

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 319

Senator Eklund

A BILL

To amend sections 2925.61, 2929.14, 2947.231, 1
3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 2
4729.16, 4729.18, 4729.19, 4729.38, 4729.51, 3
4729.54, 4729.541, 4729.55, 4729.571, 4729.60, 4
4729.68, 4729.99, 4731.22, 4731.94, 4776.02, 5
4776.04, and 5119.391, to enact sections 6
3707.58, 3707.59, 4729.10, 4729.40, 4729.45, 7
4729.513, 4729.514, 4729.553, 4729.90, 4729.901, 8
4729.902, 4729.91, 4729.92, 4729.921, 4729.93, 9
4729.94, 4729.95, 4729.96, and 4731.943, and to 10
repeal section 4729.42 of the Revised Code and 11
to amend Sections 331.90 and 331.120 of Am. Sub. 12
H.B. 64 of the 131st General Assembly to revise 13
certain laws regarding the regulation of drugs, 14
the practice of pharmacy, and the provision of 15
addiction services. 16

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

Section 1. That sections 2925.61, 2929.14, 2947.231, 17
3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 4729.16, 4729.18, 18
4729.19, 4729.38, 4729.51, 4729.54, 4729.541, 4729.55, 4729.571, 19
4729.60, 4729.68, 4729.99, 4731.22, 4731.94, 4776.02, 4776.04, 20

and 5119.391 be amended and sections 3707.58, 3707.59, 4729.10, 21
4729.40, 4729.45, 4729.513, 4729.514, 4729.553, 4729.90, 22
4729.901, 4729.902, 4729.91, 4729.92, 4729.921, 4729.93, 23
4729.94, 4729.95, 4729.96, and 4731.943 of the Revised Code be 24
enacted to read as follows: 25

Sec. 2925.61. (A) As used in this section: 26

(1) "Law enforcement agency" means a government entity 27
that employs peace officers to perform law enforcement duties. 28

(2) "Licensed health professional" means all of the 29
following: 30

(a) A physician; 31

(b) A physician assistant who is licensed under Chapter 32
4730. of the Revised Code, holds a valid prescriber number 33
issued by the state medical board, and has been granted 34
physician-delegated prescriptive authority; 35

(c) A clinical nurse specialist, certified nurse-midwife, 36
or certified nurse practitioner who holds a certificate to 37
prescribe issued under section 4723.48 of the Revised Code. 38

(3) "Peace officer" has the same meaning as in section 39
2921.51 of the Revised Code. 40

(4) "Physician" means an individual who is authorized 41
under Chapter 4731. of the Revised Code to practice medicine and 42
surgery, osteopathic medicine and surgery, or podiatric medicine 43
and surgery. 44

(B) A family member, friend, or other individual who is in 45
a position to assist an individual who is apparently 46
experiencing or at risk of experiencing an opioid-related 47
overdose, is not subject to criminal prosecution for a violation 48

of section 4731.41 of the Revised Code or criminal prosecution 49
under this chapter if the individual, acting in good faith, does 50
all of the following: 51

(1) Obtains naloxone pursuant to a prescription issued by 52
a licensed health professional or obtains naloxone from one of 53
the following: a 54

(a) A licensed health professional,~~an~~~~;~~ 55

(b) An individual who is authorized by either a physician 56
under section 4731.941 of the Revised Code or a board of health 57
under section 3707.58 of the Revised Code to personally furnish 58
naloxone,~~or a~~~~;~~ 59

(c) A pharmacist or pharmacy intern who is authorized by a 60
physician or board of health under section 4729.44 of the 61
Revised Code to dispense naloxone without a prescription~~;~~~~.~~ 62

(2) Administers the naloxone obtained as described in 63
division (B)(1) of this section to an individual who is 64
apparently experiencing an opioid-related overdose; 65

(3) Attempts to summon emergency services as soon as 66
practicable either before or after administering the naloxone. 67

(C) ~~Division~~ An individual who is an employee, volunteer, 68
or contractor of a service entity, as defined in section 69
4729.514 of the Revised Code, and has been authorized under 70
section 3707.59 or 4731.943 of the Revised Code to administer 71
naloxone is not subject to criminal prosecution for a violation 72
of section 4731.41 of the Revised Code or criminal prosecution 73
under this chapter if the individual, acting in good faith, does 74
all of the following: 75

(1) Obtains naloxone from the service entity of which the 76

individual is an employee, volunteer, or contractor; 77

(2) Administers the naloxone obtained to an individual who 78
is apparently experiencing an opioid-related overdose; 79

(3) Attempts to summon emergency services as soon as 80
practicable either before or after administering the naloxone. 81

(D) Divisions (B) and (C) of this section ~~does~~ do not 82
apply to a peace officer or to an emergency medical technician- 83
basic, emergency medical technician-intermediate, or emergency 84
medical technician-paramedic, as defined in section 4765.01 of 85
the Revised Code. 86

~~(D)~~ (E) A peace officer ~~employed by a law enforcement~~ 87
~~agency~~ is not subject to administrative action, criminal 88
prosecution for a violation of section 4731.41 of the Revised 89
Code, or criminal prosecution under this chapter if the peace 90
officer, acting in good faith, ~~obtains naloxone from the peace-~~ 91
~~officer's law enforcement agency and administers the~~ naloxone to 92
an individual who is apparently experiencing an opioid-related 93
overdose. 94

(F) A peace officer is entitled to the immunity provided 95
for in section 9.86 or 2744.03 of the Revised Code, as the case 96
may be, for any act or omission associated with procuring, 97
maintaining, accessing, or using naloxone. 98

Sec. 2929.14. (A) Except as provided in division (B) (1), 99
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 100
(G), (H), or (J) of this section or in division (D) (6) of 101
section 2919.25 of the Revised Code and except in relation to an 102
offense for which a sentence of death or life imprisonment is to 103
be imposed, if the court imposing a sentence upon an offender 104
for a felony elects or is required to impose a prison term on 105

the offender pursuant to this chapter, the court shall impose a 106
definite prison term that shall be one of the following: 107

(1) For a felony of the first degree, the prison term 108
shall be three, four, five, six, seven, eight, nine, ten, or 109
eleven years. 110

(2) For a felony of the second degree, the prison term 111
shall be two, three, four, five, six, seven, or eight years. 112

(3) (a) For a felony of the third degree that is a 113
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 114
2907.05 of the Revised Code or that is a violation of section 115
2911.02 or 2911.12 of the Revised Code if the offender 116
previously has been convicted of or pleaded guilty in two or 117
more separate proceedings to two or more violations of section 118
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 119
prison term shall be twelve, eighteen, twenty-four, thirty, 120
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 121

(b) For a felony of the third degree that is not an 122
offense for which division (A) (3) (a) of this section applies, 123
the prison term shall be nine, twelve, eighteen, twenty-four, 124
thirty, or thirty-six months. 125

(4) For a felony of the fourth degree, the prison term 126
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 127
fourteen, fifteen, sixteen, seventeen, or eighteen months. 128

(5) For a felony of the fifth degree, the prison term 129
shall be six, seven, eight, nine, ten, eleven, or twelve months. 130

(B) (1) (a) Except as provided in division (B) (1) (e) of this 131
section, if an offender who is convicted of or pleads guilty to 132
a felony also is convicted of or pleads guilty to a 133
specification of the type described in section 2941.141, 134

2941.144, or 2941.145 of the Revised Code, the court shall 135
impose on the offender one of the following prison terms: 136

(i) A prison term of six years if the specification is of 137
the type described in section 2941.144 of the Revised Code that 138
charges the offender with having a firearm that is an automatic 139
firearm or that was equipped with a firearm muffler or 140
suppressor on or about the offender's person or under the 141
offender's control while committing the felony; 142

(ii) A prison term of three years if the specification is 143
of the type described in section 2941.145 of the Revised Code 144
that charges the offender with having a firearm on or about the 145
offender's person or under the offender's control while 146
committing the offense and displaying the firearm, brandishing 147
the firearm, indicating that the offender possessed the firearm, 148
or using it to facilitate the offense; 149

(iii) A prison term of one year if the specification is of 150
the type described in section 2941.141 of the Revised Code that 151
charges the offender with having a firearm on or about the 152
offender's person or under the offender's control while 153
committing the felony. 154

(b) If a court imposes a prison term on an offender under 155
division (B) (1) (a) of this section, the prison term shall not be 156
reduced pursuant to section 2967.19, section 2929.20, section 157
2967.193, or any other provision of Chapter 2967. or Chapter 158
5120. of the Revised Code. Except as provided in division (B) (1) 159
(g) of this section, a court shall not impose more than one 160
prison term on an offender under division (B) (1) (a) of this 161
section for felonies committed as part of the same act or 162
transaction. 163

(c) Except as provided in division (B) (1) (e) of this 164
section, if an offender who is convicted of or pleads guilty to 165
a violation of section 2923.161 of the Revised Code or to a 166
felony that includes, as an essential element, purposely or 167
knowingly causing or attempting to cause the death of or 168
physical harm to another, also is convicted of or pleads guilty 169
to a specification of the type described in section 2941.146 of 170
the Revised Code that charges the offender with committing the 171
offense by discharging a firearm from a motor vehicle other than 172
a manufactured home, the court, after imposing a prison term on 173
the offender for the violation of section 2923.161 of the 174
Revised Code or for the other felony offense under division (A), 175
(B) (2), or (B) (3) of this section, shall impose an additional 176
prison term of five years upon the offender that shall not be 177
reduced pursuant to section 2929.20, section 2967.19, section 178
2967.193, or any other provision of Chapter 2967. or Chapter 179
5120. of the Revised Code. A court shall not impose more than 180
one additional prison term on an offender under division (B) (1) 181
(c) of this section for felonies committed as part of the same 182
act or transaction. If a court imposes an additional prison term 183
on an offender under division (B) (1) (c) of this section relative 184
to an offense, the court also shall impose a prison term under 185
division (B) (1) (a) of this section relative to the same offense, 186
provided the criteria specified in that division for imposing an 187
additional prison term are satisfied relative to the offender 188
and the offense. 189

(d) If an offender who is convicted of or pleads guilty to 190
an offense of violence that is a felony also is convicted of or 191
pleads guilty to a specification of the type described in 192
section 2941.1411 of the Revised Code that charges the offender 193
with wearing or carrying body armor while committing the felony 194

offense of violence, the court shall impose on the offender a 195
prison term of two years. The prison term so imposed, subject to 196
divisions (C) to (I) of section 2967.19 of the Revised Code, 197
shall not be reduced pursuant to section 2929.20, section 198
2967.19, section 2967.193, or any other provision of Chapter 199
2967. or Chapter 5120. of the Revised Code. A court shall not 200
impose more than one prison term on an offender under division 201
(B) (1) (d) of this section for felonies committed as part of the 202
same act or transaction. If a court imposes an additional prison 203
term under division (B) (1) (a) or (c) of this section, the court 204
is not precluded from imposing an additional prison term under 205
division (B) (1) (d) of this section. 206

(e) The court shall not impose any of the prison terms 207
described in division (B) (1) (a) of this section or any of the 208
additional prison terms described in division (B) (1) (c) of this 209
section upon an offender for a violation of section 2923.12 or 210
2923.123 of the Revised Code. The court shall not impose any of 211
the prison terms described in division (B) (1) (a) or (b) of this 212
section upon an offender for a violation of section 2923.122 213
that involves a deadly weapon that is a firearm other than a 214
dangerous ordnance, section 2923.16, or section 2923.121 of the 215
Revised Code. The court shall not impose any of the prison terms 216
described in division (B) (1) (a) of this section or any of the 217
additional prison terms described in division (B) (1) (c) of this 218
section upon an offender for a violation of section 2923.13 of 219
the Revised Code unless all of the following apply: 220

(i) The offender previously has been convicted of 221
aggravated murder, murder, or any felony of the first or second 222
degree. 223

(ii) Less than five years have passed since the offender 224

was released from prison or post-release control, whichever is 225
later, for the prior offense. 226

(f) If an offender is convicted of or pleads guilty to a 227
felony that includes, as an essential element, causing or 228
attempting to cause the death of or physical harm to another and 229
also is convicted of or pleads guilty to a specification of the 230
type described in section 2941.1412 of the Revised Code that 231
charges the offender with committing the offense by discharging 232
a firearm at a peace officer as defined in section 2935.01 of 233
the Revised Code or a corrections officer, as defined in section 234
2941.1412 of the Revised Code, the court, after imposing a 235
prison term on the offender for the felony offense under 236
division (A), (B) (2), or (B) (3) of this section, shall impose an 237
additional prison term of seven years upon the offender that 238
shall not be reduced pursuant to section 2929.20, section 239
2967.19, section 2967.193, or any other provision of Chapter 240
2967. or Chapter 5120. of the Revised Code. If an offender is 241
convicted of or pleads guilty to two or more felonies that 242
include, as an essential element, causing or attempting to cause 243
the death or physical harm to another and also is convicted of 244
or pleads guilty to a specification of the type described under 245
division (B) (1) (f) of this section in connection with two or 246
more of the felonies of which the offender is convicted or to 247
which the offender pleads guilty, the sentencing court shall 248
impose on the offender the prison term specified under division 249
(B) (1) (f) of this section for each of two of the specifications 250
of which the offender is convicted or to which the offender 251
pleads guilty and, in its discretion, also may impose on the 252
offender the prison term specified under that division for any 253
or all of the remaining specifications. If a court imposes an 254
additional prison term on an offender under division (B) (1) (f) 255

of this section relative to an offense, the court shall not 256
impose a prison term under division (B) (1) (a) or (c) of this 257
section relative to the same offense. 258

(g) If an offender is convicted of or pleads guilty to two 259
or more felonies, if one or more of those felonies are 260
aggravated murder, murder, attempted aggravated murder, 261
attempted murder, aggravated robbery, felonious assault, or 262
rape, and if the offender is convicted of or pleads guilty to a 263
specification of the type described under division (B) (1) (a) of 264
this section in connection with two or more of the felonies, the 265
sentencing court shall impose on the offender the prison term 266
specified under division (B) (1) (a) of this section for each of 267
the two most serious specifications of which the offender is 268
convicted or to which the offender pleads guilty and, in its 269
discretion, also may impose on the offender the prison term 270
specified under that division for any or all of the remaining 271
specifications. 272

(2) (a) If division (B) (2) (b) of this section does not 273
apply, the court may impose on an offender, in addition to the 274
longest prison term authorized or required for the offense, an 275
additional definite prison term of one, two, three, four, five, 276
six, seven, eight, nine, or ten years if all of the following 277
criteria are met: 278

(i) The offender is convicted of or pleads guilty to a 279
specification of the type described in section 2941.149 of the 280
Revised Code that the offender is a repeat violent offender. 281

(ii) The offense of which the offender currently is 282
convicted or to which the offender currently pleads guilty is 283
aggravated murder and the court does not impose a sentence of 284
death or life imprisonment without parole, murder, terrorism and 285

the court does not impose a sentence of life imprisonment 286
without parole, any felony of the first degree that is an 287
offense of violence and the court does not impose a sentence of 288
life imprisonment without parole, or any felony of the second 289
degree that is an offense of violence and the trier of fact 290
finds that the offense involved an attempt to cause or a threat 291
to cause serious physical harm to a person or resulted in 292
serious physical harm to a person. 293

(iii) The court imposes the longest prison term for the 294
offense that is not life imprisonment without parole. 295

(iv) The court finds that the prison terms imposed 296
pursuant to division (B) (2) (a) (iii) of this section and, if 297
applicable, division (B) (1) or (3) of this section are 298
inadequate to punish the offender and protect the public from 299
future crime, because the applicable factors under section 300
2929.12 of the Revised Code indicating a greater likelihood of 301
recidivism outweigh the applicable factors under that section 302
indicating a lesser likelihood of recidivism. 303

(v) The court finds that the prison terms imposed pursuant 304
to division (B) (2) (a) (iii) of this section and, if applicable, 305
division (B) (1) or (3) of this section are demeaning to the 306
seriousness of the offense, because one or more of the factors 307
under section 2929.12 of the Revised Code indicating that the 308
offender's conduct is more serious than conduct normally 309
constituting the offense are present, and they outweigh the 310
applicable factors under that section indicating that the 311
offender's conduct is less serious than conduct normally 312
constituting the offense. 313

(b) The court shall impose on an offender the longest 314
prison term authorized or required for the offense and shall 315

impose on the offender an additional definite prison term of 316
one, two, three, four, five, six, seven, eight, nine, or ten 317
years if all of the following criteria are met: 318

(i) The offender is convicted of or pleads guilty to a 319
specification of the type described in section 2941.149 of the 320
Revised Code that the offender is a repeat violent offender. 321

(ii) The offender within the preceding twenty years has 322
been convicted of or pleaded guilty to three or more offenses 323
described in division (CC)(1) of section 2929.01 of the Revised 324
Code, including all offenses described in that division of which 325
the offender is convicted or to which the offender pleads guilty 326
in the current prosecution and all offenses described in that 327
division of which the offender previously has been convicted or 328
to which the offender previously pleaded guilty, whether 329
prosecuted together or separately. 330

(iii) The offense or offenses of which the offender 331
currently is convicted or to which the offender currently pleads 332
guilty is aggravated murder and the court does not impose a 333
sentence of death or life imprisonment without parole, murder, 334
terrorism and the court does not impose a sentence of life 335
imprisonment without parole, any felony of the first degree that 336
is an offense of violence and the court does not impose a 337
sentence of life imprisonment without parole, or any felony of 338
the second degree that is an offense of violence and the trier 339
of fact finds that the offense involved an attempt to cause or a 340
threat to cause serious physical harm to a person or resulted in 341
serious physical harm to a person. 342

(c) For purposes of division (B)(2)(b) of this section, 343
two or more offenses committed at the same time or as part of 344
the same act or event shall be considered one offense, and that 345

one offense shall be the offense with the greatest penalty. 346

(d) A sentence imposed under division (B) (2) (a) or (b) of 347
this section shall not be reduced pursuant to section 2929.20, 348
section 2967.19, or section 2967.193, or any other provision of 349
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 350
shall serve an additional prison term imposed under this section 351
consecutively to and prior to the prison term imposed for the 352
underlying offense. 353

(e) When imposing a sentence pursuant to division (B) (2) 354
(a) or (b) of this section, the court shall state its findings 355
explaining the imposed sentence. 356

(3) Except when an offender commits a violation of section 357
2903.01 or 2907.02 of the Revised Code and the penalty imposed 358
for the violation is life imprisonment or commits a violation of 359
section 2903.02 of the Revised Code, if the offender commits a 360
violation of section 2925.03 or 2925.11 of the Revised Code and 361
that section classifies the offender as a major drug offender, 362
if the offender commits a felony violation of section 2925.02, 363
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 364
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 365
division ~~(C)~~ (E) of section 4729.51, or division (J) of section 366
4729.54 of the Revised Code that includes the sale, offer to 367
sell, or possession of a schedule I or II controlled substance, 368
with the exception of marihuana, and the court imposing sentence 369
upon the offender finds that the offender is guilty of a 370
specification of the type described in section 2941.1410 of the 371
Revised Code charging that the offender is a major drug 372
offender, if the court imposing sentence upon an offender for a 373
felony finds that the offender is guilty of corrupt activity 374
with the most serious offense in the pattern of corrupt activity 375

being a felony of the first degree, or if the offender is guilty 376
of an attempted violation of section 2907.02 of the Revised Code 377
and, had the offender completed the violation of section 2907.02 378
of the Revised Code that was attempted, the offender would have 379
been subject to a sentence of life imprisonment or life 380
imprisonment without parole for the violation of section 2907.02 381
of the Revised Code, the court shall impose upon the offender 382
for the felony violation a mandatory prison term of the maximum 383
prison term prescribed for a felony of the first degree that, 384
subject to divisions (C) to (I) of section 2967.19 of the 385
Revised Code, cannot be reduced pursuant to section 2929.20, 386
section 2967.19, or any other provision of Chapter 2967. or 387
5120. of the Revised Code. 388

(4) If the offender is being sentenced for a third or 389
fourth degree felony OVI offense under division (G) (2) of 390
section 2929.13 of the Revised Code, the sentencing court shall 391
impose upon the offender a mandatory prison term in accordance 392
with that division. In addition to the mandatory prison term, if 393
the offender is being sentenced for a fourth degree felony OVI 394
offense, the court, notwithstanding division (A) (4) of this 395
section, may sentence the offender to a definite prison term of 396
not less than six months and not more than thirty months, and if 397
the offender is being sentenced for a third degree felony OVI 398
offense, the sentencing court may sentence the offender to an 399
additional prison term of any duration specified in division (A) 400
(3) of this section. In either case, the additional prison term 401
imposed shall be reduced by the sixty or one hundred twenty days 402
imposed upon the offender as the mandatory prison term. The 403
total of the additional prison term imposed under division (B) 404
(4) of this section plus the sixty or one hundred twenty days 405
imposed as the mandatory prison term shall equal a definite term 406

in the range of six months to thirty months for a fourth degree 407
felony OVI offense and shall equal one of the authorized prison 408
terms specified in division (A) (3) of this section for a third 409
degree felony OVI offense. If the court imposes an additional 410
prison term under division (B) (4) of this section, the offender 411
shall serve the additional prison term after the offender has 412
served the mandatory prison term required for the offense. In 413
addition to the mandatory prison term or mandatory and 414
additional prison term imposed as described in division (B) (4) 415
of this section, the court also may sentence the offender to a 416
community control sanction under section 2929.16 or 2929.17 of 417
the Revised Code, but the offender shall serve all of the prison 418
terms so imposed prior to serving the community control 419
sanction. 420

If the offender is being sentenced for a fourth degree 421
felony OVI offense under division (G) (1) of section 2929.13 of 422
the Revised Code and the court imposes a mandatory term of local 423
incarceration, the court may impose a prison term as described 424
in division (A) (1) of that section. 425

(5) If an offender is convicted of or pleads guilty to a 426
violation of division (A) (1) or (2) of section 2903.06 of the 427
Revised Code and also is convicted of or pleads guilty to a 428
specification of the type described in section 2941.1414 of the 429
Revised Code that charges that the victim of the offense is a 430
peace officer, as defined in section 2935.01 of the Revised 431
Code, or an investigator of the bureau of criminal 432
identification and investigation, as defined in section 2903.11 433
of the Revised Code, the court shall impose on the offender a 434
prison term of five years. If a court imposes a prison term on 435
an offender under division (B) (5) of this section, the prison 436
term, subject to divisions (C) to (I) of section 2967.19 of the 437

Revised Code, shall not be reduced pursuant to section 2929.20, 438
section 2967.19, section 2967.193, or any other provision of 439
Chapter 2967. or Chapter 5120. of the Revised Code. A court 440
shall not impose more than one prison term on an offender under 441
division (B) (5) of this section for felonies committed as part 442
of the same act. 443

