5) The director may require a community mental health 1066
services provider or a community addiction services provider to 1067
submit to the director cost reports pertaining to the provider. 1068

(D) The director shall adopt rules in accordance with 1069
Chapter 119. of the Revised Code to implement this section. In 1070
adopting the rules, the director shall do all of the following: 1071

(1) Specify the documentation that must be submitted as 1072
evidence of holding appropriate accreditation; 1073

(2) Establish a process by which the director may review 1074
the accreditation standards and processes used by the national 1075

accrediting organizations listed in division (A) of this section; 1076
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(3) Specify the circumstances under which reports of major unusual incidents and provider cost reports must be submitted to the director; 1078
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(4) Specify the circumstances under which the director may conduct an on-site review or otherwise evaluate a community mental health services provider and a community addiction services provider for cause; 1081
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(5) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or evaluating a community mental health services provider or a community addiction services provider under division (C) (2) of this section, may take any of a range of corrective actions, with the most stringent being revocation of the certification of the provider's services. 1085
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Sec. 5119.372. The director of mental health and addiction services shall annually conduct an on-site review of each community mental health services provider and community addiction services provider that is an opioid treatment program described in division (D) (2) (b) of section 4729.291 of the Revised Code. The review may include an inspection of pharmacy records as described in section 3719.13 of the Revised Code and an inspection of patient treatment records. If the director has reason to believe that a violation of local, state, or federal drug law, including any provision of Chapter 2925., 3715., 3719., or 4729. of the Revised Code, has occurred, the director shall report that information to the state board of pharmacy. 1092
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The director may adopt rules in accordance with Chapter 1104

119. of the Revised Code to implement this section. 1105

Section 2. That existing sections 2925.61, 3719.13, 1106
3719.27, 4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 4729.51, 1107
4729.60, 4730.431, 4731.94, and 5119.371 of the Revised Code are 1108
hereby repealed. 1109

Section 3. This act is hereby declared to be an emergency 1110
measure necessary for the immediate preservation of the public 1111
peace, health, and safety. The reason for such necessity is that 1112
abuse of buprenorphine is a growing concern in this state and 1113
immediate action is necessary to protect patients being treated 1114
with buprenorphine in opioid treatment programs. Therefore, this 1115
action shall go into immediate effect. 1116