(6) If an offender is convicted of or pleads guilty to a 444
violation of division (A) (1) or (2) of section 2903.06 of the 445
Revised Code and also is convicted of or pleads guilty to a 446
specification of the type described in section 2941.1415 of the 447
Revised Code that charges that the offender previously has been 448
convicted of or pleaded guilty to three or more violations of 449
division (A) or (B) of section 4511.19 of the Revised Code or an 450
equivalent offense, as defined in section 2941.1415 of the 451
Revised Code, or three or more violations of any combination of 452
those divisions and offenses, the court shall impose on the 453
offender a prison term of three years. If a court imposes a 454
prison term on an offender under division (B) (6) of this 455
section, the prison term, subject to divisions (C) to (I) of 456
section 2967.19 of the Revised Code, shall not be reduced 457
pursuant to section 2929.20, section 2967.19, section 2967.193, 458
or any other provision of Chapter 2967. or Chapter 5120. of the 459
Revised Code. A court shall not impose more than one prison term 460
on an offender under division (B) (6) of this section for 461
felonies committed as part of the same act. 462

(7) (a) If an offender is convicted of or pleads guilty to 463
a felony violation of section 2905.01, 2905.02, 2907.21, 464
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 465
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 466
the Revised Code and also is convicted of or pleads guilty to a 467
specification of the type described in section 2941.1422 of the 468

Revised Code that charges that the offender knowingly committed 469
the offense in furtherance of human trafficking, the court shall 470
impose on the offender a mandatory prison term that is one of 471
the following: 472

(i) If the offense is a felony of the first degree, a 473
definite prison term of not less than five years and not greater 474
than ten years; 475

(ii) If the offense is a felony of the second or third 476
degree, a definite prison term of not less than three years and 477
not greater than the maximum prison term allowed for the offense 478
by division (A) of section 2929.14 of the Revised Code; 479

(iii) If the offense is a felony of the fourth or fifth 480
degree, a definite prison term that is the maximum prison term 481
allowed for the offense by division (A) of section 2929.14 of 482
the Revised Code. 483

(b) Subject to divisions (C) to (I) of section 2967.19 of 484
the Revised Code, the prison term imposed under division (B) (7) 485
(a) of this section shall not be reduced pursuant to section 486
2929.20, section 2967.19, section 2967.193, or any other 487
provision of Chapter 2967. of the Revised Code. A court shall 488
not impose more than one prison term on an offender under 489
division (B) (7) (a) of this section for felonies committed as 490
part of the same act, scheme, or plan. 491

(8) If an offender is convicted of or pleads guilty to a 492
felony violation of section 2903.11, 2903.12, or 2903.13 of the 493
Revised Code and also is convicted of or pleads guilty to a 494
specification of the type described in section 2941.1423 of the 495
Revised Code that charges that the victim of the violation was a 496
woman whom the offender knew was pregnant at the time of the 497

violation, notwithstanding the range of prison terms prescribed 498
in division (A) of this section for felonies of the same degree 499
as the violation, the court shall impose on the offender a 500
mandatory prison term that is either a definite prison term of 501
six months or one of the prison terms prescribed in section 502
2929.14 of the Revised Code for felonies of the same degree as 503
the violation. 504

(C) (1) (a) Subject to division (C) (1) (b) of this section, 505
if a mandatory prison term is imposed upon an offender pursuant 506
to division (B) (1) (a) of this section for having a firearm on or 507
about the offender's person or under the offender's control 508
while committing a felony, if a mandatory prison term is imposed 509
upon an offender pursuant to division (B) (1) (c) of this section 510
for committing a felony specified in that division by 511
discharging a firearm from a motor vehicle, or if both types of 512
mandatory prison terms are imposed, the offender shall serve any 513
mandatory prison term imposed under either division 514
consecutively to any other mandatory prison term imposed under 515
either division or under division (B) (1) (d) of this section, 516
consecutively to and prior to any prison term imposed for the 517
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 518
this section or any other section of the Revised Code, and 519
consecutively to any other prison term or mandatory prison term 520
previously or subsequently imposed upon the offender. 521

(b) If a mandatory prison term is imposed upon an offender 522
pursuant to division (B) (1) (d) of this section for wearing or 523
carrying body armor while committing an offense of violence that 524
is a felony, the offender shall serve the mandatory term so 525
imposed consecutively to any other mandatory prison term imposed 526
under that division or under division (B) (1) (a) or (c) of this 527
section, consecutively to and prior to any prison term imposed 528

for the underlying felony under division (A), (B) (2), or (B) (3) 529
of this section or any other section of the Revised Code, and 530
consecutively to any other prison term or mandatory prison term 531
previously or subsequently imposed upon the offender. 532

(c) If a mandatory prison term is imposed upon an offender 533
pursuant to division (B) (1) (f) of this section, the offender 534
shall serve the mandatory prison term so imposed consecutively 535
to and prior to any prison term imposed for the underlying 536
felony under division (A), (B) (2), or (B) (3) of this section or 537
any other section of the Revised Code, and consecutively to any 538
other prison term or mandatory prison term previously or 539
subsequently imposed upon the offender. 540

(d) If a mandatory prison term is imposed upon an offender 541
pursuant to division (B) (7) or (8) of this section, the offender 542
shall serve the mandatory prison term so imposed consecutively 543
to any other mandatory prison term imposed under that division 544
or under any other provision of law and consecutively to any 545
other prison term or mandatory prison term previously or 546
subsequently imposed upon the offender. 547

(2) If an offender who is an inmate in a jail, prison, or 548
other residential detention facility violates section 2917.02, 549
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 550
(2) of section 2921.34 of the Revised Code, if an offender who 551
is under detention at a detention facility commits a felony 552
violation of section 2923.131 of the Revised Code, or if an 553
offender who is an inmate in a jail, prison, or other 554
residential detention facility or is under detention at a 555
detention facility commits another felony while the offender is 556
an escapee in violation of division (A) (1) or (2) of section 557
2921.34 of the Revised Code, any prison term imposed upon the 558

offender for one of those violations shall be served by the 559
offender consecutively to the prison term or term of 560
imprisonment the offender was serving when the offender 561
committed that offense and to any other prison term previously 562
or subsequently imposed upon the offender. 563

(3) If a prison term is imposed for a violation of 564
division (B) of section 2911.01 of the Revised Code, a violation 565
of division (A) of section 2913.02 of the Revised Code in which 566
the stolen property is a firearm or dangerous ordnance, or a 567
felony violation of division (B) of section 2921.331 of the 568
Revised Code, the offender shall serve that prison term 569
consecutively to any other prison term or mandatory prison term 570
previously or subsequently imposed upon the offender. 571

(4) If multiple prison terms are imposed on an offender 572
for convictions of multiple offenses, the court may require the 573
offender to serve the prison terms consecutively if the court 574
finds that the consecutive service is necessary to protect the 575
public from future crime or to punish the offender and that 576
consecutive sentences are not disproportionate to the 577
seriousness of the offender's conduct and to the danger the 578
offender poses to the public, and if the court also finds any of 579
the following: 580

(a) The offender committed one or more of the multiple 581
offenses while the offender was awaiting trial or sentencing, 582
was under a sanction imposed pursuant to section 2929.16, 583
2929.17, or 2929.18 of the Revised Code, or was under post- 584
release control for a prior offense. 585

(b) At least two of the multiple offenses were committed 586
as part of one or more courses of conduct, and the harm caused 587
by two or more of the multiple offenses so committed was so 588

great or unusual that no single prison term for any of the 589
offenses committed as part of any of the courses of conduct 590
adequately reflects the seriousness of the offender's conduct. 591

(c) The offender's history of criminal conduct 592
demonstrates that consecutive sentences are necessary to protect 593
the public from future crime by the offender. 594

(5) If a mandatory prison term is imposed upon an offender 595
pursuant to division (B) (5) or (6) of this section, the offender 596
shall serve the mandatory prison term consecutively to and prior 597
to any prison term imposed for the underlying violation of 598
division (A) (1) or (2) of section 2903.06 of the Revised Code 599
pursuant to division (A) of this section or section 2929.142 of 600
the Revised Code. If a mandatory prison term is imposed upon an 601
offender pursuant to division (B) (5) of this section, and if a 602
mandatory prison term also is imposed upon the offender pursuant 603
to division (B) (6) of this section in relation to the same 604
violation, the offender shall serve the mandatory prison term 605
imposed pursuant to division (B) (5) of this section 606
consecutively to and prior to the mandatory prison term imposed 607
pursuant to division (B) (6) of this section and consecutively to 608
and prior to any prison term imposed for the underlying 609
violation of division (A) (1) or (2) of section 2903.06 of the 610
Revised Code pursuant to division (A) of this section or section 611
2929.142 of the Revised Code. 612

(6) When consecutive prison terms are imposed pursuant to 613
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 614
of this section, the term to be served is the aggregate of all 615
of the terms so imposed. 616

(D) (1) If a court imposes a prison term for a felony of 617
the first degree, for a felony of the second degree, for a 618

felony sex offense, or for a felony of the third degree that is 619
not a felony sex offense and in the commission of which the 620
offender caused or threatened to cause physical harm to a 621
person, it shall include in the sentence a requirement that the 622
offender be subject to a period of post-release control after 623
the offender's release from imprisonment, in accordance with 624
that division. If a court imposes a sentence including a prison 625
term of a type described in this division on or after July 11, 626
2006, the failure of a court to include a post-release control 627
requirement in the sentence pursuant to this division does not 628
negate, limit, or otherwise affect the mandatory period of post- 629
release control that is required for the offender under division 630
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 631
the Revised Code applies if, prior to July 11, 2006, a court 632
imposed a sentence including a prison term of a type described 633
in this division and failed to include in the sentence pursuant 634
to this division a statement regarding post-release control. 635

(2) If a court imposes a prison term for a felony of the 636
third, fourth, or fifth degree that is not subject to division 637
(D)(1) of this section, it shall include in the sentence a 638
requirement that the offender be subject to a period of post- 639
release control after the offender's release from imprisonment, 640
in accordance with that division, if the parole board determines 641
that a period of post-release control is necessary. Section 642
2929.191 of the Revised Code applies if, prior to July 11, 2006, 643
a court imposed a sentence including a prison term of a type 644
described in this division and failed to include in the sentence 645
pursuant to this division a statement regarding post-release 646
control. 647

(E) The court shall impose sentence upon the offender in 648
accordance with section 2971.03 of the Revised Code, and Chapter 649

2971. of the Revised Code applies regarding the prison term or 650
term of life imprisonment without parole imposed upon the 651
offender and the service of that term of imprisonment if any of 652
the following apply: 653

(1) A person is convicted of or pleads guilty to a violent 654
sex offense or a designated homicide, assault, or kidnapping 655
offense, and, in relation to that offense, the offender is 656
adjudicated a sexually violent predator. 657

(2) A person is convicted of or pleads guilty to a 658
violation of division (A) (1) (b) of section 2907.02 of the 659
Revised Code committed on or after January 2, 2007, and either 660
the court does not impose a sentence of life without parole when 661
authorized pursuant to division (B) of section 2907.02 of the 662
Revised Code, or division (B) of section 2907.02 of the Revised 663
Code provides that the court shall not sentence the offender 664
pursuant to section 2971.03 of the Revised Code. 665

(3) A person is convicted of or pleads guilty to attempted 666
rape committed on or after January 2, 2007, and a specification 667
of the type described in section 2941.1418, 2941.1419, or 668
2941.1420 of the Revised Code. 669

(4) A person is convicted of or pleads guilty to a 670
violation of section 2905.01 of the Revised Code committed on or 671
after January 1, 2008, and that section requires the court to 672
sentence the offender pursuant to section 2971.03 of the Revised 673
Code. 674

(5) A person is convicted of or pleads guilty to 675
aggravated murder committed on or after January 1, 2008, and 676
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 677
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 678

(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 709
upon the offender an additional prison term of two years. The 710
offender shall serve the additional two years consecutively to 711
and prior to the prison term imposed for the underlying offense. 712

(2) (a) If an offender is convicted of or pleads guilty to 713
a felony violation of section 2907.22, 2907.24, 2907.241, or 714
2907.25 of the Revised Code and to a specification of the type 715
described in section 2941.1421 of the Revised Code and if the 716
court imposes a prison term on the offender for the felony 717
violation, the court may impose upon the offender an additional 718
prison term as follows: 719

(i) Subject to division (H) (2) (a) (ii) of this section, an 720
additional prison term of one, two, three, four, five, or six 721
months; 722

(ii) If the offender previously has been convicted of or 723
pleaded guilty to one or more felony or misdemeanor violations 724
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 725
the Revised Code and also was convicted of or pleaded guilty to 726
a specification of the type described in section 2941.1421 of 727
the Revised Code regarding one or more of those violations, an 728
additional prison term of one, two, three, four, five, six, 729
seven, eight, nine, ten, eleven, or twelve months. 730

(b) In lieu of imposing an additional prison term under 731
division (H) (2) (a) of this section, the court may directly 732
impose on the offender a sanction that requires the offender to 733
wear a real-time processing, continual tracking electronic 734
monitoring device during the period of time specified by the 735
court. The period of time specified by the court shall equal the 736
duration of an additional prison term that the court could have 737
imposed upon the offender under division (H) (2) (a) of this 738

section. A sanction imposed under this division shall commence 739
on the date specified by the court, provided that the sanction 740
shall not commence until after the offender has served the 741
prison term imposed for the felony violation of section 2907.22, 742
2907.24, 2907.241, or 2907.25 of the Revised Code and any 743
residential sanction imposed for the violation under section 744
2929.16 of the Revised Code. A sanction imposed under this 745
division shall be considered to be a community control sanction 746
for purposes of section 2929.15 of the Revised Code, and all 747
provisions of the Revised Code that pertain to community control 748
sanctions shall apply to a sanction imposed under this division, 749
except to the extent that they would by their nature be clearly 750
inapplicable. The offender shall pay all costs associated with a 751
sanction imposed under this division, including the cost of the 752
use of the monitoring device. 753

(I) At the time of sentencing, the court may recommend the 754
offender for placement in a program of shock incarceration under 755
section 5120.031 of the Revised Code or for placement in an 756
intensive program prison under section 5120.032 of the Revised 757
Code, disapprove placement of the offender in a program of shock 758
incarceration or an intensive program prison of that nature, or 759
make no recommendation on placement of the offender. In no case 760
shall the department of rehabilitation and correction place the 761
offender in a program or prison of that nature unless the 762
department determines as specified in section 5120.031 or 763
5120.032 of the Revised Code, whichever is applicable, that the 764
offender is eligible for the placement. 765

If the court disapproves placement of the offender in a 766
program or prison of that nature, the department of 767
rehabilitation and correction shall not place the offender in 768
any program of shock incarceration or intensive program prison. 769

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 800
section 2929.142 of the Revised Code. 801

Sec. 2947.231. If a business entity described in division 802
~~(B) (1) (j)~~ (A) (2) or ~~(k) (3)~~ of section ~~4729.51~~ 4729.541 of the 803
Revised Code pleads guilty or no contest to or is found guilty 804
of any criminal offense, the judge or magistrate shall include 805
in the sentence any costs incurred by the state board of 806
pharmacy in an investigation leading to the plea or conviction. 807
Investigative costs include staff salaries, administrative 808
costs, travel expenses, attorney's fees, and any other 809
reasonable expense incurred by the board. The board shall set 810
forth the costs the entity is required to pay in an itemized 811
statement provided to the judge or magistrate. 812

Sec. 3707.56. (A) As used in this section, "board of 813
health" means a board of health of a city or general health 814
district or the authority having the duties of a board of health 815
under section 3709.05 of the Revised Code. 816

(B) A board of health, through a physician serving as the 817
board's health commissioner or medical director, may authorize 818
pharmacists and pharmacy interns ~~working practicing pharmacy in~~ 819
a county that includes all or part of the board's jurisdiction 820
health district represented by the board to use the protocol 821
developed pursuant to rules adopted under section 4729.44 of the 822
Revised Code for the purpose of dispensing naloxone under 823
section 4729.44 of the Revised Code. 824

Sec. 3707.58. (A) As used in this section and section 825
3707.59 of the Revised Code, "board of health" means a board of 826
health of a city or general health district or the authority 827
having the duties of a board of health under section 3709.05 of 828
the Revised Code. 829

(B) A board of health that establishes a protocol under 830
division (D) of this section may, through a physician serving as 831
the board's health commissioner or medical director, authorize 832
one or more individuals to personally furnish a supply of 833
naloxone pursuant to the protocol to either of the following: 834

(1) An individual who there is reason to believe is 835
experiencing or at risk of experiencing an opioid-related 836
overdose; 837

(2) A family member, friend, or other person in a position 838
to assist an individual who there is reason to believe is at 839
risk of experiencing an opioid-related overdose. 840

(C) (1) An individual authorized under this section may 841
personally furnish naloxone to an individual described in 842
division (B) of this section if both of the following conditions 843
are met: 844

(a) The authorized individual complies with the protocol 845
established by the authorizing board, including having completed 846
the training required by the protocol. 847

(b) The authorized individual instructs the individual to 848
whom naloxone is furnished to summon emergency services as soon 849
as practicable either before or after administering naloxone. 850

(2) An individual authorized under this section to 851
personally furnish naloxone may do so without having examined 852
the individual to whom it may be administered. 853

(D) A board of health, through a physician serving as the 854
board's health commissioner or medical director, may establish a 855
protocol for personally furnishing naloxone under division (B) 856
of this section. The protocol must be in writing and include all 857
of the following: 858

<u>(1) A description of the clinical pharmacology of naloxone;</u>	859
	860
<u>(2) Precautions and contraindications concerning furnishing naloxone;</u>	861
	862
<u>(3) Any limitations the board specifies concerning the individuals to whom naloxone may be furnished;</u>	863
	864
<u>(4) The naloxone dosage that may be furnished and any variation in the dosage based on circumstances specified in the protocol;</u>	865
	866
	867
<u>(5) Labeling, storage, record-keeping, and administrative requirements;</u>	868
	869
<u>(6) Training requirements that must be met before an individual will be authorized to furnish naloxone;</u>	870
	871
<u>(7) Any instructions or training the authorized individual must provide to an individual to whom naloxone is furnished.</u>	872
	873
<u>(E) A board that in good faith authorizes an individual to personally furnish naloxone under this section is not liable for damages in any civil action for any act or omission of the individual to whom the naloxone is furnished.</u>	874
	875
	876
	877
<u>A physician serving as a board's health commissioner or medical director who in good faith authorizes an individual to personally furnish naloxone under this section is not liable for or subject to any of the following for any act 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.</u>	878
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<u>An individual authorized under this section to personally furnish naloxone who does so in good faith is not liable for or</u>	885
	886

subject to any of the following for any act or omission of the 887
individual to whom the naloxone is furnished: damages in any 888
civil action, prosecution in any criminal proceeding, or 889
professional disciplinary action. 890

Sec. 3707.59. (A) As used in this section, "service 891
entity" has the same meaning as in section 4729.514 of the 892
Revised Code. 893

(B) A board of health that has established a protocol 894
under division (D) of this section may authorize an individual 895
who is an employee, volunteer, or contractor of a service entity 896
to administer naloxone to an individual who is apparently 897
experiencing an opioid-related overdose. 898

(C) An individual authorized by a board of health under 899
this section may administer naloxone to an individual who is 900
apparently experiencing an opioid-related overdose if both of 901
the following conditions are met: 902

(1) The authorized individual complies with the protocol 903
established by the board. 904

(2) The authorized individual summons emergency services 905
as soon as practicable either before or after administering the 906
naloxone. 907

(D) A board of health, through a physician serving as the 908
board's health commissioner or medical director, may establish a 909
protocol for administering naloxone under this section. The 910
protocol must be established in writing. 911

(E) A board that in good faith authorizes an individual to 912
administer naloxone under this section is not liable for damages 913
in any civil action for any act or omission of the authorized 914
individual. 915

A physician serving as a board's health commissioner or 916
medical director who in good faith authorizes an individual to 917
administer naloxone under this section is not liable for or 918
subject to any of the following for any act or omission of the 919
authorized individual: damages in any civil action, prosecution 920
in any criminal proceeding, or professional disciplinary action. 921

A service entity or an employee, volunteer, or contractor 922
of a service entity is not liable for or subject to any of the 923
following for injury, death, or loss to person or property that 924
allegedly arises from an act or omission associated with 925
procuring, maintaining, accessing, or using naloxone under this 926
section, unless the act or omission constitutes willful or 927
wanton misconduct: damages in any civil action, prosecution in 928
any criminal proceeding, or professional disciplinary action. 929

This section does not eliminate, limit, or reduce any 930
other immunity or defense that a service entity or an employee, 931
volunteer, or contractor of a service entity may be entitled to 932
under Chapter 2305. or any other provision of the Revised Code 933
or under the common law of this state. 934

Sec. 3719.121. (A) Except as otherwise provided in section 935
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 936
Revised Code, the license, certificate, or registration of any 937
dentist, chiropractor, physician, podiatrist, registered nurse, 938
licensed practical nurse, physician assistant, pharmacist, 939
pharmacy intern, pharmacy technician trainee, registered 940
pharmacy technician, certified pharmacy technician, optometrist, 941
or veterinarian who is or becomes addicted to the use of 942
controlled substances shall be suspended by the board that 943
authorized the person's license, certificate, or registration 944
until the person offers satisfactory proof to the board that the 945

person no longer is addicted to the use of controlled 946
substances. 947

(B) If the board under which a person has been issued a 948
license, certificate, or evidence of registration determines 949
that there is clear and convincing evidence that continuation of 950
the person's professional practice or method of administering, 951
prescribing, preparing, distributing, dispensing, or personally 952
furnishing controlled substances or other dangerous drugs 953
presents a danger of immediate and serious harm to others, the 954
board may suspend the person's license, certificate, or 955
registration without a hearing. Except as otherwise provided in 956
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, and 957
4734.36 of the Revised Code, the board shall follow the 958
procedure for suspension without a prior hearing in section 959
119.07 of the Revised Code. The suspension shall remain in 960
effect, unless removed by the board, until the board's final 961
adjudication order becomes effective, except that if the board 962
does not issue its final adjudication order within ninety days 963
after the hearing, the suspension shall be void on the ninety- 964
first day after the hearing. 965

(C) On receiving notification pursuant to section 2929.42 966
or 3719.12 of the Revised Code, the board under which a person 967
has been issued a license, certificate, or evidence of 968
registration immediately shall suspend the license, certificate, 969
or registration of that person on a plea of guilty to, a finding 970
by a jury or court of the person's guilt of, or conviction of a 971
felony drug abuse offense; a finding by a court of the person's 972
eligibility for intervention in lieu of conviction; a plea of 973
guilty to, or a finding by a jury or court of the person's guilt 974
of, or the person's conviction of an offense in another 975
jurisdiction that is essentially the same as a felony drug abuse 976

offense; or a finding by a court of the person's eligibility for 977
treatment or intervention in lieu of conviction in another 978
jurisdiction. The board shall notify the holder of the license, 979
certificate, or registration of the suspension, which shall 980
remain in effect until the board holds an adjudicatory hearing 981
under Chapter 119. of the Revised Code. 982

Sec. 3719.21. Except as provided in division (C) of 983
section 2923.42, division (B) of section 2923.44, divisions (D) 984
(1), (F), and (H) of section 2925.03, division (D)(1) of section 985
2925.02, 2925.04, or 2925.05, division (E)(1) of section 986
2925.11, division (F) of section 2925.13, division (F) of 987
section 2925.36, division (D) of section 2925.22, division (H) 988
of section 2925.23, division (M) of section 2925.37, division 989
(B) of section 2925.42, division (B) of section 2929.18, 990
division (D) of section 3719.99, division (B)(1) of section 991
4729.65, division (E)(3) of section 4729.99, and division (I)~~(4)~~ 992
(3) of section 4729.99 of the Revised Code, the clerk of the 993
court shall pay all fines or forfeited bail assessed and 994
collected under prosecutions or prosecutions commenced for 995
violations of this chapter, section 2923.42 of the Revised Code, 996
or Chapter 2925. of the Revised Code, within thirty days, to the 997
executive director of the state board of pharmacy, and the 998
executive director shall deposit the fines into the state 999
treasury to the credit of the occupational licensing and 1000
regulatory fund. 1001

Sec. 4729.06. The state board of pharmacy shall keep a 1002
record of its proceedings and a register of all ~~persons to whom~~ 1003
~~identification cards and~~, licenses, and registrations that have 1004
been granted ~~as pharmacists or pharmacy interns~~, together with 1005
each renewal and suspension or revocation of an identification 1006
card ~~and~~, license, or registration. The books and registers of 1007

the board shall be prima-facie evidence of the matters therein 1008
recorded. The books and registers may be in electronic format. 1009

The president and executive director of the board may 1010
administer oaths. 1011

A statement signed by the executive director to which is 1012
affixed the official seal of the board to the effect that it 1013
appears from the records of the board that the board has not 1014
issued an identification card ~~and, license to practice~~ 1015
~~pharmacy, or any of its branches, or registration~~ to the person 1016
specified in the statement, or that an identification card ~~and, license,~~ 1017
or registration, if issued, has been revoked or 1018
suspended, or the holder has been subjected to disciplinary 1019
action by the board shall be received as prima-facie evidence of 1020
the record of the board in any court or before any officer of 1021
this state. 1022

Sec. 4729.071. (A) As used in this section, "license" and 1023
"applicant for an initial license" have the same meanings as in 1024
section 4776.01 of the Revised Code, except that "license" as 1025
used in both of those terms refers to the types of 1026
authorizations otherwise issued or conferred under this chapter. 1027

(B) In addition to any other eligibility requirement set 1028
forth in this chapter, each applicant for an initial license 1029
shall comply with sections 4776.01 to 4776.04 of the Revised 1030
Code. The state board of pharmacy shall not grant a license to 1031
an applicant for an initial license unless the applicant 1032
complies with sections 4776.01 to 4776.04 of the Revised Code 1033
and the board, in its discretion, decides that the results of 1034
the criminal records check do not make the applicant ineligible 1035
for a license issued pursuant to section 4729.08, 4729.09, 1036
4729.11, ~~or 4729.552,~~ or 4729.553 of the Revised Code. 1037

Sec. 4729.10. The state board of pharmacy may adopt rules 1038
under section 4729.26 of the Revised Code requiring a licensee 1039
or registrant under this chapter to report to the board a 1040
violation of state or federal law, including any rule adopted 1041
under this chapter. 1042

In the absence of fraud or bad faith, a person who reports 1043
under this section or testifies in any adjudication conducted 1044
under Chapter 119. of the Revised Code is not liable to any 1045
person for damages in a civil action as a result of the report 1046
or testimony. 1047

Sec. 4729.16. (A) (1) The state board of pharmacy, after 1048
notice and hearing in accordance with Chapter 119. of the 1049
Revised Code, may ~~revoke,~~ impose any one or more of the 1050
following sanctions on a pharmacist or pharmacy intern if the 1051
board finds the individual engaged in any of the conduct set 1052
forth in division (A) (2) of this section: 1053

(a) Revoke, suspend, restrict, limit, or refuse to grant 1054
or renew a license; 1055

(b) Reprimand or place the license holder on probation, ~~or~~ 1056
~~refuse to grant or renew an identification card, or may impose ;~~ 1057

(c) Impose a monetary penalty or forfeiture not to exceed 1058
in severity any fine designated under the Revised Code for a 1059
similar offense, or in the case of a violation of a section of 1060
the Revised Code that does not bear a penalty, a monetary 1061
penalty or forfeiture of not more than five hundred dollars~~;~~. 1062

(2) The board may impose the sanctions listed in division 1063
(A) (1) of this section if the board finds a pharmacist or 1064
pharmacy intern: 1065

~~(1) Guilty of a felony or gross immorality;~~ 1066

~~(2) Guilty of (a) Has been convicted of a felony, or a~~ 1067
~~crime of moral turpitude, as defined in section 4776.10 of the~~ 1068
~~Revised Code;~~ 1069

~~(b) Engaged in dishonesty or unprofessional conduct in the~~ 1070
practice of pharmacy; 1071

~~(3) Addicted (c) Is addicted to or abusing alcohol or~~ 1072
drugs or is impaired physically or mentally to such a degree as 1073
to render the pharmacist or pharmacy intern unfit to practice 1074
pharmacy; 1075

~~(4) (d) Has been convicted of a misdemeanor related to, or~~ 1076
committed in, the practice of pharmacy; 1077

~~(5) Guilty of willfully violating, conspiring (e)~~ 1078
~~Violated, conspired to violate, attempting attempted to violate,~~ 1079
or ~~aiding and abetting~~ aided and abetted the violation of any of 1080
the provisions of this chapter, sections 3715.52 to 3715.72 of 1081
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 1082
any rule adopted by the board under those provisions; 1083

~~(6) Guilty of permitting anyone (f) Permitted someone~~ 1084
other than a pharmacist or pharmacy intern to practice pharmacy; 1085

~~(7) Guilty of knowingly lending (g) Knowingly lent the~~ 1086
pharmacist's or pharmacy intern's name to an illegal 1087
practitioner of pharmacy or ~~having had a~~ professional connection 1088
with an illegal practitioner of pharmacy; 1089

~~(8) Guilty of dividing (h) Divided or agreeing agreed to~~ 1090
divide remuneration made in the practice of pharmacy with any 1091
other individual, including, but not limited to, any licensed 1092
health professional authorized to prescribe drugs or any owner, 1093
manager, or employee of a health care facility, residential care 1094
facility, or nursing home; 1095

~~(9) Has violated~~ (i) Violated the terms of a consult 1096
agreement entered into pursuant to section 4729.39 of the 1097
Revised Code; 1098

~~(10) Has committed~~ (j) Committed fraud, misrepresentation, 1099
or deception in applying for or securing a license or 1100
identification card issued by the board under this chapter or 1101
under Chapter 3715. or 3719. of the Revised Code; 1102

(k) Failed to comply with an order of the board or a 1103
settlement agreement; 1104

(l) Engaged in any other conduct for which the board may 1105
impose discipline as set forth in rules adopted under section 1106
4729.26 of the Revised Code. 1107

(B) Any individual whose identification card or license is 1108
revoked, suspended, or refused, shall return the identification 1109
card and license to the offices of the state board of pharmacy 1110
within ten days after receipt of notice of such action. 1111

(C) As used in this section: 1112

"Unprofessional conduct in the practice of pharmacy" 1113
includes any of the following: 1114

(1) Advertising or displaying signs that promote dangerous 1115
drugs to the public in a manner that is false or misleading; 1116

(2) Except as provided in section 4729.281 or 4729.44 of 1117
the Revised Code, the dispensing or sale of any drug for which a 1118
prescription is required, without having received a prescription 1119
for the drug; 1120

(3) Knowingly dispensing medication pursuant to false or 1121
forged prescriptions; 1122

(4) Knowingly failing to maintain complete and accurate 1123
records of all dangerous drugs received or dispensed in 1124
compliance with federal laws and regulations and state laws and 1125
rules; 1126

(5) Obtaining any remuneration by fraud, 1127
misrepresentation, or deception; 1128

(6) Failing to conform to prevailing standards of care of 1129
similar pharmacists or pharmacy interns under the same or 1130
similar circumstances, whether or not actual injury to a patient 1131
is established; 1132

(7) Engaging in any other conduct that the board specifies 1133
as unprofessional conduct in rules adopted under section 4729.26 1134
of the Revised Code. 1135

(D) The board may suspend a license or identification card 1136
under division (B) of section 3719.121 of the Revised Code by 1137
utilizing a telephone conference call to review the allegations 1138
and take a vote. 1139

(E) ~~If, pursuant to an adjudication under Chapter 119. of~~ 1140
~~the Revised Code,~~ the board has reasonable cause to believe that 1141
an individual who is a pharmacist or pharmacy intern is 1142
physically or mentally impaired, the board may require the 1143
pharmacist or pharmacy intern individual to submit to a physical 1144
or mental examination, or both. The expense of the examination 1145
is the responsibility of the individual required to be examined. 1146

Failure of any individual to submit to a physical or 1147
mental examination ordered by the board, unless the failure is 1148
due to circumstances beyond the individual's control, 1149
constitutes an admission of the allegations and a default and 1150
final order may be entered without the taking of testimony or 1151

presentation of evidence. 1152

If the board determines that the individual's ability to 1153
practice is impaired, the board shall suspend the individual's 1154
license or deny the individual's application and shall require 1155
the individual, as a condition for an initial, continued, 1156
reinstated, or renewed license to practice, to submit to a 1157
physical or mental examination or treatment. 1158

(F) If the board is required under Chapter 119. of the 1159
Revised Code to give notice of an opportunity for a hearing and 1160
the applicant or licensee does not make a timely request for a 1161
hearing in accordance with section 119.07 of the Revised Code, 1162
the board is not required to hold a hearing, but may adopt a 1163
final order that contains the board's findings. In the final 1164
order, the board may impose any of the sanctions listed in 1165
division (A) of this section. 1166

(G) Notwithstanding the provision of division (C) (2) of 1167
section 2953.32 of the Revised Code specifying that if records 1168
pertaining to a criminal case are sealed under that section the 1169
proceedings in the case must be deemed not to have occurred, 1170
sealing of the following records on which the board has based an 1171
action under this section shall have no effect on the board's 1172
action or any sanction imposed by the board under this section: 1173
records of any conviction, guilty plea, judicial finding of 1174
guilt resulting from a plea of no contest, or a judicial finding 1175
of eligibility for a pretrial diversion program or intervention 1176
in lieu of conviction. The board shall not be required to seal, 1177
destroy, redact, or otherwise modify its records to reflect the 1178
court's sealing of conviction records. 1179

(H) No pharmacist or pharmacy intern shall knowingly 1180
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 1181

(e) to (l) of this section. 1182

Sec. 4729.18. The state board of pharmacy shall adopt 1183
rules in accordance with Chapter 119. of the Revised Code 1184
establishing standards for approving and designating physicians 1185
and facilities as treatment providers for pharmacists with 1186
substance abuse problems and shall approve and designate 1187
treatment providers in accordance with the rules. The rules 1188
shall include standards for both inpatient and outpatient 1189
treatment. The rules shall provide that to be approved, a 1190
treatment provider must be capable of making an initial 1191
examination to determine the type of treatment required for a 1192
pharmacist with substance abuse problems. Subject to the rules, 1193
the board shall review and approve treatment providers on a 1194
regular basis and may, at its discretion, withdraw or deny 1195
approval. 1196

An approved treatment provider shall: 1197

(A) Report to the board the name of any pharmacist 1198
suffering or showing evidence of suffering impairment by reason 1199
of being addicted to or abusing alcohol or drugs as described in 1200
division (A) ~~(3)~~ (2) (c) of section 4729.16 of the Revised Code who 1201
fails to comply within one week with a referral for examination; 1202

(B) Report to the board the name of any impaired 1203
pharmacist who fails to enter treatment within forty-eight hours 1204
following the provider's determination that the pharmacist needs 1205
treatment; 1206

(C) Require every pharmacist who enters treatment to agree 1207
to a treatment contract establishing the terms of treatment and 1208
aftercare, including any required supervision or restrictions of 1209
practice during treatment or aftercare; 1210

(D) Require a pharmacist to suspend practice on entering 1211
any required inpatient treatment; 1212

(E) Report to the board any failure by an impaired 1213
pharmacist to comply with the terms of the treatment contract 1214
during inpatient or outpatient treatment or aftercare; 1215

(F) Report to the board the resumption of practice of any 1216
impaired pharmacist before the treatment provider has made a 1217
clear determination that the pharmacist is capable of practicing 1218
according to acceptable and prevailing standards; 1219

(G) Require a pharmacist who resumes practice after 1220
completion of treatment to comply with an aftercare contract 1221
that meets the requirements of rules adopted by the board for 1222
approval of treatment providers; 1223

(H) Report to the board any pharmacist who suffers a 1224
relapse at any time during or following aftercare. 1225

Any pharmacist who enters into treatment by an approved 1226
treatment provider shall be deemed to have waived any 1227
confidentiality requirements that would otherwise prevent the 1228
treatment provider from making reports required under this 1229
section. 1230

In the absence of fraud or bad faith, no professional 1231
association of pharmacists licensed under this chapter that 1232
sponsors a committee or program to provide peer assistance to 1233
pharmacists with substance abuse problems, no representative or 1234
agent of such a committee or program, and no member of the state 1235
board of pharmacy shall be liable to any person for damages in a 1236
civil action by reason of actions taken to refer a pharmacist to 1237
a treatment provider designated by the board or actions or 1238
omissions of the provider in treating a pharmacist. 1239

In the absence of fraud or bad faith, no person who 1240
reports to the board a pharmacist with a suspected substance 1241
abuse problem shall be liable to any person for damages in a 1242
civil action as a result of the report. 1243

Sec. 4729.19. (A) Notwithstanding division (B) (4) of 1244
section 2317.02 of the Revised Code, a pharmacist, pharmacy 1245
intern, pharmacy technician trainee, registered pharmacy 1246
technician, certified pharmacy technician, licensed terminal 1247
distributor of dangerous drugs, or registered wholesale 1248
distributor of dangerous drugs shall cooperate with federal, 1249
state, and local government investigations and shall divulge all 1250
relevant information when requested by a government agency. 1251

(B) A pharmacist, pharmacy intern, pharmacy technician 1252
trainee, registered pharmacy technician, certified pharmacy 1253
technician, licensed terminal distributor of dangerous drugs, or 1254
registered wholesale distributor of dangerous drugs shall not 1255
fail to comply with division (A) of this section. 1256

Sec. 4729.38. (A) Unless instructed otherwise by the 1257
person receiving the drug pursuant to the prescription, a 1258
pharmacist filling a prescription for a drug prescribed by its 1259
brand name may select a generically equivalent drug, as defined 1260
in section 3715.01 of the Revised Code, subject to the following 1261
conditions: 1262

(1) The pharmacist shall not select a generically 1263
equivalent drug if the prescriber handwrites "dispense as 1264
written," or "D.A.W.," on the written prescription, or, when 1265
ordering a prescription electronically or orally, the prescriber 1266
specifies that the prescribed drug is medically necessary. These 1267
designations shall not be preprinted or stamped on the 1268
prescription. Division (A) (1) of this section does not preclude 1269

a reminder of the procedure required to prohibit the selection 1270
of a generically equivalent drug from being preprinted on the 1271
prescription. 1272

(2) The pharmacist shall not select a generically 1273
equivalent drug unless its price to the patient is less than or 1274
equal to the price of the prescribed drug. 1275

(3) The pharmacist, or the pharmacist's agent, assistant, 1276
or employee shall inform the patient or the patient's agent if a 1277
generically equivalent drug is available at a lower or equal 1278
cost, and of the person's right to refuse the drug selected. 1279
Division (A) (3) of this section does not apply to any: 1280

(a) Prescription that is billed to any agency, division, 1281
or department of this state which will reimburse the pharmacy; 1282

(b) Prescriptions for patients of a hospital, nursing 1283
home, or similar patient care facility. 1284

(B) Unless the prescriber instructs otherwise, the label 1285
for every drug dispensed shall include the drug's brand name, if 1286
any, or its generic name and the name of the distributor, using 1287
abbreviations if necessary. When dispensing at retail a 1288
generically equivalent drug for the brand name drug prescribed, 1289
the pharmacist shall indicate on the drug's label or container 1290
that a generic substitution was made. The labeling requirements 1291
established by this division are in addition to all other 1292
labeling requirements of Chapter 3715. of the Revised Code. 1293

(C) A pharmacist who selects a generically equivalent drug 1294
pursuant to this section assumes no greater liability for 1295
selecting the dispensed drug than would be incurred in filling a 1296
prescription for a drug prescribed by its brand name. 1297

(D) The failure of a prescriber to restrict a prescription 1298

by specifying "dispense as written," or "D.A.W.," pursuant to 1299
division (A) (1) of this section shall not constitute evidence of 1300
the prescriber's negligence unless the prescriber had reasonable 1301
cause to believe that the health condition of the patient for 1302
whom the drug was intended warranted the prescription of a 1303
specific brand name drug and no other. No prescriber shall be 1304
liable for civil damages or in any criminal prosecution arising 1305
from the interchange of a generically equivalent drug for a 1306
prescribed brand name drug by a pharmacist, unless the 1307
prescribed brand name drug would have reasonably caused the same 1308
loss, damage, injury, or death. 1309

(E) No pharmacist shall knowingly engage in conduct that 1310
is prohibited by division (A) or (B) of this section. 1311

Sec. 4729.40. (A) (1) (a) The state board of pharmacy may 1312
designate one or more attorneys at law who have been admitted to 1313
the practice of law, and who are classified as either 1314
administrative law attorney examiners or as administrative law 1315
attorney examiner administrators under the state job 1316
classification plan adopted under section 124.14 of the Revised 1317
Code, as hearing examiners, subject to Chapter 119. of the 1318
Revised Code, to conduct any hearing the board is empowered to 1319
hold or undertake pursuant to Chapter 119. of the Revised Code. 1320

(b) Notwithstanding the requirement of division (A) (1) (a) 1321
of this section that the board designate as a hearing examiner 1322
an attorney who is classified as either an administrative law 1323
attorney examiner or an administrative law attorney examiner 1324
administrator, the board may, subject to section 127.16 of the 1325
Revised Code, enter into a personal service contract with an 1326
attorney admitted to the practice of law in this state to serve 1327
as a hearing examiner. 1328

(2) The hearing examiner shall hear and consider the oral 1329
and documented evidence introduced by the parties and issue in 1330
writing proposed findings of fact and conclusions of law to the 1331
board for their consideration within thirty days following the 1332
close of the hearing. 1333

(B) The board shall be given copies of the transcript of 1334
the hearing record and all exhibits and documents presented by 1335
the parties at the hearing. 1336

(C) The board shall render a decision and take action 1337
within ninety days following the receipt of the hearing 1338
examiner's proposed findings of fact and conclusions of law. 1339

(D) The final decision of the board in any hearing shall 1340
be in writing and contain findings of fact and conclusions of 1341
law. Copies of the decision shall be delivered to the parties 1342
personally or by certified mail. The decision is final on 1343
delivery or mailing, but may be appealed as provided by Chapter 1344
119. of the Revised Code. 1345

Sec. 4729.45. (A) As used in this section, "opioid 1346
analgesic" has the same meaning as in section 3719.01 of the 1347
Revised Code. 1348

(B) Except as provided in division (C) of this section, 1349
both of the following apply with respect to a prescription for 1350
an opioid analgesic to be used by an individual on an outpatient 1351
basis: 1352

(1) A pharmacist, pharmacy intern, or terminal distributor 1353
of dangerous drugs shall not dispense or sell the opioid 1354
analgesic in an amount that exceeds a ninety-day supply, as 1355
determined according to the prescription's directions for use of 1356
the drug, regardless of whether the prescription was issued for 1357

a greater amount. 1358

(2) A pharmacist, pharmacy intern, or terminal distributor 1359
of dangerous drugs shall not dispense or sell the opioid 1360
analgesic if more than thirty days have elapsed since the 1361
prescription was issued. 1362

(C) Division (B) of this section does not apply when a 1363
pharmacist, pharmacy intern, or terminal distributor of 1364
dangerous drugs dispenses or sells an opioid analgesic to be 1365
delivered outside of this state by mail, parcel post, or common 1366
carrier to a patient who resides outside of this state. 1367

Sec. 4729.51. ~~(A) (1) Except as provided in division (A) (2)~~ 1368
~~of this section, no~~ No person other than a registered wholesale 1369
distributor of dangerous drugs shall possess for sale, sell, 1370
distribute, or deliver, at wholesale, dangerous drugs, except as 1371
follows: 1372

~~(a) (1) A pharmacist who is a licensed terminal~~ 1373
~~distributor of dangerous drugs or who is employed by a licensed~~ 1374
~~terminal distributor of dangerous drugs that is a pharmacy may~~ 1375
make occasional sales of dangerous drugs at wholesale. 1376

~~(b) (2) A licensed terminal distributor of dangerous drugs~~ 1377
having more than one ~~establishment or place~~ licensed location 1378
may transfer or deliver dangerous drugs from one ~~establishment~~ 1379
~~or place for which a license has been issued to the terminal~~ 1380
~~distributor licensed location~~ to another establishment or place 1381
~~for which a license has been issued to the terminal distributor~~ 1382
licensed location owned by that terminal distributor if the 1383
license issued for each ~~establishment or place~~ location is in 1384
effect at the time of the transfer or delivery. 1385

~~(c) (3) A licensed terminal distributor of dangerous drugs~~ 1386

~~that is not a pharmacy~~ may make occasional sales of naloxone at 1387
wholesale ~~to a state or local law enforcement agency if the~~ 1388
~~terminal distributor is any of the following:~~ 1389

~~(i) A board of health of a city or general health-~~ 1390
~~district;~~ 1391

~~(ii) An authority having the duties of a board of health-~~ 1392
~~under section 3709.05 of the Revised Code;~~ 1393

~~(iii) A health department operated by such a board or-~~ 1394
~~authority.~~ 1395

~~(2) A manufacturer of dangerous drugs may donate inhalers,~~ 1396
~~as defined in section 3313.7113 of the Revised Code, and~~ 1397
~~epinephrine autoinjectors to any of the following:~~ 1398

~~(a) The board of education of a city, local, exempted-~~ 1399
~~village, or joint vocational school district;~~ 1400

~~(b) A community school established under Chapter 3314. of~~ 1401
~~the Revised Code;~~ 1402

~~(c) A STEM school established under Chapter 3326. of the~~ 1403
~~Revised Code;~~ 1404

~~(d) A college preparatory boarding school established~~ 1405
~~under Chapter 3328. of the Revised Code;~~ 1406

~~(e) A chartered or nonchartered nonpublic school.~~ 1407

(B) ~~(1)~~ No registered wholesale distributor of dangerous 1408
drugs shall possess for sale, ~~or~~ sell, or distribute, at 1409
wholesale, dangerous drugs to any person other than the 1410
following: 1411

~~(a) Except as provided in division (B) (2) (a) of this-~~ 1412
~~section and division (B) of section 4729.541 of the Revised-~~ 1413

~~Code, a licensed health professional authorized to prescribe~~ 1414
~~drugs;—~~ 1415

~~(b) An optometrist licensed under Chapter 4725. of the~~ 1416
~~Revised Code who holds a topical ocular pharmaceutical agents~~ 1417
~~certificate;—~~ 1418

~~(e) (1) Subject to division (D) of this section, a~~ 1419
~~licensed terminal distributor of dangerous drugs;~~ 1420

~~(2) Subject to division (C) of this section, any person~~ 1421
~~exempt from licensure as a terminal distributor of dangerous~~ 1422
~~drugs under section 4729.541 of the Revised Code;~~ 1423

~~(3) A registered wholesale distributor of dangerous drugs;~~ 1424

~~(d) A manufacturer of dangerous drugs;—~~ 1425

~~(e) Subject to division (B) (3) of this section, a licensed~~ 1426
~~terminal distributor of dangerous drugs;—~~ 1427

~~(f) Carriers or warehouses for the purpose of carriage or~~ 1428
~~storage;—~~ 1429

~~(g) Terminal (4) A terminal or wholesale distributors~~ 1430
~~distributor of dangerous drugs who are that is located in~~ 1431
~~another state, is not engaged in the sale of dangerous drugs~~ 1432
~~within this state, and is actively licensed to engage in the~~ 1433
~~sale of dangerous drugs by the state in which the distributor~~ 1434
~~conducts business.~~ 1435

~~(h) An individual who holds a current license,~~ 1436
~~certificate, or registration issued under Title XLVII of the~~ 1437
~~Revised Code and has been certified to conduct diabetes~~ 1438
~~education by a national certifying body specified in rules~~ 1439
~~adopted by the state board of pharmacy under section 4729.68 of~~ 1440
~~the Revised Code, but only with respect to insulin that will be~~ 1441

~~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;~~

~~(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;~~

~~(j) Except as provided in division (B) (2) (b) of this section and division (A) of section 4729.541 of the Revised Code, 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 a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;~~

~~(k) Except as provided in division (B) (2) (c) of this section and division (A) of section 4729.541 of the Revised Code, 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, a partnership or a limited liability partnership formed under Chapter 1775. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code, if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code to perform the~~

~~professional service provided by the entity and each such individual is a licensed health professional authorized to prescribe drugs;~~

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

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

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

~~(o) With respect to inhalers that may be possessed under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school~~

~~district; a chartered or nonchartered nonpublic school; a
community school established under Chapter 3314. of the Revised
Code; a STEM school established under Chapter 3326. of the
Revised Code; or a college preparatory boarding school
established under Chapter 3328. of the Revised Code;~~

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

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

~~(a)(1) A prescriber who is employed by a pain management
clinic that is not licensed as a terminal distributor of
dangerous drugs with a pain management clinic classification
issued under section 4729.552 of the Revised Code;~~

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

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

~~with a pain management clinic classification issued under~~ 1531
~~section 4729.552 of the Revised Code~~ (2) A prescriber who is 1532
employed by an office-based opioid treatment facility pursuant 1533
to section 4729.553 of the Revised Code. 1534

~~(3)~~ (D) No registered wholesale distributor of dangerous 1535
drugs shall possess dangerous drugs for sale at wholesale, or 1536
sell or distribute such drugs at wholesale, to a licensed 1537
terminal distributor of dangerous drugs, except as follows: 1538

~~(a)~~ (1) In the case of a terminal distributor with a 1539
category I license, only dangerous drugs described in category 1540
I, as defined in division (A) (1) of section 4729.54 of the 1541
Revised Code; 1542

~~(b)~~ (2) In the case of a terminal distributor with a 1543
category II license, only dangerous drugs described in category 1544
I and category II, as defined in divisions (A) (1) and (2) of 1545
section 4729.54 of the Revised Code; 1546

~~(c)~~ (3) In the case of a terminal distributor with a 1547
category III license, dangerous drugs described in category I, 1548
category II, and category III, as defined in divisions (A) (1), 1549
(2), and (3) of section 4729.54 of the Revised Code; 1550

~~(d)~~ (4) In the case of a terminal distributor with a 1551
limited category I, II, or III license, only the dangerous drugs 1552
specified in the certificate furnished by the terminal 1553
distributor in accordance with section 4729.60 of the Revised 1554
Code. 1555

~~(E)~~ (E) (1) Except as provided in division ~~(C)~~ ~~(4)~~ (E) (2) of 1556
this section, no person shall ~~sell~~ do any of the following: 1557

(a) Sell or distribute, at retail, dangerous drugs- 1558

~~(2) Except as provided in division (C) (4) of this section,~~ 1559
~~no person shall possess;~~ 1560

(b) Possess for sale, at retail, dangerous drugs. 1561

~~(3) Except as provided in division (C) (4) of this section,~~ 1562
~~no person shall possess;~~ 1563

(c) Possess dangerous drugs. 1564

~~(4) Divisions (C) (1), (2), and (3)~~ (2) (a) Divisions (E) (1) 1565
(a), (b), and (c) of this section do not apply to a registered 1566
wholesale distributor of dangerous drugs or a any of the 1567
following: 1568

(i) A licensed terminal distributor of dangerous drugs; 1569

~~Divisions (C) (1), (2), and (3) of this section do not~~ 1570
~~apply to a~~ (ii) A person who possesses, or possesses for sale or 1571
sells, at retail, a dangerous drug in accordance with Chapters 1572
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 1573
the Revised Code; 1574

(iii) Any of the persons identified in divisions (A) (1) to 1575
(5) and (12) of section 4729.541 of the Revised Code, but only 1576
to the extent specified in that section. 1577

~~Divisions (C) (1), (2), and (3) of this section do not~~ 1578
~~apply to an individual who holds a current license, certificate,~~ 1579
~~or registration issued under Title XLVII of the Revised Code and~~ 1580
~~has been certified to conduct diabetes education by a national~~ 1581
~~certifying body specified in rules adopted by the state board of~~ 1582
~~pharmacy under section 4729.68 of the Revised Code, but only to~~ 1583
~~the extent that the individual possesses insulin or personally~~ 1584
~~supplies insulin solely for the purpose of diabetes education~~ 1585
~~and only if diabetes education is within the individual's scope~~ 1586

~~of practice under statutes and rules regulating the individual's profession.—~~ 1587
1588

~~Divisions (C)(1), (2), and (3) of this section do not apply to 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 to the extent that the individual possesses medical oxygen or personally supplies medical oxygen for the purpose of emergency care or treatment at the scene of a diving emergency.—~~ 1589
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~~Division (C)(3) of this section does not apply to the board of education of a city, local, exempted village, or joint-vocational school district, a school building operated by a school district board of education, a chartered or nonchartered nonpublic school, a community school, a STEM school, or a college preparatory boarding school for the purpose of possessing epinephrine autoinjectors under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and for the purpose of possessing inhalers under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code.—~~ 1596
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~~Division (C)(3) of this section does not apply to a residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code for the purpose of possessing epinephrine autoinjectors under section 5101.76 of the Revised Code and for the purpose of possessing inhalers under section 5101.77 of the Revised Code.—~~ 1606
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~~Division (C) (3) of this section does not apply to a law- 1617
enforcement agency or the agency's peace officers if the agency- 1618
or officers possess naloxone for administration to individuals- 1619
who are apparently experiencing opioid related overdoses (b) 1620~~
Division (E) (1) (c) of this section does not apply to any of the 1621
following: 1622

(i) A registered wholesale distributor of dangerous drugs; 1623

(ii) Any of the persons identified in divisions (A) (6) to 1624
(11) of section 4729.541 of the Revised Code, but only to the 1625
extent specified in that section. 1626

~~(D)-(F) No licensed terminal distributor of dangerous 1627
drugs or a person that is exempt from licensure under section 1628
4729.541 of the Revised Code shall purchase ~~for the purpose of- 1629
resale~~ dangerous drugs from any person other than a registered 1630
wholesale distributor of dangerous drugs, except as follows: 1631~~

(1) A licensed terminal distributor of dangerous drugs or 1632
a person that is exempt from licensure under section 4729.541 of 1633
the Revised Code may make occasional purchases of dangerous 1634
drugs ~~for resale from a pharmacist who is a licensed terminal- 1635
distributor of dangerous drugs or who is employed by a licensed- 1636
terminal distributor of dangerous drugs; that are sold in 1637
accordance with division (A) (1) or (3) of this section. 1638~~

(2) A licensed terminal distributor of dangerous drugs 1639
having more than one ~~establishment or place~~ licensed location 1640
may transfer or ~~receive~~ deliver dangerous drugs from one 1641
establishment or place for which a license has been issued to 1642
the terminal distributor licensed location to another 1643
establishment or place for which a license has been issued to 1644
the terminal distributor licensed location if the license issued 1645

for each ~~establishment or place~~ location is in effect at the 1646
time of the transfer or ~~receipt~~ delivery. 1647

~~(E)~~ (G) No licensed terminal distributor of dangerous 1648
drugs shall engage in the retail sale or other distribution of 1649
dangerous drugs ~~at retail~~ or maintain possession, custody, or 1650
control of dangerous drugs for any purpose other than the 1651
distributor's personal use or consumption, at any establishment 1652
or place other than that or those described in the license 1653
issued by the state board of pharmacy to such terminal 1654
distributor. 1655

~~(F)~~ (H) Nothing in this section shall be construed to 1656
interfere with the performance of official duties by any law 1657
enforcement official authorized by municipal, county, state, or 1658
federal law to collect samples of any drug, regardless of its 1659
nature or in whose possession it may be. 1660

~~(G)~~ (I) Notwithstanding anything to the contrary in this 1661
section, the board of education of a city, local, exempted 1662
village, or joint vocational school district may ~~deliver~~ 1663
distribute epinephrine autoinjectors ~~to a school under its~~ 1664
~~control for the purpose of possessing the epinephrine~~ 1665
~~autoinjectors under~~ for use in accordance with section 3313.7110 1666
of the Revised Code and may ~~deliver~~ distribute inhalers ~~to a~~ 1667
~~school under its control for the purpose of possessing the~~ 1668
~~inhalers under~~ for use in accordance with section 3313.7113 of 1669
the Revised Code. 1670

Sec. 4729.513. A manufacturer of dangerous drugs may 1671
donate inhalers, as defined in section 3313.7113 of the Revised 1672
Code, and epinephrine autoinjectors to any of the following: 1673

(A) The board of education of a city, local, exempted 1674

village, or joint vocational school district; 1675

(B) A community school established under Chapter 3314. of 1676
the Revised Code; 1677

(C) A STEM school established under Chapter 3326. of the 1678
Revised Code; 1679

(D) A college-preparatory boarding school established 1680
under Chapter 3328. of the Revised Code; 1681

(E) A chartered or nonchartered nonpublic school. 1682

Sec. 4729.514. (A) As used in this section, "service 1683
entity" means a public or private entity that provides services 1684
to individuals who there is reason to believe may be at risk of 1685
experiencing an opioid-related overdose. "Service entity" 1686
includes a college or university, school, local health 1687
department, addiction treatment facility, halfway house, prison, 1688
jail, community residential center, homeless shelter, or similar 1689
location. 1690

(B) A service entity may procure naloxone for use in 1691
emergency situations. 1692

(C) A service entity or an employee, volunteer, or 1693
contractor of a service entity is not liable for or subject to 1694
any of the following for injury, death, or loss to person or 1695
property that allegedly arises from an act or omission 1696
associated with procuring, maintaining, accessing, or using 1697
naloxone under this section, unless the act or omission 1698
constitutes willful or wanton misconduct: damages in any civil 1699
action, prosecution in any criminal proceeding, or professional 1700
disciplinary action. 1701

This section does not eliminate, limit, or reduce any 1702

other immunity or defense that a service entity or an employee, 1703
volunteer, or contractor of a service entity may be entitled to 1704
under Chapter 2305. or any other provision of the Revised Code 1705
or under the common law of this state. 1706

Sec. 4729.54. (A) As used in this section: 1707

(1) "Category I" means single-dose injections of 1708
intravenous fluids, including saline, Ringer's lactate, five per 1709
cent dextrose and distilled water, and other intravenous fluids 1710
or parenteral solutions included in this category by rule of the 1711
state board of pharmacy, that have a volume of one hundred 1712
milliliters or more and that contain no added substances, or 1713
single-dose injections of epinephrine to be administered 1714
pursuant to sections 4765.38 and 4765.39 of the Revised Code. 1715

(2) "Category II" means any dangerous drug that is not 1716
included in category I or III. 1717

(3) "Category III" means any controlled substance that is 1718
contained in schedule I, II, III, IV, or V. 1719

(4) "Emergency medical service organization" has the same 1720
meaning as in section 4765.01 of the Revised Code. 1721

(5) "Person" includes an emergency medical service 1722
organization. 1723

(6) "Schedule I, schedule II, schedule III, schedule IV, 1724
and schedule V" mean controlled substance schedules I, II, III, 1725
IV, and V, respectively, as established pursuant to section 1726
3719.41 of the Revised Code and as amended. 1727

(B) (1) A person who desires to be licensed as a terminal 1728
distributor of dangerous drugs shall file with the executive 1729
director of the state board of pharmacy a verified application. 1730

After it is filed, the application may not be withdrawn without approval of the board. 1731
1732

(2) An application shall contain all the following that apply in the applicant's case: 1733
1734

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 1735
1736
1737

(b) A statement that the person wishes to be licensed as a category I, category II, category III, limited category I, limited category II, or limited category III terminal distributor of dangerous drugs; 1738
1739
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(c) If the person wishes to be licensed as a limited category I, limited category II, or limited category III terminal distributor of dangerous drugs, a notarized list of the dangerous drugs that the person wishes to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source; 1742
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(d) If the person is an emergency medical service organization, the information that is specified in division (C) (1) of this section; 1748
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(e) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption; 1751
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(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of 1757
1758
1759

the Revised Code; 1760

(g) If the application pertains to a facility, clinic, or 1761
other location described in division (B) of section 4729.553 of 1762
the Revised Code that must hold a category III terminal 1763
distributor of dangerous drugs license with an office-based 1764
opioid treatment classification, information that demonstrates, 1765
to the satisfaction of the board, compliance with division (C) 1766
of that section. 1767

(C) (1) An emergency medical service organization that 1768
wishes to be licensed as a terminal distributor of dangerous 1769
drugs shall list in its application for licensure the following 1770
additional information: 1771

(a) The units under its control that the organization 1772
determines will possess dangerous drugs for the purpose of 1773
administering emergency medical services in accordance with 1774
Chapter 4765. of the Revised Code; 1775

(b) With respect to each such unit, whether the dangerous 1776
drugs that the organization determines the unit will possess are 1777
in category I, II, or III. 1778

(2) An emergency medical service organization that is 1779
licensed as a terminal distributor of dangerous drugs shall file 1780
a new application for such licensure if there is any change in 1781
the number, or location of, any of its units or any change in 1782
the category of the dangerous drugs that any unit will possess. 1783

(3) A unit listed in an application for licensure pursuant 1784
to division (C) (1) of this section may obtain the dangerous 1785
drugs it is authorized to possess from its emergency medical 1786
service organization or, on a replacement basis, from a hospital 1787
pharmacy. If units will obtain dangerous drugs from a hospital 1788

pharmacy, the organization shall file, and maintain in current 1789
form, the following items with the pharmacist who is responsible 1790
for the hospital's terminal distributor of dangerous drugs 1791
license: 1792

(a) A copy of its standing orders or protocol; 1793

(b) A list of the personnel employed or used by the 1794
organization to provide emergency medical services in accordance 1795
with Chapter 4765. of the Revised Code, who are authorized to 1796
possess the drugs, which list also shall indicate the personnel 1797
who are authorized to administer the drugs. 1798

(D) Each emergency medical service organization that 1799
applies for a terminal distributor of dangerous drugs license 1800
shall submit with its application the following: 1801

(1) A notarized copy of its standing orders or protocol, 1802
which orders or protocol shall be signed by a physician and 1803
specify the dangerous drugs that its units may carry, expressed 1804
in standard dose units; 1805

(2) A list of the personnel employed or used by the 1806
organization to provide emergency medical services in accordance 1807
with Chapter 4765. of the Revised Code. 1808

An emergency medical service organization that is licensed 1809
as a terminal distributor shall notify the board immediately of 1810
any changes in its standing orders or protocol. 1811

(E) There shall be six categories of terminal distributor 1812
of dangerous drugs licenses, which categories shall be as 1813
follows: 1814

(1) Category I license. A person who obtains this license 1815
may possess, have custody or control of, and distribute only the 1816

dangerous drugs described in category I. 1817

(2) Limited category I license. A person who obtains this 1818
license may possess, have custody or control of, and distribute 1819
only the dangerous drugs described in category I that were 1820
listed in the application for licensure. 1821

(3) Category II license. A person who obtains this license 1822
may possess, have custody or control of, and distribute only the 1823
dangerous drugs described in category I and category II. 1824

(4) Limited category II license. A person who obtains this 1825
license may possess, have custody or control of, and distribute 1826
only the dangerous drugs described in category I or category II 1827
that were listed in the application for licensure. 1828

(5) Category III license, which may include a pain 1829
management clinic classification issued under section 4729.552 1830
of the Revised Code. A person who obtains this license may 1831
possess, have custody or control of, and distribute the 1832
dangerous drugs described in category I, category II, and 1833
category III. If the license includes a pain management clinic 1834
classification, the person may operate a pain management clinic. 1835

(6) Limited category III license. A person who obtains 1836
this license may possess, have custody or control of, and 1837
distribute only the dangerous drugs described in category I, 1838
category II, or category III that were listed in the application 1839
for licensure. 1840

(F) Except for an application made on behalf of an animal 1841
shelter, if an applicant for licensure as a limited category I, 1842
II, or III terminal distributor of dangerous drugs intends to 1843
administer dangerous drugs to a person or animal, the applicant 1844
shall submit, with the application, a notarized copy of its 1845

protocol or standing orders, which protocol or orders shall be 1846
signed by a licensed health professional authorized to prescribe 1847
drugs, specify the dangerous drugs to be administered, and list 1848
personnel who are authorized to administer the dangerous drugs 1849
in accordance with federal law or the law of this state. An 1850
application made on behalf of an animal shelter shall include a 1851
notarized list of the dangerous drugs to be administered to 1852
animals and the personnel who are authorized to administer the 1853
drugs to animals in accordance with section 4729.532 of the 1854
Revised Code. After obtaining a terminal distributor license, a 1855
licensee shall notify the board immediately of any changes in 1856
its protocol or standing orders, or in such personnel. 1857

(G) (1) Except as provided in division (G) (2) of this 1858
section, each applicant for licensure as a terminal distributor 1859
of dangerous drugs shall submit, with the application, a license 1860
fee determined as follows: 1861

(a) For a category I or limited category I license, forty- 1862
five dollars; 1863

(b) For a category II or limited category II license, one 1864
hundred twelve dollars and fifty cents; 1865

(c) For a category III license, including a license with a 1866
pain management clinic classification issued under section 1867
4729.552 of the Revised Code, or a limited category III license, 1868
one hundred fifty dollars. 1869

(2) For a professional association, corporation, 1870
partnership, or limited liability company organized for the 1871
purpose of practicing veterinary medicine, the fee shall be 1872
forty dollars. 1873

(3) Fees assessed under divisions (G) (1) and (2) of this 1874

section shall not be returned if the applicant fails to qualify 1875
for registration. 1876

(H) (1) The board shall issue a terminal distributor of 1877
dangerous drugs license to each person who submits an 1878
application for such licensure in accordance with this section, 1879
pays the required license fee, is determined by the board to 1880
meet the requirements set forth in section 4729.55 of the 1881
Revised Code, and satisfies any other applicable requirements of 1882
this section. 1883

(2) The license of a person other than an emergency 1884
medical service organization shall describe the one 1885
establishment or place at which the licensee may engage in the 1886
sale or other distribution of dangerous drugs at retail and 1887
maintain possession, custody, or control of dangerous drugs for 1888
purposes other than the licensee's own use or consumption. The 1889
one establishment or place shall be that which is described in 1890
the application for licensure. 1891

No such license shall authorize or permit the terminal 1892
distributor of dangerous drugs named in it to engage in the sale 1893
or other distribution of dangerous drugs at retail or to 1894
maintain possession, custody, or control of dangerous drugs for 1895
any purpose other than the distributor's own use or consumption, 1896
at any establishment or place other than that described in the 1897
license, except that an agent or employee of an animal shelter 1898
may possess and use dangerous drugs in the course of business as 1899
provided in division (D) of section 4729.532 of the Revised 1900
Code. 1901

(3) The license of an emergency medical service 1902
organization shall cover and describe all the units of the 1903
organization listed in its application for licensure. 1904

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of April of each year. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code. A person who desires to renew a license shall submit an application for renewal and pay the required fee on or before the thirty-first day of March each year. The fee required for the renewal of a license shall be the same as the fee paid for the license being renewed, and shall accompany the application for renewal.

A license that has not been renewed during March in any year and by the first day of May of the same year may be reinstated only upon payment of the required renewal fee and a penalty fee of fifty-five dollars.

(J) (1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C) (2) or (3) of this section.

(2) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (D) of this section.

(3) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute

dangerous drugs that the terminal distributor is not entitled to 1934
possess, have custody or control of, or distribute by virtue of 1935
its category of licensure. 1936

(4) No licensee that is required by division (F) of this 1937
section to notify the board of changes in its protocol or 1938
standing orders, or in personnel, shall fail to comply with that 1939
division. 1940

Sec. 4729.541. (A) ~~(1)~~ Except as provided in divisions ~~(A)~~ 1941
~~(2) and (3)~~ (B) to (D) of this section, a ~~business entity~~ 1942
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 1943
~~Revised Code may possess, have custody or control of, and~~ 1944
~~distribute the dangerous drugs in category I, category II, and~~ 1945
~~category III, as defined in section 4729.54 of the Revised Code,~~ 1946
~~without holding a terminal distributor of dangerous drugs~~ 1947
~~license issued under that section. all of the following are~~ 1948
exempt from licensure as a terminal distributor of dangerous 1949
drugs: 1950

(1) A licensed health professional authorized to prescribe 1951
drugs; 1952

(2) A business entity that is a corporation formed under 1953
division (B) of section 1701.03 of the Revised Code, a limited 1954
liability company formed under Chapter 1705. of the Revised 1955
Code, or a professional association formed under Chapter 1785. 1956
of the Revised Code if the entity has a sole shareholder who is 1957
a prescriber and is authorized to provide the professional 1958
services being offered by the entity; 1959

(3) A business entity that is a corporation formed under 1960
division (B) of section 1701.03 of the Revised Code, a limited 1961
liability company formed under Chapter 1705. of the Revised 1962

Code, a partnership or a limited liability partnership formed 1963
under Chapter 1775. of the Revised Code, or a professional 1964
association formed under Chapter 1785. of the Revised Code, if, 1965
to be a shareholder, member, or partner, an individual is 1966
required to be licensed, certified, or otherwise legally 1967
authorized under Title XLVII of the Revised Code to perform the 1968
professional service provided by the entity and each such 1969
individual is a prescriber; 1970

(4) An individual who holds a current license, 1971
certificate, or registration issued under Title XLVII of the 1972
Revised Code and has been certified to conduct diabetes 1973
education by a national certifying body specified in rules 1974
adopted by the state board of pharmacy under section 4729.68 of 1975
the Revised Code, but only with respect to insulin that will be 1976
used for the purpose of diabetes education and only if diabetes 1977
education is within the individual's scope of practice under 1978
statutes and rules regulating the individual's profession; 1979

(5) An individual who holds a valid certificate issued by 1980
a nationally recognized S.C.U.B.A. diving certifying 1981
organization approved by the state board of pharmacy under rules 1982
adopted by the board, but only with respect to medical oxygen 1983
that will be used for the purpose of emergency care or treatment 1984
at the scene of a diving emergency; 1985

(6) With respect to epinephrine autoinjectors that may be 1986
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 1987
or 3328.29 of the Revised Code, any of the following: the board 1988
of education of a city, local, exempted village, or joint 1989
vocational school district; a chartered or nonchartered 1990
nonpublic school; a community school established under Chapter 1991
3314. of the Revised Code; a STEM school established under 1992

<u>Chapter 3326. of the Revised Code; or a college-preparatory</u>	1993
<u>boarding school established under Chapter 3328. of the Revised</u>	1994
<u>Code;</u>	1995
<u>(7) With respect to epinephrine autoinjectors that may be</u>	1996
<u>possessed under section 5101.76 of the Revised Code, any of the</u>	1997
<u>following: a residential camp, as defined in section 2151.011 of</u>	1998
<u>the Revised Code; a child day camp, as defined in section</u>	1999
<u>5104.01 of the Revised Code; or a child day camp operated by any</u>	2000
<u>county, township, municipal corporation, township park district</u>	2001
<u>created under section 511.18 of the Revised Code, park district</u>	2002
<u>created under section 1545.04 of the Revised Code, or joint</u>	2003
<u>recreation district established under section 755.14 of the</u>	2004
<u>Revised Code;</u>	2005
<u>(8) With respect to inhalers that may be possessed under</u>	2006
<u>section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of</u>	2007
<u>the Revised Code, any of the following: the board of education</u>	2008
<u>of a city, local, exempted village, or joint vocational school</u>	2009
<u>district; a chartered or nonchartered nonpublic school; a</u>	2010
<u>community school established under Chapter 3314. of the Revised</u>	2011
<u>Code; a STEM school established under Chapter 3326. of the</u>	2012
<u>Revised Code; or a college-preparatory boarding school</u>	2013
<u>established under Chapter 3328. of the Revised Code;</u>	2014
<u>(9) With respect to inhalers that may be possessed under</u>	2015
<u>section 5101.77 of the Revised Code, any of the following: a</u>	2016
<u>residential camp, as defined in section 2151.011 of the Revised</u>	2017
<u>Code; a child day camp, as defined in section 5104.01 of the</u>	2018
<u>Revised Code; or a child day camp operated by any county,</u>	2019
<u>township, municipal corporation, township park district created</u>	2020
<u>under section 511.18 of the Revised Code, park district created</u>	2021
<u>under section 1545.04 of the Revised Code, or joint recreation</u>	2022

<u>district established under section 755.14 of the Revised Code;</u>	2023
<u>(10) With respect to naloxone that may be possessed under</u>	2024
<u>section 2925.61 of the Revised Code, a law enforcement agency</u>	2025
<u>and its peace officers;</u>	2026
<u>(11) With respect to naloxone that may be possessed under</u>	2027
<u>section 4729.514 of the Revised Code, a service entity, as</u>	2028
<u>defined in that section;</u>	2029
<u>(12) A facility that is owned and operated by the United</u>	2030
<u>States department of defense or the United States department of</u>	2031
<u>veterans affairs.</u>	2032
<u>(B) If a business entity person described in division (B)</u>	2033
<u>(1)(j) or (k) (A) of this section 4729.51 of the Revised Code is</u>	2034
<u>a pain management clinic or is operating a pain management</u>	2035
<u>clinic, the entity person shall hold a license as a terminal</u>	2036
<u>distributor of dangerous drugs with a pain management clinic</u>	2037
<u>classification issued under section 4729.552 of the Revised</u>	2038
<u>Code.</u>	2039
<u>(C) If a person described in division (A) of this section</u>	2040
<u>is operating a facility, clinic, or other location described in</u>	2041
<u>division (B) of section 4729.553 of the Revised Code that must</u>	2042
<u>hold a category III terminal distributor of dangerous drugs</u>	2043
<u>license with an office-based opioid treatment classification,</u>	2044
<u>the person shall hold a license with that classification.</u>	2045
<u>(3) A business entity (D) Any of the persons described in</u>	2046
<u>division (B) (1)(j) or (k) divisions (A) (1) to (11) of this</u>	2047
<u>section 4729.51 of the Revised Code shall hold a license as a</u>	2048
<u>terminal distributor of dangerous drugs in order to possess,</u>	2049
<u>have custody or control of, and distribute either any of the</u>	2050
<u>following:</u>	2051

~~(a)(1) Dangerous drugs that are compounded or used for the purpose of compounding;~~ 2052
2053

~~(b) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction~~ 2054
(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code. 2055
2056
2057

~~(B) A licensed health professional authorized to prescribe drugs who does not practice in the form of a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute, including personally furnish, either of the following:~~ 2058
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2064

~~(1) Dangerous drugs that are compounded or used for the purpose of compounding;~~ 2065
2066

~~(2) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.~~ 2067
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2069

Sec. 4729.55. No license shall be issued to an applicant for licensure as a terminal distributor of dangerous drugs unless the applicant has furnished satisfactory proof to the state board of pharmacy that: 2070
2071
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(A) The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs within the category of licensure approved by the board. 2074
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(B) A pharmacist, licensed health professional authorized to prescribe drugs, animal shelter licensed with the state board of pharmacy under section 4729.531 of the Revised Code, or a 2078
2079
2080

laboratory as defined in section 3719.01 of the Revised Code 2081
will maintain supervision and control over the possession and 2082
custody of dangerous drugs that may be acquired by or on behalf 2083
of the applicant. 2084

(C) Adequate safeguards are assured to prevent the sale or 2085
other distribution of dangerous drugs by any person other than a 2086
pharmacist or licensed health professional authorized to 2087
prescribe drugs. 2088

(D) Adequate safeguards are assured that the applicant 2089
will carry on the business of a terminal distributor of 2090
dangerous drugs in a manner that allows pharmacists and pharmacy 2091
interns employed by the terminal distributor to practice 2092
pharmacy in a safe and effective manner. 2093

(E) If the applicant, or any agent or employee of the 2094
applicant, has been found guilty of violating section 4729.51 of 2095
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 2096
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 2097
control laws, Chapter 2925., 3715., 3719., or 4729. of the 2098
Revised Code, or any rule of the board, adequate safeguards are 2099
assured to prevent the recurrence of the violation. 2100

(F) In the case of an applicant who is a food processor or 2101
retail seller of food, the applicant will maintain supervision 2102
and control over the possession and custody of nitrous oxide. 2103

(G) In the case of an applicant who is a retail seller of 2104
oxygen in original packages labeled as required by the "Federal 2105
Food, Drug, and Cosmetic Act," the applicant will maintain 2106
supervision and control over the possession, custody, and retail 2107
sale of the oxygen. 2108

(H) If the application is made on behalf of an animal 2109

shelter, at least one of the agents or employees of the animal shelter is certified in compliance with section 4729.532 of the Revised Code.

(I) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

(J) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(K) In the case of an applicant who is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the applicant meets the requirements to receive that license with that classification.

Sec. 4729.553. (A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code.

(3) "Office-based opioid treatment" means the treatment of opioid dependence or addiction using a controlled substance.

(B) (1) Except as provided in division (B) (2) of this

section, no person shall knowingly operate a facility, clinic, 2138
or other location where a prescriber provides office-based 2139
opioid treatment to more than thirty patients or that meets any 2140
other identifying criteria established in rules adopted under 2141
division (G) of this section without holding a category III 2142
terminal distributor of dangerous drugs license with an office- 2143
based opioid treatment classification. 2144

(2) Division (B) (1) of this section does not apply to any 2145
of the following: 2146

(a) A hospital; 2147

(b) A facility for the treatment of opioid dependence or 2148
addiction that is operated by a hospital; 2149

(c) A physician practice owned or controlled, in whole or 2150
in part, by a hospital or by an entity that owns or controls, in 2151
whole or in part, one or more hospitals; 2152

(d) A facility that conducts only clinical research and 2153
uses controlled substances in studies approved by a hospital- 2154
based institutional review board or an institutional review 2155
board that is accredited by the association for the 2156
accreditation of human research protection programs, inc.; 2157

(e) A facility that holds a category III terminal 2158
distributor of dangerous drugs license in accordance with 2159
section 4729.54 of the Revised Code for the purpose of treating 2160
drug dependence or addiction as part of an opioid treatment 2161
program and is the subject of a current, valid certification 2162
from the substance abuse and mental health services 2163
administration of the United States department of health and 2164
human services pursuant to 42 C.F.R. 8.11; 2165

(f) A program or facility that is licensed or certified by 2166

the department of mental health and addiction services under 2167
Chapter 5119. of the Revised Code. 2168

(C) To be eligible to receive a license as a category III 2169
terminal distributor of dangerous drugs with an office-based 2170
opioid treatment classification, an applicant shall submit 2171
evidence satisfactory to the state board of pharmacy that the 2172
applicant's office-based opioid treatment will be operated in 2173
accordance with the requirements specified in division (D) of 2174
this section and that the applicant meets any other applicable 2175
requirements of this chapter. 2176

If the board determines that an applicant meets all of the 2177
requirements, the board shall issue to the applicant a license 2178
as a category III terminal distributor of dangerous drugs with 2179
an office-based opioid treatment classification. 2180

(D) The holder of a category III terminal distributor 2181
license with an office-based opioid treatment classification 2182
shall do all of the following: 2183

(1) Be in control of a facility that is owned and operated 2184
solely by one or more physicians authorized under Chapter 4731. 2185
of the Revised Code to practice medicine and surgery or 2186
osteopathic medicine and surgery, unless the state board of 2187
pharmacy has exempted the holder from this requirement; 2188

(2) Comply with the requirements for conducting office- 2189
based opioid treatment, as established by the state medical 2190
board in rules adopted under section 4731.056 of the Revised 2191
Code; 2192

(3) Require any person with ownership of the facility to 2193
submit to a criminal records check in accordance with section 2194
4776.02 of the Revised Code and send the results of the criminal 2195

records check directly to the state board of pharmacy for review 2196
and decision under section 4729.071 of the Revised Code; 2197

(4) Require all employees of the facility to submit to a 2198
criminal records check in accordance with section 4776.02 of the 2199
Revised Code and ensure that no person is employed who has 2200
previously been convicted of, or pleaded guilty to, either of 2201
the following: 2202

(a) A theft offense, described in division (K) (3) of 2203
section 2913.01 of the Revised Code, that would constitute a 2204
felony under the laws of this state, any other state, or the 2205
United States; 2206

(b) A felony drug offense, as defined in section 2925.01 2207
of the Revised Code. 2208

(5) Maintain a list of each person with ownership of the 2209
facility and notify the state board of pharmacy of any change to 2210
that list. 2211

(E) No person subject to licensure as a category III 2212
terminal distributor of dangerous drugs with an office-based 2213
opioid treatment classification shall knowingly fail to remain 2214
in compliance with the requirements of division (D) of this 2215
section and any other applicable requirements of this chapter. 2216

(F) The state board of pharmacy may impose a fine of not 2217
more than five thousand dollars on a person who violates 2218
division (B) or (E) of this section. A separate fine may be 2219
imposed for each day the violation continues. In imposing the 2220
fine, the board's actions shall be taken in accordance with 2221
Chapter 119. of the Revised Code. 2222

(G) The state board of pharmacy shall adopt rules as it 2223
considers necessary to implement and administer this section. 2224

The rules shall be adopted in accordance with Chapter 119. of 2225
the Revised Code. 2226

Sec. 4729.571. If the state board of pharmacy determines 2227
that there is clear and convincing evidence that the method used 2228
by a terminal distributor of dangerous drugs to distribute 2229
controlled substances presents a danger of immediate and serious 2230
harm to others, the board may suspend the terminal distributor's 2231
license without a hearing. The board shall follow the procedure 2232
for suspension without a prior hearing in section 119.07 of the 2233
Revised Code. The suspension shall remain in effect, unless 2234
removed by the board, until the board's final adjudication order 2235
becomes effective, except that if the board does not issue its 2236
final adjudication order within ninety days after the hearing, 2237
the suspension shall be void on the ninety-first day after the 2238
suspension. 2239

If the terminal distributor holds a license with a pain 2240
management clinic classification issued under section 4729.552 2241
of the Revised Code or a license with an office-based opioid 2242
treatment classification issued under section 4729.553 of the 2243
Revised Code and the person holding the license also holds a 2244
certificate issued under Chapter 4731. of the Revised Code to 2245
practice medicine and surgery or osteopathic medicine and 2246
surgery, prior to suspending the license without a hearing, the 2247
board shall consult with the secretary of the state medical 2248
board or, if the secretary is unavailable, another physician 2249
member of the board. 2250

Sec. 4729.60. (A) (1) Before a registered wholesale 2251
distributor of dangerous drugs may sell dangerous drugs at 2252
wholesale to any person, ~~other than the persons specified in~~ 2253
~~divisions (B) (1) (a) to (d), (f) to (h), and (l) to (p) of~~ 2254

~~section 4729.51 of the Revised Code, except as provided in~~ 2255
division (A) (2) of this section, such the wholesale distributor 2256
shall obtain from the purchaser and the purchaser shall furnish 2257
to the wholesale distributor a certificate indicating that the 2258
purchaser is a licensed terminal distributor of dangerous drugs. 2259
The certificate shall be in the form that the state board of 2260
pharmacy shall prescribe, and shall set forth the name of the 2261
licensee, the number of the license, a description of the place 2262
or establishment or each place or establishment for which the 2263
license was issued, the category of licensure, and, if the 2264
license is a limited category I, II, or III license, the 2265
dangerous drugs that the licensee is authorized to possess, have 2266
custody or control of, and distribute. 2267

If no certificate is obtained or furnished before a sale 2268
is made, it shall be presumed that the sale of dangerous drugs 2269
by the wholesale distributor is in violation of division (B) of 2270
section 4729.51 of the Revised Code and the purchase of 2271
dangerous drugs by the purchaser is in violation of division ~~(C)~~ 2272
(E) of section 4729.51 of the Revised Code. If a registered 2273
wholesale distributor of dangerous drugs obtains or is furnished 2274
a certificate from a terminal distributor of dangerous drugs and 2275
relies on the certificate in selling dangerous drugs at 2276
wholesale to the terminal distributor of dangerous drugs, the 2277
wholesale distributor of dangerous drugs shall be deemed not to 2278
have violated division (B) of section 4729.51 of the Revised 2279
Code in making the sale. 2280

(2) Division (A) (1) of this section does not apply when a 2281
wholesale distributor sells dangerous drugs at wholesale to any 2282
of the following: 2283

(a) A person specified in division (B) (4) of section 2284

4729.51 of the Revised Code; 2285

(b) Any of the persons described in divisions (A) (1) to (12) of section 4729.541 of the Revised Code, but only if the purchaser is not required to obtain licensure as provided in divisions (B) to (D) of that section. 2286
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(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall obtain from the seller and the seller shall furnish to the terminal distributor the number of the seller's registration certificate to engage in the sale of dangerous drugs at wholesale. 2290
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If no registration number is obtained or furnished before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division ~~(D)~~ (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs obtains or is furnished a registration number from a wholesale distributor of dangerous drugs and relies on the registration number in purchasing dangerous drugs at wholesale from the wholesale distributor of dangerous drugs, the terminal distributor shall be deemed not to have violated division ~~(D)~~ (F) of section 4729.51 of the Revised Code in making the purchase. 2296
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Sec. 4729.68. The state board of pharmacy shall adopt rules pursuant to Chapter 119. of the Revised Code specifying for the purposes of sections 3719.172 and ~~4729.51~~ 4729.541 of the Revised Code the national bodies recognized by the board that certify persons who successfully complete diabetes education programs. 2309
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Sec. 4729.90. (A) As used in this section, "responsible person" has the same meaning as in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code. 2315
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(B) (1) An applicant for registration as a registered pharmacy technician shall: 2318
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(a) Be at least eighteen years of age; 2320

(b) Possess a high school diploma or a certificate of high school equivalence or have been employed continuously since prior to April 8, 2009, as a pharmacy technician without a high school diploma or certificate of high school equivalence; 2321
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(c) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code; 2325
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(d) Except as provided in division (D) of this section, comply with sections 4776.01 to 4776.04 of the Revised Code; 2328
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(e) Except as provided in division (E) (1) of this section, obtain from a pharmacy's responsible person an attestation that the applicant has successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code. 2330
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(2) An applicant for registration as a certified pharmacy technician shall: 2335
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(a) Comply with divisions (B) (1) (a), (c), and (d) of this section; 2337
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(b) Possess a high school diploma or a certificate of high school equivalence; 2339
2340

(c) Except as provided in division (E) (2) of this section, 2341

obtain from a pharmacy's responsible person an attestation that 2342
the applicant has successfully completed education and training 2343
that meets the requirements established by the board in rules 2344
adopted under section 4729.94 of the Revised Code; 2345

(d) Have a current pharmacy technician certification from 2346
an organization that has been recognized by the board. 2347

(C) A pharmacist or pharmacy intern whose license has been 2348
denied, revoked, suspended, or otherwise restricted by the board 2349
shall not be registered as a registered pharmacy technician or 2350
certified pharmacy technician. 2351

(D) Until the date that is two years after the effective 2352
date of this section, an applicant for registration as a 2353
registered pharmacy technician or certified pharmacy technician 2354
who meets the requirements to be a qualified pharmacy technician 2355
under section 4729.42 of the Revised Code, as it existed 2356
immediately prior to the effective date of section 4729.95 of 2357
the Revised Code, may, instead of complying with division (B) (1) 2358
(d) of this section, authorize the superintendent of the bureau 2359
of criminal identification and investigation to make the results 2360
of a criminal records check of the applicant available to the 2361
state board of pharmacy. The criminal records check must have 2362
been conducted not earlier than twenty-four months before the 2363
date of the application for registration. 2364

(E) (1) Until the date that is two years after the 2365
effective date of this section, an applicant for registration as 2366
a registered pharmacy technician who meets the requirements to 2367
be a qualified pharmacy technician under section 4729.42 of the 2368
Revised Code, as it existed immediately prior to the effective 2369
date of section 4729.95 of the Revised Code, may, instead of 2370
complying with division (B) (1) (e) of this section, submit an 2371

attestation from a pharmacy's responsible person that the 2372
applicant has completed a pharmacy technician training program 2373
that is of appropriate breadth and depth to clearly address the 2374
competencies for a technician to safely and effectively work in 2375
that particular setting and includes instruction in all of the 2376
following: 2377

(a) Packaging and labeling drugs; 2378

(b) Pharmacy terminology; 2379

(c) Basic drug information; 2380

(d) Basic calculations; 2381

(e) Quality control procedures; 2382

(f) State and federal statutes, rules, and regulations 2383
regarding pharmacy technician duties, pharmacist duties, 2384
pharmacy intern duties, prescription or drug order processing 2385
procedures, drug record-keeping requirements, patient 2386
confidentiality, security requirements, and storage 2387
requirements. 2388

(2) Until the date that is two years after the effective 2389
date of this section, an applicant for registration as a 2390
certified pharmacy technician who meets the requirements to be a 2391
qualified pharmacy technician under section 4729.42 of the 2392
Revised Code, as it existed immediately prior to the effective 2393
date of section 4729.95 of the Revised Code, may, instead of 2394
complying with division (B) (2) (c) of this section, submit an 2395
attestation from a pharmacy's responsible person that the 2396
applicant has completed a pharmacy technician training program 2397
that is of appropriate breadth and depth to clearly address the 2398
competencies for a technician to safely and effectively work in 2399
that particular setting and includes instruction in all of the 2400

following: 2401

(a) The topics listed in divisions (E)(1)(a) to (f) of 2402
this section; 2403

(b) Drug compounding; 2404

(c) Preparing and mixing intravenous drugs to be injected 2405
into a human being. 2406

Sec. 4729.901. An applicant for registration under section 2407
4729.90 of the Revised Code shall file with the state board of 2408
pharmacy an application in the form and manner prescribed in 2409
rules adopted under section 4729.94 of the Revised Code. The 2410
application shall be accompanied by an application fee of fifty 2411
dollars, which shall not be returned if the applicant fails to 2412
qualify for registration. 2413

If the board is satisfied that the applicant meets the 2414
requirements of section 4729.90 of the Revised Code and any 2415
additional requirements established by the board and determines 2416
that the results of a criminal records check do not make the 2417
applicant ineligible, the board shall register the applicant as 2418
a registered pharmacy technician or certified pharmacy 2419
technician, as applicable. 2420

Registration under this section is valid for the period 2421
specified by the board in rules adopted under section 4729.94 of 2422
the Revised Code. The period shall not exceed twenty-four months 2423
unless the board extends the period in the rules to adjust 2424
license renewal schedules. 2425

Sec. 4729.902. (A) A registered pharmacy technician or 2426
certified pharmacy technician shall file an application for 2427
registration renewal in the form and manner prescribed by the 2428
state board of pharmacy in rules adopted under section 4729.94 2429

of the Revised Code. Registrations shall be renewed in 2430
accordance with the rules and the standard renewal procedure set 2431
forth in Chapter 4745. of the Revised Code. The renewal fee is 2432
twenty-five dollars per year. 2433

(B) (1) A registered pharmacy technician or certified 2434
pharmacy technician who fails to renew registration in 2435
accordance with division (A) of this section is prohibited from 2436
engaging in the activities authorized by section 4729.91 of the 2437
Revised Code. 2438

(2) (a) A registration that is not renewed by a date 2439
determined under division (A) of this section but has not lapsed 2440
for more than ninety days may be reinstated if the applicant 2441
does both of the following: 2442

(i) Submits a renewal application in a form prescribed by 2443
the board in rules adopted under section 4729.94 of the Revised 2444
Code; 2445

(ii) Pays the renewal fee and a late fee of fifty dollars. 2446

(b) A registration that has lapsed for more than ninety 2447
days cannot be renewed, but the registration holder may reapply 2448
for registration. 2449

Sec. 4729.91. (A) A registered pharmacy technician may, 2450
under the direct supervision of a pharmacist, engage in the 2451
following activities at a location licensed as a terminal 2452
distributor of dangerous drugs to the extent that the activities 2453
do not require the exercise of professional judgment: 2454

(1) Accepting new written or electronic prescription 2455
orders from a prescriber or a prescriber's agent; 2456

(2) Entering information into and retrieving information 2457

<u>from a database or patient profile;</u>	2458
<u>(3) Preparing and affixing labels;</u>	2459
<u>(4) Stocking dangerous drugs and retrieving those drugs from inventory;</u>	2460 2461
<u>(5) Counting and pouring dangerous drugs into containers;</u>	2462
<u>(6) Placing dangerous drugs into patient storage containers;</u>	2463 2464
<u>(7) Other activities specified by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code.</u>	2465 2466 2467
<u>(B) A certified pharmacy technician may, under the direct supervision of a pharmacist, engage in the following activities at a location licensed as a terminal distributor of dangerous drugs to the extent that the activities do not require the exercise of professional judgment:</u>	2468 2469 2470 2471 2472
<u>(1) Any activity listed in division (A) of this section;</u>	2473
<u>(2) Accepting or requesting refill authorizations for dangerous drugs that are not controlled substances from a prescriber or the prescriber's agent, so long as there is no change from the original prescription;</u>	2474 2475 2476 2477
<u>(3) Drug compounding as authorized by the board in rules adopted under section 4729.94 of the Revised Code;</u>	2478 2479
<u>(4) Other activities specified by the board in rules adopted under section 4729.94 of the Revised Code.</u>	2480 2481
<u>Sec. 4729.92. (A) An applicant for registration as a pharmacy technician trainee shall:</u>	2482 2483
<u>(1) Comply with divisions (B) (1) (a) to (c) of section</u>	2484

<u>4729.90 of the Revised Code;</u>	2485
<u>(2) Be enrolled in or plan to enroll in education and training that will allow the applicant to meet the requirements established by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code;</u>	2486 2487 2488 2489
<u>(3) Comply with sections 4776.01 to 4776.04 of the Revised Code.</u>	2490 2491
<u>(B) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a pharmacy technician trainee.</u>	2492 2493 2494
<u>Sec. 4729.921. An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of twenty-five dollars, which shall not be returned if the applicant fails to qualify for registration.</u>	2495 2496 2497 2498 2499 2500 2501
<u>If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.</u>	2502 2503 2504 2505 2506 2507
<u>Registration is valid for one year from the date of registration. Registration is not renewable, but an individual may reapply for registration if the individual's previous registration has lapsed for more than five years or the board grants its approval.</u>	2508 2509 2510 2511 2512
<u>Sec. 4729.93. A pharmacy technician trainee may, under the</u>	2513

direct supervision of a pharmacist, engage in the same 2514
activities as a registered pharmacy technician, as listed in 2515
division (A) of section 4729.91 of the Revised Code. 2516

Sec. 4729.94. The state board of pharmacy shall adopt 2517
rules under section 4729.26 of the Revised Code governing 2518
registration of registered pharmacy technicians, certified 2519
pharmacy technicians, and pharmacy technician trainees. The 2520
rules shall include all of the following: 2521

(A) Application and renewal forms and procedures; 2522

(B) Reapplication forms and procedures for individuals 2523
whose registration has lapsed more than ninety days; 2524

(C) Education and training requirements, including hour 2525
requirements, requirements for employer-administered training 2526
programs, and other requirements considered appropriate by the 2527
board; 2528

(D) Additional activities permitted by divisions (A) (7) 2529
and (B) (4) of section 4729.91 of the Revised Code; 2530

(E) Requirements for compounding by a certified pharmacy 2531
technician; 2532

(F) Continuing education requirements; 2533

(G) Conduct that constitutes dishonesty or unprofessional 2534
conduct by a registered pharmacy technician, certified pharmacy 2535
technician, or pharmacy technician trainee; 2536

(H) Additional conduct for which the board may impose 2537
discipline under section 4729.96 of the Revised Code on a 2538
registered pharmacy technician, certified pharmacy technician, 2539
or pharmacy technician trainee; 2540

(I) Any other rules the board considers appropriate to 2541
implement sections 4729.90 to 4729.96 of the Revised Code. 2542

Sec. 4729.95. (A) No person who is not a pharmacist, 2543
pharmacy intern, registered pharmacy technician, certified 2544
pharmacy technician, or pharmacy technician trainee shall 2545
knowingly engage in any of the activities listed in section 2546
4729.91 of the Revised Code in a location licensed as a terminal 2547
distributor of dangerous drugs or while performing the function 2548
of a terminal distributor, except that this division does not 2549
prevent a licensed health care professional from engaging in 2550
activities that are authorized by law as part of the licensed 2551
professional's practice. 2552

(B) No pharmacist shall knowingly allow any person 2553
employed or otherwise under the control of the pharmacist to 2554
violate division (A) of this section. 2555

(C) No terminal distributor of dangerous drugs shall 2556
knowingly allow any person employed or otherwise under the 2557
control of the person who owns, manages, or conducts the 2558
terminal distributor to violate division (A) of this section. 2559

(D) No pharmacist shall knowingly supervise more than one 2560
pharmacy technician trainee. 2561

Sec. 4729.96. (A) (1) The state board of pharmacy, after 2562
notice and hearing in accordance with Chapter 119. of the 2563
Revised Code, may impose one or more of the following sanctions 2564
on a pharmacy technician trainee, registered pharmacy 2565
technician, or certified pharmacy technician if the board finds 2566
the individual engaged in any of the conduct set forth in 2567
division (A) (2) of this section: 2568

(a) Revoke, suspend, restrict, limit, or refuse to grant 2569

<u>or renew a registration;</u>	2570
<u>(b) Reprimand or place the holder of the registration on probation;</u>	2571 2572
<u>(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.</u>	2573 2574 2575 2576 2577
<u>(2) The board may impose the sanctions listed in division (A) (1) of this section if the board finds a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician:</u>	2578 2579 2580 2581
<u>(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;</u>	2582 2583
<u>(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code;</u>	2584 2585 2586
<u>(c) Is addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties;</u>	2587 2588 2589
<u>(d) Violated, conspired to violate, attempted to violate, or aided and abetted 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;</u>	2590 2591 2592 2593 2594
<u>(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board under this chapter;</u>	2595 2596 2597

(f) Failed to comply with an order of the board or a settlement agreement; 2598
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(g) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code. 2600
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(B) The board may suspend a registration 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. 2603
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(C) If the board has reasonable cause to believe that an individual who is a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined. 2607
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Failure of any individual to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a default and final order may be entered without the taking of testimony or presentation of evidence. 2614
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If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's registration or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed registration to practice, to submit to a physical or mental examination or treatment. 2620
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(D) If the board is required under Chapter 119. of the 2626

Revised Code to give notice of an opportunity for a hearing and 2627
the applicant or registrant does not make a timely request for a 2628
hearing in accordance with section 119.07 of the Revised Code, 2629
the board is not required to hold a hearing, but may adopt a 2630
final order that contains the board's findings. In the final 2631
order, the board may impose any of the sanctions listed in 2632
division (A) of this section. 2633

(E) Notwithstanding the provision of division (C) (2) of 2634
section 2953.32 of the Revised Code specifying that if records 2635
pertaining to a criminal case are sealed under that section the 2636
proceedings in the case must be deemed not to have occurred, 2637
sealing of the following records on which the board has based an 2638
action under this section shall have no effect on the board's 2639
action or any sanction imposed by the board under this section: 2640
records of any conviction, guilty plea, judicial finding of 2641
guilt resulting from a plea of no contest, or a judicial finding 2642
of eligibility for a pretrial diversion program or intervention 2643
in lieu of conviction. The board shall not be required to seal, 2644
destroy, redact, or otherwise modify its records to reflect the 2645
court's sealing of conviction records. 2646

(F) No pharmacy technician trainee, registered pharmacy 2647
technician, or certified pharmacy technician shall knowingly 2648
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 2649
(d) to (g) of this section. 2650

Sec. 4729.99. (A) Whoever violates division (H) of section 2651
4729.16, division ~~(A) or (B)~~ (E) of section 4729.38, ~~or~~ section 2652
4729.57, or division (F) of section 4729.96 of the Revised Code 2653
is guilty of a minor misdemeanor, unless a different penalty is 2654
otherwise specified in the Revised Code. Each day's violation 2655
constitutes a separate offense. 2656

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 2657
of the Revised Code is guilty of a misdemeanor of the third 2658
degree. Each day's violation constitutes a separate offense. If 2659
the offender previously has been convicted of or pleaded guilty 2660
to a violation of this chapter, that person is guilty of a 2661
misdemeanor of the second degree. 2662

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 2663
of the Revised Code is guilty of a misdemeanor. 2664

(D) Whoever violates division (A), (B), ~~(C)~~, (D), (E) or 2665
~~(E)~~ (G) of section 4729.51 of the Revised Code is guilty of a 2666
misdemeanor of the first degree. 2667

(E) (1) Whoever violates section 4729.37, division ~~(C)~~ ~~(2)~~ 2668
(E) (1) (b) of section 4729.51, division (J) of section 4729.54, 2669
division (B) or (D) of section 4729.553, or section 4729.61 of 2670
the Revised Code is guilty of a felony of the fifth degree. If 2671
the offender previously has been convicted of or pleaded guilty 2672
to a violation of this chapter or a violation of Chapter 2925. 2673
or 3719. of the Revised Code, that person is guilty of a felony 2674
of the fourth degree. 2675

(2) If an offender is convicted of or pleads guilty to a 2676
violation of section 4729.37, division ~~(C)~~ (E) of section 2677
4729.51, division (J) of section 4729.54, or section 4729.61 of 2678
the Revised Code, if the violation involves the sale, offer to 2679
sell, or possession of a schedule I or II controlled substance, 2680
with the exception of marihuana, and if the court imposing 2681
sentence upon the offender finds that the offender as a result 2682
of the violation is a major drug offender, as defined in section 2683
2929.01 of the Revised Code, and is guilty of a specification of 2684
the type described in section 2941.1410 of the Revised Code, the 2685
court, in lieu of the prison term authorized or required by 2686

division (E) (1) of this section and sections 2929.13 and 2929.14 2687
of the Revised Code and in addition to any other sanction 2688
imposed for the offense under sections 2929.11 to 2929.18 of the 2689
Revised Code, shall impose upon the offender, in accordance with 2690
division (B) (3) of section 2929.14 of the Revised Code, the 2691
mandatory prison term specified in that division. 2692

(3) Notwithstanding any contrary provision of section 2693
3719.21 of the Revised Code, the clerk of court shall pay any 2694
fine imposed for a violation of section 4729.37, division ~~(C)~~ 2695
(E) of section 4729.51, division (J) of section 4729.54, or 2696
section 4729.61 of the Revised Code pursuant to division (A) of 2697
section 2929.18 of the Revised Code in accordance with and 2698
subject to the requirements of division (F) of section 2925.03 2699
of the Revised Code. The agency that receives the fine shall use 2700
the fine as specified in division (F) of section 2925.03 of the 2701
Revised Code. 2702

(F) Whoever violates section 4729.531 of the Revised Code 2703
or any rule adopted thereunder or section 4729.532 of the 2704
Revised Code is guilty of a misdemeanor of the first degree. 2705

(G) Whoever violates division ~~(C) (1)~~ (E) (1) (a) of section 2706
4729.51 of the Revised Code is guilty of a felony of the fourth 2707
degree. If the offender has previously been convicted of or 2708
pleaded guilty to a violation of this chapter, or of a violation 2709
of Chapter 2925. or 3719. of the Revised Code, that person is 2710
guilty of a felony of the third degree. 2711

(H) Whoever violates division ~~(C) (3)~~ (E) (1) (c) of section 2712
4729.51 of the Revised Code is guilty of a misdemeanor of the 2713
first degree. If the offender has previously been convicted of 2714
or pleaded guilty to a violation of this chapter, or of a 2715
violation of Chapter 2925. or 3719. of the Revised Code, that 2716

person is guilty of a felony of the fifth degree. 2717

(I) (1) Whoever violates division ~~(B)~~ (A) of section 2718
~~4729.42~~ 4729.95 of the Revised Code is guilty of unauthorized 2719
pharmacy-related drug conduct. Except as otherwise provided in 2720
this section, unauthorized pharmacy-related drug conduct is a 2721
misdemeanor of the second degree. If the offender previously has 2722
been convicted of or pleaded guilty to a violation of division 2723
(A), (B), or (C), ~~(D)~~, ~~or (E)~~ of that section, unauthorized 2724
pharmacy-related drug conduct is a misdemeanor of the first 2725
degree on a second offense and a felony of the fifth degree on a 2726
third or subsequent offense. 2727

(2) Whoever violates division (B) or (C) ~~or (D)~~ of section 2728
~~4729.42~~ 4729.95 of the Revised Code is guilty of permitting 2729
unauthorized pharmacy-related drug conduct. Except as otherwise 2730
provided in this section, permitting unauthorized pharmacy- 2731
related drug conduct is a misdemeanor of the second degree. If 2732
the offender previously has been convicted of or pleaded guilty 2733
to a violation of division (A), (B), or (C), ~~(D)~~, ~~or (E)~~ of that 2734
section, permitting unauthorized pharmacy-related drug conduct 2735
is a misdemeanor of the first degree on a second offense and a 2736
felony of the fifth degree on a third or subsequent offense. 2737

~~(3) Whoever violates division (E) of section 4729.42 of~~ 2738
~~the Revised Code is guilty of the offense of falsification under~~ 2739
~~section 2921.13 of the Revised Code. In addition to any other~~ 2740
~~sanction imposed for the violation, the offender is forever~~ 2741
~~disqualified from engaging in any activity specified in division~~ 2742
~~(B) (1), (2), or (3) of section 4729.42 of the Revised Code and~~ 2743
~~from performing any function as a health care professional or~~ 2744
~~health care worker. As used in this division, "health care~~ 2745
~~professional" and "health care worker" have the same meanings as~~ 2746

~~in section 2305.234 of the Revised Code.~~ 2747

~~(4)~~ Notwithstanding any contrary provision of section 2748
3719.21 of the Revised Code or any other provision of law that 2749
governs the distribution of fines, the clerk of the court shall 2750
pay any fine imposed pursuant to division (I) (1) or (2) ~~or~~ (3) 2751
of this section to the state board of pharmacy if the board has 2752
adopted a written internal control policy under division (F) (2) 2753
of section 2925.03 of the Revised Code that addresses fine 2754
moneys that it receives under Chapter 2925. of the Revised Code 2755
and if the policy also addresses fine moneys paid under this 2756
division. The state board of pharmacy shall use the fines so 2757
paid in accordance with the written internal control policy to 2758
subsidize the board's law enforcement efforts that pertain to 2759
drug offenses. 2760

(J) (1) Whoever violates division (A) (1) of section 4729.86 2761
of the Revised Code is guilty of a misdemeanor of the third 2762
degree. If the offender has previously been convicted of or 2763
pleaded guilty to a violation of division (A) (1), (2), or (3) of 2764
section 4729.86 of the Revised Code, that person is guilty of a 2765
misdemeanor of the first degree. 2766

(2) Whoever violates division (A) (2) of section 4729.86 of 2767
the Revised Code is guilty of a misdemeanor of the first degree. 2768
If the offender has previously been convicted of or pleaded 2769
guilty to a violation of division (A) (1), (2), or (3) of section 2770
4729.86 of the Revised Code, that person is guilty of a felony 2771
of the fifth degree. 2772

(3) Whoever violates division (A) (3) of section 4729.86 of 2773
the Revised Code is guilty of a felony of the fifth degree. If 2774
the offender has previously been convicted of or pleaded guilty 2775
to a violation of division (A) (1), (2), or (3) of section 2776

4729.86 of the Revised Code, that person is guilty of a felony 2777
of the fourth degree. 2778

(K) A person who violates division (C) of section 4729.552 2779
of the Revised Code is guilty of a misdemeanor of the first 2780
degree. If the person previously has been convicted of or 2781
pleaded guilty to a violation of division (C) of section 2782
4729.552 of the Revised Code, that person is guilty of a felony 2783
of the fifth degree. 2784

Sec. 4731.22. (A) The state medical board, by an 2785
affirmative vote of not fewer than six of its members, may 2786
limit, revoke, or suspend an individual's certificate to 2787
practice, refuse to grant a certificate to an individual, refuse 2788
to renew a certificate, refuse to reinstate a certificate, or 2789
reprimand or place on probation the holder of a certificate if 2790
the individual or certificate holder is found by the board to 2791
have committed fraud during the administration of the 2792
examination for a certificate to practice or to have committed 2793
fraud, misrepresentation, or deception in applying for, 2794
renewing, or securing any certificate to practice issued by the 2795
board. 2796

(B) The board, by an affirmative vote of not fewer than 2797
six members, shall, to the extent permitted by law, limit, 2798
revoke, or suspend an individual's certificate to practice, 2799
refuse to issue a certificate to an individual, refuse to renew 2800
a certificate, refuse to reinstate a certificate, or reprimand 2801
or place on probation the holder of a certificate for one or 2802
more of the following reasons: 2803

(1) Permitting one's name or one's certificate to practice 2804
to be used by a person, group, or corporation when the 2805
individual concerned is not actually directing the treatment 2806

given; 2807

(2) Failure to maintain minimal standards applicable to 2808
the selection or administration of drugs, or failure to employ 2809
acceptable scientific methods in the selection of drugs or other 2810
modalities for treatment of disease; 2811

(3) Selling, giving away, personally furnishing, 2812
prescribing, or administering drugs for other than legal and 2813
legitimate therapeutic purposes or a plea of guilty to, a 2814
judicial finding of guilt of, or a judicial finding of 2815
eligibility for intervention in lieu of conviction of, a 2816
violation of any federal or state law regulating the possession, 2817
distribution, or use of any drug; 2818

(4) Willfully betraying a professional confidence. 2819

For purposes of this division, "willfully betraying a 2820
professional confidence" does not include providing any 2821
information, documents, or reports under sections 307.621 to 2822
307.629 of the Revised Code to a child fatality review board; 2823
does not include providing any information, documents, or 2824
reports to the director of health pursuant to guidelines 2825
established under section 3701.70 of the Revised Code; does not 2826
include written notice to a mental health professional under 2827
section 4731.62 of the Revised Code; and does not include the 2828
making of a report of an employee's use of a drug of abuse, or a 2829
report of a condition of an employee other than one involving 2830
the use of a drug of abuse, to the employer of the employee as 2831
described in division (B) of section 2305.33 of the Revised 2832
Code. Nothing in this division affects the immunity from civil 2833
liability conferred by section 2305.33 or 4731.62 of the Revised 2834
Code upon a physician who makes a report in accordance with 2835
section 2305.33 or notifies a mental health professional in 2836

accordance with section 4731.62 of the Revised Code. As used in 2837
this division, "employee," "employer," and "physician" have the 2838
same meanings as in section 2305.33 of the Revised Code. 2839

(5) Making a false, fraudulent, deceptive, or misleading 2840
statement in the solicitation of or advertising for patients; in 2841
relation to the practice of medicine and surgery, osteopathic 2842
medicine and surgery, podiatric medicine and surgery, or a 2843
limited branch of medicine; or in securing or attempting to 2844
secure any certificate to practice issued by the board. 2845

As used in this division, "false, fraudulent, deceptive, 2846
or misleading statement" means a statement that includes a 2847
misrepresentation of fact, is likely to mislead or deceive 2848
because of a failure to disclose material facts, is intended or 2849
is likely to create false or unjustified expectations of 2850
favorable results, or includes representations or implications 2851
that in reasonable probability will cause an ordinarily prudent 2852
person to misunderstand or be deceived. 2853

(6) A departure from, or the failure to conform to, 2854
minimal standards of care of similar practitioners under the 2855
same or similar circumstances, whether or not actual injury to a 2856
patient is established; 2857

(7) Representing, with the purpose of obtaining 2858
compensation or other advantage as personal gain or for any 2859
other person, that an incurable disease or injury, or other 2860
incurable condition, can be permanently cured; 2861

(8) The obtaining of, or attempting to obtain, money or 2862
anything of value by fraudulent misrepresentations in the course 2863
of practice; 2864

(9) A plea of guilty to, a judicial finding of guilt of, 2865

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 2866
2867

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 2868
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2870

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 2871
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(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 2875
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2877

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 2878
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(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 2881
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2883

(15) Violation of the conditions of limitation placed by the board upon a certificate to practice; 2884
2885

(16) Failure to pay license renewal fees specified in this chapter; 2886
2887

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 2888
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(18) Subject to section 4731.226 of the Revised Code, 2893

violation of any provision of a code of ethics of the American 2894
medical association, the American osteopathic association, the 2895
American podiatric medical association, or any other national 2896
professional organizations that the board specifies by rule. The 2897
state medical board shall obtain and keep on file current copies 2898
of the codes of ethics of the various national professional 2899
organizations. The individual whose certificate is being 2900
suspended or revoked shall not be found to have violated any 2901
provision of a code of ethics of an organization not appropriate 2902
to the individual's profession. 2903

For purposes of this division, a "provision of a code of 2904
ethics of a national professional organization" does not include 2905
any provision that would preclude the making of a report by a 2906
physician of an employee's use of a drug of abuse, or of a 2907
condition of an employee other than one involving the use of a 2908
drug of abuse, to the employer of the employee as described in 2909
division (B) of section 2305.33 of the Revised Code. Nothing in 2910
this division affects the immunity from civil liability 2911
conferred by that section upon a physician who makes either type 2912
of report in accordance with division (B) of that section. As 2913
used in this division, "employee," "employer," and "physician" 2914
have the same meanings as in section 2305.33 of the Revised 2915
Code. 2916

(19) Inability to practice according to acceptable and 2917
prevailing standards of care by reason of mental illness or 2918
physical illness, including, but not limited to, physical 2919
deterioration that adversely affects cognitive, motor, or 2920
perceptive skills. 2921

In enforcing this division, the board, upon a showing of a 2922
possible violation, may compel any individual authorized to 2923

practice by this chapter or who has submitted an application 2924
pursuant to this chapter to submit to a mental examination, 2925
physical examination, including an HIV test, or both a mental 2926
and a physical examination. The expense of the examination is 2927
the responsibility of the individual compelled to be examined. 2928
Failure to submit to a mental or physical examination or consent 2929
to an HIV test ordered by the board constitutes an admission of 2930
the allegations against the individual unless the failure is due 2931
to circumstances beyond the individual's control, and a default 2932
and final order may be entered without the taking of testimony 2933
or presentation of evidence. If the board finds an individual 2934
unable to practice because of the reasons set forth in this 2935
division, the board shall require the individual to submit to 2936
care, counseling, or treatment by physicians approved or 2937
designated by the board, as a condition for initial, continued, 2938
reinstated, or renewed authority to practice. An individual 2939
affected under this division shall be afforded an opportunity to 2940
demonstrate to the board the ability to resume practice in 2941
compliance with acceptable and prevailing standards under the 2942
provisions of the individual's certificate. For the purpose of 2943
this division, any individual who applies for or receives a 2944
certificate to practice under this chapter accepts the privilege 2945
of practicing in this state and, by so doing, shall be deemed to 2946
have given consent to submit to a mental or physical examination 2947
when directed to do so in writing by the board, and to have 2948
waived all objections to the admissibility of testimony or 2949
examination reports that constitute a privileged communication. 2950

(20) Except when civil penalties are imposed under section 2951
4731.225 or 4731.282 of the Revised Code, and subject to section 2952
4731.226 of the Revised Code, violating or attempting to 2953
violate, directly or indirectly, or assisting in or abetting the 2954

violation of, or conspiring to violate, any provisions of this 2955
chapter or any rule promulgated by the board. 2956

This division does not apply to a violation or attempted 2957
violation of, assisting in or abetting the violation of, or a 2958
conspiracy to violate, any provision of this chapter or any rule 2959
adopted by the board that would preclude the making of a report 2960
by a physician of an employee's use of a drug of abuse, or of a 2961
condition of an employee other than one involving the use of a 2962
drug of abuse, to the employer of the employee as described in 2963
division (B) of section 2305.33 of the Revised Code. Nothing in 2964
this division affects the immunity from civil liability 2965
conferred by that section upon a physician who makes either type 2966
of report in accordance with division (B) of that section. As 2967
used in this division, "employee," "employer," and "physician" 2968
have the same meanings as in section 2305.33 of the Revised 2969
Code. 2970

(21) The violation of section 3701.79 of the Revised Code 2971
or of any abortion rule adopted by the director of health 2972
pursuant to section 3701.341 of the Revised Code; 2973

(22) Any of the following actions taken by an agency 2974
responsible for authorizing, certifying, or regulating an 2975
individual to practice a health care occupation or provide 2976
health care services in this state or another jurisdiction, for 2977
any reason other than the nonpayment of fees: the limitation, 2978
revocation, or suspension of an individual's license to 2979
practice; acceptance of an individual's license surrender; 2980
denial of a license; refusal to renew or reinstate a license; 2981
imposition of probation; or issuance of an order of censure or 2982
other reprimand; 2983

(23) The violation of section 2919.12 of the Revised Code 2984

or the performance or inducement of an abortion upon a pregnant 2985
woman with actual knowledge that the conditions specified in 2986
division (B) of section 2317.56 of the Revised Code have not 2987
been satisfied or with a heedless indifference as to whether 2988
those conditions have been satisfied, unless an affirmative 2989
defense as specified in division (H) (2) of that section would 2990
apply in a civil action authorized by division (H) (1) of that 2991
section; 2992

(24) The revocation, suspension, restriction, reduction, 2993
or termination of clinical privileges by the United States 2994
department of defense or department of veterans affairs or the 2995
termination or suspension of a certificate of registration to 2996
prescribe drugs by the drug enforcement administration of the 2997
United States department of justice; 2998

(25) Termination or suspension from participation in the 2999
medicare or medicaid programs by the department of health and 3000
human services or other responsible agency for any act or acts 3001
that also would constitute a violation of division (B) (2), (3), 3002
(6), (8), or (19) of this section; 3003

(26) Impairment of ability to practice according to 3004
acceptable and prevailing standards of care because of habitual 3005
or excessive use or abuse of drugs, alcohol, or other substances 3006
that impair ability to practice. 3007

For the purposes of this division, any individual 3008
authorized to practice by this chapter accepts the privilege of 3009
practicing in this state subject to supervision by the board. By 3010
filing an application for or holding a certificate to practice 3011
under this chapter, an individual shall be deemed to have given 3012
consent to submit to a mental or physical examination when 3013
ordered to do so by the board in writing, and to have waived all 3014

objections to the admissibility of testimony or examination 3015
reports that constitute privileged communications. 3016

If it has reason to believe that any individual authorized 3017
to practice by this chapter or any applicant for certification 3018
to practice suffers such impairment, the board may compel the 3019
individual to submit to a mental or physical examination, or 3020
both. The expense of the examination is the responsibility of 3021
the individual compelled to be examined. Any mental or physical 3022
examination required under this division shall be undertaken by 3023
a treatment provider or physician who is qualified to conduct 3024
the examination and who is chosen by the board. 3025

Failure to submit to a mental or physical examination 3026
ordered by the board constitutes an admission of the allegations 3027
against the individual unless the failure is due to 3028
circumstances beyond the individual's control, and a default and 3029
final order may be entered without the taking of testimony or 3030
presentation of evidence. If the board determines that the 3031
individual's ability to practice is impaired, the board shall 3032
suspend the individual's certificate or deny the individual's 3033
application and shall require the individual, as a condition for 3034
initial, continued, reinstated, or renewed certification to 3035
practice, to submit to treatment. 3036

Before being eligible to apply for reinstatement of a 3037
certificate suspended under this division, the impaired 3038
practitioner shall demonstrate to the board the ability to 3039
resume practice in compliance with acceptable and prevailing 3040
standards of care under the provisions of the practitioner's 3041
certificate. The demonstration shall include, but shall not be 3042
limited to, the following: 3043

(a) Certification from a treatment provider approved under 3044

section 4731.25 of the Revised Code that the individual has 3045
successfully completed any required inpatient treatment; 3046

(b) Evidence of continuing full compliance with an 3047
aftercare contract or consent agreement; 3048

(c) Two written reports indicating that the individual's 3049
ability to practice has been assessed and that the individual 3050
has been found capable of practicing according to acceptable and 3051
prevailing standards of care. The reports shall be made by 3052
individuals or providers approved by the board for making the 3053
assessments and shall describe the basis for their 3054
determination. 3055

The board may reinstate a certificate suspended under this 3056
division after that demonstration and after the individual has 3057
entered into a written consent agreement. 3058

When the impaired practitioner resumes practice, the board 3059
shall require continued monitoring of the individual. The 3060
monitoring shall include, but not be limited to, compliance with 3061
the written consent agreement entered into before reinstatement 3062
or with conditions imposed by board order after a hearing, and, 3063
upon termination of the consent agreement, submission to the 3064
board for at least two years of annual written progress reports 3065
made under penalty of perjury stating whether the individual has 3066
maintained sobriety. 3067

(27) A second or subsequent violation of section 4731.66 3068
or 4731.69 of the Revised Code; 3069

(28) Except as provided in division (N) of this section: 3070

(a) Waiving the payment of all or any part of a deductible 3071
or copayment that a patient, pursuant to a health insurance or 3072
health care policy, contract, or plan that covers the 3073

individual's services, otherwise would be required to pay if the 3074
waiver is used as an enticement to a patient or group of 3075
patients to receive health care services from that individual; 3076

(b) Advertising that the individual will waive the payment 3077
of all or any part of a deductible or copayment that a patient, 3078
pursuant to a health insurance or health care policy, contract, 3079
or plan that covers the individual's services, otherwise would 3080
be required to pay. 3081

(29) Failure to use universal blood and body fluid 3082
precautions established by rules adopted under section 4731.051 3083
of the Revised Code; 3084

(30) Failure to provide notice to, and receive 3085
acknowledgment of the notice from, a patient when required by 3086
section 4731.143 of the Revised Code prior to providing 3087
nonemergency professional services, or failure to maintain that 3088
notice in the patient's file; 3089

(31) Failure of a physician supervising a physician 3090
assistant to maintain supervision in accordance with the 3091
requirements of Chapter 4730. of the Revised Code and the rules 3092
adopted under that chapter; 3093

(32) Failure of a physician or podiatrist to enter into a 3094
standard care arrangement with a clinical nurse specialist, 3095
certified nurse-midwife, or certified nurse practitioner with 3096
whom the physician or podiatrist is in collaboration pursuant to 3097
section 4731.27 of the Revised Code or failure to fulfill the 3098
responsibilities of collaboration after entering into a standard 3099
care arrangement; 3100

(33) Failure to comply with the terms of a consult 3101
agreement entered into with a pharmacist pursuant to section 3102

4729.39 of the Revised Code;	3103
(34) Failure to cooperate in an investigation conducted by	3104
the board under division (F) of this section, including failure	3105
to comply with a subpoena or order issued by the board or	3106
failure to answer truthfully a question presented by the board	3107
in an investigative interview, an investigative office	3108
conference, at a deposition, or in written interrogatories,	3109
except that failure to cooperate with an investigation shall not	3110
constitute grounds for discipline under this section if a court	3111
of competent jurisdiction has issued an order that either	3112
quashes a subpoena or permits the individual to withhold the	3113
testimony or evidence in issue;	3114
(35) Failure to supervise an oriental medicine	3115
practitioner or acupuncturist in accordance with Chapter 4762.	3116
of the Revised Code and the board's rules for providing that	3117
supervision;	3118
(36) Failure to supervise an anesthesiologist assistant in	3119
accordance with Chapter 4760. of the Revised Code and the	3120
board's rules for supervision of an anesthesiologist assistant;	3121
(37) Assisting suicide, as defined in section 3795.01 of	3122
the Revised Code;	3123
(38) Failure to comply with the requirements of section	3124
2317.561 of the Revised Code;	3125
(39) Failure to supervise a radiologist assistant in	3126
accordance with Chapter 4774. of the Revised Code and the	3127
board's rules for supervision of radiologist assistants;	3128
(40) Performing or inducing an abortion at an office or	3129
facility with knowledge that the office or facility fails to	3130
post the notice required under section 3701.791 of the Revised	3131

Code;	3132
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3133 3134 3135 3136
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3137 3138 3139 3140
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3141 3142 3143 3144
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	3145 3146 3147 3148
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	3149 3150 3151 3152 3153
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	3154 3155 3156 3157
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of	3158 3159 3160

section 2919.191 of the Revised Code prior to performing or 3161
inducing an abortion upon a pregnant woman; 3162

(48) Failure to comply with the requirements in section 3163
3719.061 of the Revised Code before issuing for a minor a 3164
prescription for an opioid analgesic, as defined in section 3165
3719.01 of the Revised Code; 3166

(49) Practicing at a facility, clinic, or other location 3167
that is subject to licensure as a category III terminal 3168
distributor of dangerous drugs with an office-based opioid 3169
treatment classification unless the person operating that place 3170
has obtained and maintains the license with the classification; 3171

(50) Owning a facility, clinic, or other location that is 3172
subject to licensure as a category III terminal distributor of 3173
dangerous drugs with an office-based opioid treatment 3174
classification unless that place is licensed with the 3175
classification. 3176

(C) Disciplinary actions taken by the board under 3177
divisions (A) and (B) of this section shall be taken pursuant to 3178
an adjudication under Chapter 119. of the Revised Code, except 3179
that in lieu of an adjudication, the board may enter into a 3180
consent agreement with an individual to resolve an allegation of 3181
a violation of this chapter or any rule adopted under it. A 3182
consent agreement, when ratified by an affirmative vote of not 3183
fewer than six members of the board, shall constitute the 3184
findings and order of the board with respect to the matter 3185
addressed in the agreement. If the board refuses to ratify a 3186
consent agreement, the admissions and findings contained in the 3187
consent agreement shall be of no force or effect. 3188

A telephone conference call may be utilized for 3189

ratification of a consent agreement that revokes or suspends an 3190
individual's certificate to practice. The telephone conference 3191
call shall be considered a special meeting under division (F) of 3192
section 121.22 of the Revised Code. 3193

If the board takes disciplinary action against an 3194
individual under division (B) of this section for a second or 3195
subsequent plea of guilty to, or judicial finding of guilt of, a 3196
violation of section 2919.123 of the Revised Code, the 3197
disciplinary action shall consist of a suspension of the 3198
individual's certificate to practice for a period of at least 3199
one year or, if determined appropriate by the board, a more 3200
serious sanction involving the individual's certificate to 3201
practice. Any consent agreement entered into under this division 3202
with an individual that pertains to a second or subsequent plea 3203
of guilty to, or judicial finding of guilt of, a violation of 3204
that section shall provide for a suspension of the individual's 3205
certificate to practice for a period of at least one year or, if 3206
determined appropriate by the board, a more serious sanction 3207
involving the individual's certificate to practice. 3208

(D) For purposes of divisions (B) (10), (12), and (14) of 3209
this section, the commission of the act may be established by a 3210
finding by the board, pursuant to an adjudication under Chapter 3211
119. of the Revised Code, that the individual committed the act. 3212
The board does not have jurisdiction under those divisions if 3213
the trial court renders a final judgment in the individual's 3214
favor and that judgment is based upon an adjudication on the 3215
merits. The board has jurisdiction under those divisions if the 3216
trial court issues an order of dismissal upon technical or 3217
procedural grounds. 3218

(E) The sealing of conviction records by any court shall 3219

have no effect upon a prior board order entered under this 3220
section or upon the board's jurisdiction to take action under 3221
this section if, based upon a plea of guilty, a judicial finding 3222
of guilt, or a judicial finding of eligibility for intervention 3223
in lieu of conviction, the board issued a notice of opportunity 3224
for a hearing prior to the court's order to seal the records. 3225
The board shall not be required to seal, destroy, redact, or 3226
otherwise modify its records to reflect the court's sealing of 3227
conviction records. 3228

(F) (1) The board shall investigate evidence that appears 3229
to show that a person has violated any provision of this chapter 3230
or any rule adopted under it. Any person may report to the board 3231
in a signed writing any information that the person may have 3232
that appears to show a violation of any provision of this 3233
chapter or any rule adopted under it. In the absence of bad 3234
faith, any person who reports information of that nature or who 3235
testifies before the board in any adjudication conducted under 3236
Chapter 119. of the Revised Code shall not be liable in damages 3237
in a civil action as a result of the report or testimony. Each 3238
complaint or allegation of a violation received by the board 3239
shall be assigned a case number and shall be recorded by the 3240
board. 3241

(2) Investigations of alleged violations of this chapter 3242
or any rule adopted under it shall be supervised by the 3243
supervising member elected by the board in accordance with 3244
section 4731.02 of the Revised Code and by the secretary as 3245
provided in section 4731.39 of the Revised Code. The president 3246
may designate another member of the board to supervise the 3247
investigation in place of the supervising member. No member of 3248
the board who supervises the investigation of a case shall 3249
participate in further adjudication of the case. 3250

(3) In investigating a possible violation of this chapter 3251
or any rule adopted under this chapter, or in conducting an 3252
inspection under division (E) of section 4731.054 of the Revised 3253
Code, the board may question witnesses, conduct interviews, 3254
administer oaths, order the taking of depositions, inspect and 3255
copy any books, accounts, papers, records, or documents, issue 3256
subpoenas, and compel the attendance of witnesses and production 3257
of books, accounts, papers, records, documents, and testimony, 3258
except that a subpoena for patient record information shall not 3259
be issued without consultation with the attorney general's 3260
office and approval of the secretary and supervising member of 3261
the board. 3262

(a) Before issuance of a subpoena for patient record 3263
information, the secretary and supervising member shall 3264
determine whether there is probable cause to believe that the 3265
complaint filed alleges a violation of this chapter or any rule 3266
adopted under it and that the records sought are relevant to the 3267
alleged violation and material to the investigation. The 3268
subpoena may apply only to records that cover a reasonable 3269
period of time surrounding the alleged violation. 3270

(b) On failure to comply with any subpoena issued by the 3271
board and after reasonable notice to the person being 3272
subpoenaed, the board may move for an order compelling the 3273
production of persons or records pursuant to the Rules of Civil 3274
Procedure. 3275

(c) A subpoena issued by the board may be served by a 3276
sheriff, the sheriff's deputy, or a board employee designated by 3277
the board. Service of a subpoena issued by the board may be made 3278
by delivering a copy of the subpoena to the person named 3279
therein, reading it to the person, or leaving it at the person's 3280

usual place of residence, usual place of business, or address on 3281
file with the board. When serving a subpoena to an applicant for 3282
or the holder of a certificate issued under this chapter, 3283
service of the subpoena may be made by certified mail, return 3284
receipt requested, and the subpoena shall be deemed served on 3285
the date delivery is made or the date the person refuses to 3286
accept delivery. If the person being served refuses to accept 3287
the subpoena or is not located, service may be made to an 3288
attorney who notifies the board that the attorney is 3289
representing the person. 3290

(d) A sheriff's deputy who serves a subpoena shall receive 3291
the same fees as a sheriff. Each witness who appears before the 3292
board in obedience to a subpoena shall receive the fees and 3293
mileage provided for under section 119.094 of the Revised Code. 3294

(4) All hearings, investigations, and inspections of the 3295
board shall be considered civil actions for the purposes of 3296
section 2305.252 of the Revised Code. 3297

(5) A report required to be submitted to the board under 3298
this chapter, a complaint, or information received by the board 3299
pursuant to an investigation or pursuant to an inspection under 3300
division (E) of section 4731.054 of the Revised Code is 3301
confidential and not subject to discovery in any civil action. 3302

The board shall conduct all investigations or inspections 3303
and proceedings in a manner that protects the confidentiality of 3304
patients and persons who file complaints with the board. The 3305
board shall not make public the names or any other identifying 3306
information about patients or complainants unless proper consent 3307
is given or, in the case of a patient, a waiver of the patient 3308
privilege exists under division (B) of section 2317.02 of the 3309
Revised Code, except that consent or a waiver of that nature is 3310

not required if the board possesses reliable and substantial 3311
evidence that no bona fide physician-patient relationship 3312
exists. 3313

The board may share any information it receives pursuant 3314
to an investigation or inspection, including patient records and 3315
patient record information, with law enforcement agencies, other 3316
licensing boards, and other governmental agencies that are 3317
prosecuting, adjudicating, or investigating alleged violations 3318
of statutes or administrative rules. An agency or board that 3319
receives the information shall comply with the same requirements 3320
regarding confidentiality as those with which the state medical 3321
board must comply, notwithstanding any conflicting provision of 3322
the Revised Code or procedure of the agency or board that 3323
applies when it is dealing with other information in its 3324
possession. In a judicial proceeding, the information may be 3325
admitted into evidence only in accordance with the Rules of 3326
Evidence, but the court shall require that appropriate measures 3327
are taken to ensure that confidentiality is maintained with 3328
respect to any part of the information that contains names or 3329
other identifying information about patients or complainants 3330
whose confidentiality was protected by the state medical board 3331
when the information was in the board's possession. Measures to 3332
ensure confidentiality that may be taken by the court include 3333
sealing its records or deleting specific information from its 3334
records. 3335

(6) On a quarterly basis, the board shall prepare a report 3336
that documents the disposition of all cases during the preceding 3337
three months. The report shall contain the following information 3338
for each case with which the board has completed its activities: 3339

(a) The case number assigned to the complaint or alleged 3340

violation; 3341

(b) The type of certificate to practice, if any, held by 3342
the individual against whom the complaint is directed; 3343

(c) A description of the allegations contained in the 3344
complaint; 3345

(d) The disposition of the case. 3346

The report shall state how many cases are still pending 3347
and shall be prepared in a manner that protects the identity of 3348
each person involved in each case. The report shall be a public 3349
record under section 149.43 of the Revised Code. 3350

(G) If the secretary and supervising member determine both 3351
of the following, they may recommend that the board suspend an 3352
individual's certificate to practice without a prior hearing: 3353

(1) That there is clear and convincing evidence that an 3354
individual has violated division (B) of this section; 3355

(2) That the individual's continued practice presents a 3356
danger of immediate and serious harm to the public. 3357

Written allegations shall be prepared for consideration by 3358
the board. The board, upon review of those allegations and by an 3359
affirmative vote of not fewer than six of its members, excluding 3360
the secretary and supervising member, may suspend a certificate 3361
without a prior hearing. A telephone conference call may be 3362
utilized for reviewing the allegations and taking the vote on 3363
the summary suspension. 3364

The board shall issue a written order of suspension by 3365
certified mail or in person in accordance with section 119.07 of 3366
the Revised Code. The order shall not be subject to suspension 3367
by the court during pendency of any appeal filed under section 3368

119.12 of the Revised Code. If the individual subject to the 3369
summary suspension requests an adjudicatory hearing by the 3370
board, the date set for the hearing shall be within fifteen 3371
days, but not earlier than seven days, after the individual 3372
requests the hearing, unless otherwise agreed to by both the 3373
board and the individual. 3374

Any summary suspension imposed under this division shall 3375
remain in effect, unless reversed on appeal, until a final 3376
adjudicative order issued by the board pursuant to this section 3377
and Chapter 119. of the Revised Code becomes effective. The 3378
board shall issue its final adjudicative order within seventy- 3379
five days after completion of its hearing. A failure to issue 3380
the order within seventy-five days shall result in dissolution 3381
of the summary suspension order but shall not invalidate any 3382
subsequent, final adjudicative order. 3383

(H) If the board takes action under division (B) (9), (11), 3384
or (13) of this section and the judicial finding of guilt, 3385
guilty plea, or judicial finding of eligibility for intervention 3386
in lieu of conviction is overturned on appeal, upon exhaustion 3387
of the criminal appeal, a petition for reconsideration of the 3388
order may be filed with the board along with appropriate court 3389
documents. Upon receipt of a petition of that nature and 3390
supporting court documents, the board shall reinstate the 3391
individual's certificate to practice. The board may then hold an 3392
adjudication under Chapter 119. of the Revised Code to determine 3393
whether the individual committed the act in question. Notice of 3394
an opportunity for a hearing shall be given in accordance with 3395
Chapter 119. of the Revised Code. If the board finds, pursuant 3396
to an adjudication held under this division, that the individual 3397
committed the act or if no hearing is requested, the board may 3398
order any of the sanctions identified under division (B) of this 3399

section. 3400

(I) The certificate to practice issued to an individual 3401
under this chapter and the individual's practice in this state 3402
are automatically suspended as of the date of the individual's 3403
second or subsequent plea of guilty to, or judicial finding of 3404
guilt of, a violation of section 2919.123 of the Revised Code, 3405
or the date the individual pleads guilty to, is found by a judge 3406
or jury to be guilty of, or is subject to a judicial finding of 3407
eligibility for intervention in lieu of conviction in this state 3408
or treatment or intervention in lieu of conviction in another 3409
jurisdiction for any of the following criminal offenses in this 3410
state or a substantially equivalent criminal offense in another 3411
jurisdiction: aggravated murder, murder, voluntary manslaughter, 3412
felonious assault, kidnapping, rape, sexual battery, gross 3413
sexual imposition, aggravated arson, aggravated robbery, or 3414
aggravated burglary. Continued practice after suspension shall 3415
be considered practicing without a certificate. 3416

The board shall notify the individual subject to the 3417
suspension by certified mail or in person in accordance with 3418
section 119.07 of the Revised Code. If an individual whose 3419
certificate is automatically suspended under this division fails 3420
to make a timely request for an adjudication under Chapter 119. 3421
of the Revised Code, the board shall do whichever of the 3422
following is applicable: 3423

(1) If the automatic suspension under this division is for 3424
a second or subsequent plea of guilty to, or judicial finding of 3425
guilt of, a violation of section 2919.123 of the Revised Code, 3426
the board shall enter an order suspending the individual's 3427
certificate to practice for a period of at least one year or, if 3428
determined appropriate by the board, imposing a more serious 3429

sanction involving the individual's certificate to practice. 3430

(2) In all circumstances in which division (I) (1) of this 3431
section does not apply, enter a final order permanently revoking 3432
the individual's certificate to practice. 3433

(J) If the board is required by Chapter 119. of the 3434
Revised Code to give notice of an opportunity for a hearing and 3435
if the individual subject to the notice does not timely request 3436
a hearing in accordance with section 119.07 of the Revised Code, 3437
the board is not required to hold a hearing, but may adopt, by 3438
an affirmative vote of not fewer than six of its members, a 3439
final order that contains the board's findings. In that final 3440
order, the board may order any of the sanctions identified under 3441
division (A) or (B) of this section. 3442

(K) Any action taken by the board under division (B) of 3443
this section resulting in a suspension from practice shall be 3444
accompanied by a written statement of the conditions under which 3445
the individual's certificate to practice may be reinstated. The 3446
board shall adopt rules governing conditions to be imposed for 3447
reinstatement. Reinstatement of a certificate suspended pursuant 3448
to division (B) of this section requires an affirmative vote of 3449
not fewer than six members of the board. 3450

(L) When the board refuses to grant or issue a certificate 3451
to practice to an applicant, revokes an individual's certificate 3452
to practice, refuses to renew an individual's certificate to 3453
practice, or refuses to reinstate an individual's certificate to 3454
practice, the board may specify that its action is permanent. An 3455
individual subject to a permanent action taken by the board is 3456
forever thereafter ineligible to hold a certificate to practice 3457
and the board shall not accept an application for reinstatement 3458
of the certificate or for issuance of a new certificate. 3459

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate to practice in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a certificate holder shall immediately surrender to the board a certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B) (28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made

available to the board upon request.	3489
(2) For professional services rendered to any other person	3490
authorized to practice pursuant to this chapter, to the extent	3491
allowed by this chapter and rules adopted by the board.	3492
(0) Under the board's investigative duties described in	3493
this section and subject to division (F) of this section, the	3494
board shall develop and implement a quality intervention program	3495
designed to improve through remedial education the clinical and	3496
communication skills of individuals authorized under this	3497
chapter to practice medicine and surgery, osteopathic medicine	3498
and surgery, and podiatric medicine and surgery. In developing	3499
and implementing the quality intervention program, the board may	3500
do all of the following:	3501
(1) Offer in appropriate cases as determined by the board	3502
an educational and assessment program pursuant to an	3503
investigation the board conducts under this section;	3504
(2) Select providers of educational and assessment	3505
services, including a quality intervention program panel of case	3506
reviewers;	3507
(3) Make referrals to educational and assessment service	3508
providers and approve individual educational programs	3509
recommended by those providers. The board shall monitor the	3510
progress of each individual undertaking a recommended individual	3511
educational program.	3512
(4) Determine what constitutes successful completion of an	3513
individual educational program and require further monitoring of	3514
the individual who completed the program or other action that	3515
the board determines to be appropriate;	3516
(5) Adopt rules in accordance with Chapter 119. of the	3517

Revised Code to further implement the quality intervention program. 3518
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 3520
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Sec. 4731.94. (A) As used in this section and sections 4731.941~~and~~, 4731.942, and 4731.943 of the Revised Code, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 3523
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(B) Notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined the individual to whom it may be administered if both of the following conditions are met: 3528
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(1) The naloxone supply is furnished to, or the prescription is issued to and in the name of, a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 3533
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(2) The physician instructs the individual receiving the naloxone supply or prescription to summon emergency services as soon as practicable either before or after administering the naloxone to an individual apparently experiencing an opioid-related overdose. 3538
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(C) A physician who under division (B) of this section in good faith furnishes a supply of naloxone or issues a prescription for naloxone is not liable for or subject to any of the following for any ~~action~~act or omission of the individual 3543
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to whom the naloxone is furnished or the prescription is issued: 3547
damages in any civil action, prosecution in any criminal 3548
proceeding, or professional disciplinary action. 3549

Sec. 4731.943. (A) As used in this section, "service 3550
entity" has the same meaning as in section 4729.514 of the 3551
Revised Code. 3552

(B) A physician who has established a protocol under 3553
division (D) of this section may authorize an individual who is 3554
an employee, volunteer, or contractor of a service entity to 3555
administer naloxone to an individual who is apparently 3556
experiencing an opioid-related overdose. 3557

(C) An individual authorized by a physician under this 3558
section may administer naloxone to an individual who is 3559
apparently experiencing an opioid-related overdose if all of the 3560
following conditions are met: 3561

(1) The naloxone is obtained from a service entity of 3562
which the authorized individual is an employee, volunteer, or 3563
contractor. 3564

(2) The authorized individual complies with the protocol 3565
established by the authorizing physician. 3566

(3) The authorized individual summons emergency services 3567
as soon as practicable either before or after administering the 3568
naloxone. 3569

(D) A protocol established by a physician for purposes of 3570
this section must be in writing and address the administration 3571
of naloxone. 3572

(E) A physician who in good faith authorizes an individual 3573
to administer naloxone under this section is not liable for or 3574

subject to any of the following for any act or omission of the 3575
authorized individual: damages in any civil action, prosecution 3576
in any criminal proceeding, or professional disciplinary action. 3577

A service entity or an employee, volunteer, or contractor 3578
of a service entity is not liable for or subject to any of the 3579
following for injury, death, or loss to person or property that 3580
allegedly arises from an act or omission associated with 3581
procuring, maintaining, accessing, or administering naloxone 3582
under this section, unless the act or omission constitutes 3583
willful or wanton misconduct: damages in any civil action, 3584
prosecution in any criminal proceeding, or professional 3585
disciplinary action. 3586

This section does not eliminate, limit, or reduce any 3587
other immunity or defense that a service entity or an employee, 3588
volunteer, or contractor of a service entity may be entitled to 3589
under Chapter 2305. or any other provision of the Revised Code 3590
or under the common law of this state. 3591

Sec. 4776.02. (A) An applicant for an initial license or 3592
restored license from a licensing agency, ~~a person seeking to~~ 3593
~~satisfy the criteria for being a qualified pharmacy technician~~ 3594
~~that are specified in section 4729.42 of the Revised Code, or a~~ 3595
person seeking to satisfy the requirements to be an employee of 3596
a pain management clinic as specified in section 4729.552 of the 3597
Revised Code, ~~or a person seeking to satisfy the requirements to~~ 3598
~~be an employee of a facility, clinic, or other location that is~~ 3599
~~subject to licensure as a category III terminal distributor of~~ 3600
~~dangerous drugs with an office-based opioid treatment~~ 3601
classification under section 4729.553 of the Revised Code shall 3602
submit a request to the bureau of criminal identification and 3603
investigation for a criminal records check of the applicant or 3604

person. The request shall be accompanied by a completed copy of 3605
the form prescribed under division (C) (1) of section 109.572 of 3606
the Revised Code, a set of fingerprint impressions obtained as 3607
described in division (C) (2) of that section, and the fee 3608
prescribed under division (C) (3) of that section. The applicant 3609
or person shall ask the superintendent of the bureau of criminal 3610
identification and investigation in the request to obtain from 3611
the federal bureau of investigation any information it has 3612
pertaining to the applicant or person. 3613

An applicant or person requesting a criminal records check 3614
shall provide the bureau of criminal identification and 3615
investigation with the applicant's or person's name and address 3616
and, regarding an applicant, with the licensing agency's name 3617
and address. 3618

(B) Upon receipt of the completed form, the set of 3619
fingerprint impressions, and the fee provided for in division 3620
(A) of this section, the superintendent of the bureau of 3621
criminal identification and investigation shall conduct a 3622
criminal records check of the applicant or person under division 3623
(B) of section 109.572 of the Revised Code. Upon completion of 3624
the criminal records check, the superintendent shall do 3625
whichever of the following is applicable: 3626

(1) If the request was submitted by an applicant for an 3627
initial license or restored license, report the results of the 3628
criminal records check and any information the federal bureau of 3629
investigation provides to the licensing agency identified in the 3630
request for a criminal records check; 3631

(2) If the request was submitted by ~~a person seeking to~~ 3632
~~satisfy the criteria for being a qualified pharmacy technician~~ 3633
~~that are specified in section 4729.42 of the Revised Code or a~~ 3634

person seeking to satisfy the requirements to be an employee of 3635
a pain management clinic ~~as specified in section 4729.552 of the~~ 3636
~~Revised Code~~ or a person seeking to satisfy the requirements to 3637
be an employee of a facility, clinic, or other location that is 3638
subject to licensure as a category III terminal distributor of 3639
dangerous drugs with an office-based opioid treatment 3640
classification, do both of the following: 3641

(a) Report the results of the criminal records check and 3642
any information the federal bureau of investigation provides to 3643
the person who submitted the request; 3644

(b) Report the results of the portion of the criminal 3645
records check performed by the bureau of criminal identification 3646
and investigation under division (B)(1) of section 109.572 of 3647
the Revised Code to the employer or potential employer specified 3648
in the request of the person who submitted the request and send 3649
a letter to that employer or potential employer regarding the 3650
information provided by the federal bureau of investigation that 3651
states ~~either that~~ whichever of the following is applicable: 3652

(i) That based on that information there is no record of 3653
any conviction ~~or that;~~ 3654

(ii) That based on that information the person who 3655
submitted the request may not meet the criteria that are 3656
specified in section ~~4729.42~~4729.552 or 4729.553 of the Revised 3657
Code, whichever is applicable. 3658

Sec. 4776.04. The results of any criminal records check 3659
conducted pursuant to a request made under this chapter and any 3660
report containing those results, including any information the 3661
federal bureau of investigation provides, are not public records 3662
for purposes of section 149.43 of the Revised Code and shall not 3663

be made available to any person or for any purpose other than as 3664
follows: 3665

(A) If the request for the criminal records check was 3666
submitted by an applicant for an initial license or restored 3667
license, as follows: 3668

(1) The superintendent of the bureau of criminal 3669
identification and investigation shall make the results 3670
available to the licensing agency for use in determining, under 3671
the agency's authorizing chapter of the Revised Code, whether 3672
the applicant who is the subject of the criminal records check 3673
should be granted a license under that chapter. 3674

(2) The licensing agency shall make the results available 3675
to the applicant who is the subject of the criminal records 3676
check. 3677

(B) If the request for the criminal records check was 3678
submitted by ~~a person seeking to satisfy the criteria for being~~ 3679
~~a qualified pharmacy technician that are specified in section~~ 3680
~~4729.42 of the Revised Code or a person seeking to satisfy the~~ 3681
requirements to be an employee of a pain management clinic as 3682
specified in section 4729.552 of the Revised Code or a person 3683
seeking to satisfy the requirements to be an employee of a 3684
facility, clinic, or other location that is subject to licensure 3685
as a category III terminal distributor of dangerous drugs with 3686
an office-based opioid treatment classification, the 3687
superintendent of the bureau of criminal identification and 3688
investigation shall make the results available in accordance 3689
with the following: 3690

(1) The superintendent shall make the results of the 3691
criminal records check, including any information the federal 3692

bureau of investigation provides, available to the person who 3693
submitted the request and is the subject of the criminal records 3694
check. 3695

(2) The superintendent shall make the results of the 3696
portion of the criminal records check performed by the bureau of 3697
criminal identification and investigation under division (B) (1) 3698
of section 109.572 of the Revised Code available to the employer 3699
or potential employer specified in the request of the person who 3700
submitted the request and shall send a letter of the type 3701
described in division (B) (2) of section 4776.02 of the Revised 3702
Code to that employer or potential employer regarding the 3703
information provided by the federal bureau of investigation that 3704
contains one of the types of statements described in that 3705
division. 3706

(C) If the request for the criminal records check was 3707
submitted by an applicant for a trainee license under section 3708
4776.021 of the Revised Code, as follows: 3709

(1) The superintendent of the bureau of criminal 3710
identification and investigation shall make the results 3711
available to the licensing agency or other agency identified in 3712
division (B) of section 4776.021 of the Revised Code for use in 3713
determining, under the agency's authorizing chapter of the 3714
Revised Code and division (D) of section 4776.021 of the Revised 3715
Code, whether the applicant who is the subject of the criminal 3716
records check should be granted a trainee license under that 3717
chapter and that division. 3718

(2) The licensing agency or other agency identified in 3719
division (B) of section 4776.021 of the Revised Code shall make 3720
the results available to the applicant who is the subject of the 3721
criminal records check. 3722

Sec. 5119.391. (A) No community addiction services 3723
provider shall employ methadone treatment or prescribe, 3724
dispense, or administer methadone unless the program is licensed 3725
under this section. No community addiction services provider 3726
licensed under this section shall maintain methadone treatment 3727
in a manner inconsistent with this section and the rules adopted 3728
under it. 3729

(B) A community addiction services provider may apply to 3730
the department of mental health and addiction services for a 3731
license to maintain methadone treatment. The department shall 3732
review all applications received. 3733

(C) The department may issue a license to maintain 3734
methadone treatment to a community addiction services provider 3735
only if all of the following apply: 3736

(1) The provider is operated by a private, nonprofit 3737
organization or by a government entity; 3738

(2) ~~For~~ Except as provided in division (D) (1) of this 3739
section, for at least two years immediately preceding the date 3740
of application, the provider has been fully certified under 3741
section 5119.36 of the Revised Code; 3742

(3) The provider has not been denied a license to maintain 3743
methadone treatment or had its license withdrawn or revoked 3744
within the five-year period immediately preceding the date of 3745
application; 3746

(4) It affirmatively appears to the department that the 3747
provider is adequately staffed and equipped to maintain 3748
methadone treatment; 3749

(5) It affirmatively appears to the department that the 3750
provider will maintain methadone treatment in strict compliance 3751

with section 3719.61 of the Revised Code, all other laws 3752
relating to drug abuse, and the rules adopted by the department; 3753

(6) Except as provided in division (D) (2) of this section 3754
and section 5119.392 of the Revised Code, there is no public or 3755
private school, licensed child day-care center, or other child- 3756
serving agency within a radius of five hundred linear feet of 3757
the location where the program is to maintain methadone 3758
treatment. 3759

(D) (1) The department may waive the requirement of 3760
division (C) (2) of this section if it receives from the 3761
applicant a written statement explaining the need for the 3762
waiver. The department shall determine whether the statement is 3763
satisfactory for purposes of waiving the requirement. 3764

(2) The department may waive the requirement of division 3765
(C) (6) of this section if it receives, from each public or 3766
private school, licensed child day-care center, or other child- 3767
serving agency that is within the five hundred linear feet 3768
radius of the location where the program is to maintain 3769
methadone treatment, a letter of support for the location. The 3770
department shall determine whether a letter of support is 3771
satisfactory for purposes of waiving the requirement. 3772

(E) A license to maintain methadone treatment shall expire 3773
one year from the date of issuance. Licenses may be renewed. 3774

(F) The department shall establish procedures and adopt 3775
rules for licensing, inspection, and supervision of community 3776
addiction services providers that maintain methadone treatment. 3777
The rules shall establish standards for the control, storage, 3778
furnishing, use, and dispensing of methadone; prescribe minimum 3779
standards for the operation of the methadone treatment component 3780

of the provider's operations; and comply with federal laws and 3781
regulations. 3782

All rules adopted under this division shall be adopted in 3783
accordance with Chapter 119. of the Revised Code. All actions 3784
taken by the department regarding the licensing of providers to 3785
maintain methadone treatment shall be conducted in accordance 3786
with Chapter 119. of the Revised Code, except as provided in 3787
division (L) of this section. 3788

(G) The department of mental health and addiction services 3789
shall inspect all community addiction services providers 3790
licensed to maintain methadone treatment. Inspections shall be 3791
conducted at least annually and may be conducted more 3792
frequently. No person or government entity shall interfere with 3793
a state or local government official acting on behalf of the 3794
department while conducting an inspection. 3795

(H) A community addiction services provider shall not 3796
administer or dispense methadone in a tablet, powder, or 3797
intravenous form. Methadone shall be administered or dispensed 3798
only in a liquid form intended for ingestion. A services 3799
provider shall not administer or dispense methadone to an 3800
individual for pain or other medical reasons. 3801

(I) As used in this division, "program sponsor" means a 3802
person who assumes responsibility for the operation and 3803
employees of the methadone treatment component of a community 3804
addiction services provider. 3805

A community addiction services provider shall not employ 3806
an individual who receives methadone treatment from that 3807
services provider. A program shall not permit an individual to 3808
act as a provider sponsor, medical director, or director of the 3809

provider if the individual is receiving methadone treatment from 3810
any community addiction services provider. 3811

(J) The department may issue orders to assure compliance 3812
with section 3719.61 of the Revised Code, all other laws 3813
relating to drug abuse, and the rules adopted under this 3814
section. Subject to section 5119.27 of the Revised Code, the 3815
department may hold hearings, require the production of relevant 3816
matter, compel testimony, issue subpoenas, and make 3817
adjudications. Upon failure of a person without lawful excuse to 3818
obey a subpoena or to produce relevant matter, the department 3819
may apply to a court of common pleas for an order compelling 3820
compliance. 3821

(K) The department may refuse to issue, or may withdraw or 3822
revoke, a license to maintain methadone treatment. A license may 3823
be refused if a community addiction services provider does not 3824
meet the requirements of division (C) of this section. A license 3825
may be withdrawn at any time the department determines that the 3826
program no longer meets the requirements for receiving the 3827
license. A license may be revoked in accordance with division 3828
(L) of this section. 3829

Once a license is issued under this section, the 3830
department shall not consider the requirement of division (C) (6) 3831
of this section in determining whether to renew, withdraw, or 3832
revoke the license or whether to reissue the license as a result 3833
of a change in ownership. 3834

(L) If the department of mental health and addiction 3835
services finds reasonable cause to believe that a community 3836
addiction services provider licensed under this section is in 3837
violation of any provision of section 3719.61 of the Revised 3838
Code, or of any other state or federal law or rule relating to 3839

drug abuse, the department may issue an order immediately 3840
revoking the license, subject to division (M) of this section. 3841
The department shall set a date not more than fifteen days later 3842
than the date of the order of revocation for a hearing on the 3843
continuation or cancellation of the revocation. For good cause, 3844
the department may continue the hearing on application of any 3845
interested party. In conducting hearings, the department has all 3846
the authority and power set forth in division (J) of this 3847
section. Following the hearing, the department shall either 3848
confirm or cancel the revocation. The hearing shall be conducted 3849
in accordance with Chapter 119. of the Revised Code, except that 3850
the provider shall not be permitted to maintain methadone 3851
treatment pending the hearing or pending any appeal from an 3852
adjudication made as a result of the hearing. Notwithstanding 3853
any provision of Chapter 119. of the Revised Code to the 3854
contrary, a court shall not stay or suspend any order of 3855
revocation issued by the director under this division pending 3856
judicial appeal. 3857

(M) The department shall not revoke a license to maintain 3858
methadone treatment unless all services recipients receiving 3859
methadone treatment from the community addiction services 3860
provider are provided adequate substitute treatment. For 3861
purposes of this division, the department may transfer the 3862
services recipients to other programs licensed to maintain 3863
methadone treatment or replace any or all of the administrators 3864
and staff of the provider with representatives of the department 3865
who shall continue on a provisional basis the methadone 3866
treatment component of the program. 3867

(N) Each time the department receives an application from 3868
a community addiction services provider for a license to 3869
maintain methadone treatment, issues or refuses to issue a 3870

license, or withdraws or revokes a license, the department shall 3871
notify the board of alcohol, drug addiction, and mental health 3872
services of each alcohol, drug addiction, and mental health 3873
service district in which the provider operates. 3874

(O) Whenever it appears to the department from files, upon 3875
complaint, or otherwise, that a community addiction services 3876
provider has engaged in any practice declared to be illegal or 3877
prohibited by section 3719.61 of the Revised Code, or any other 3878
state or federal laws or regulations relating to drug abuse, or 3879
when the department believes it to be in the best interest of 3880
the public and necessary for the protection of the citizens of 3881
the state, the department may request criminal proceedings by 3882
laying before the prosecuting attorney of the proper county any 3883
evidence of criminality which may come to its knowledge. 3884

(P) The department shall maintain a current list of 3885
community addiction services providers licensed by the 3886
department under this section and shall provide a copy of the 3887
current list to a judge of a court of common pleas who requests 3888
a copy for the use of the judge under division (H) of section 3889
2925.03 of the Revised Code. The list of licensed community 3890
addiction services providers shall identify each licensed 3891
provider by its name, its address, and the county in which it is 3892
located. 3893

Section 2. That existing sections 2925.61, 2929.14, 3894
2947.231, 3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 3895
4729.16, 4729.18, 4729.19, 4729.38, 4729.51, 4729.54, 4729.541, 3896
4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 4731.94, 3897
4776.02, 4776.04, and 5119.391 and section 4729.42 of the 3898
Revised Code are hereby repealed. 3899

Section 3. That Sections 331.90 and 331.120 of Am. Sub. 3900

H.B. 64 of the 131st General Assembly be amended to read as 3901
follows: 3902

Sec. 331.90. MEDICATION-ASSISTED TREATMENT DRUG COURT 3903
PROGRAM FOR SPECIALIZED DOCKET PROGRAMS 3904

(A) As used in this section: 3905

(1) "Medication-assisted treatment ~~(MAT)~~ drug court 3906
program" or "MAT drug court program" means a session of any of 3907
the following that holds initial or final certification from the 3908
Supreme Court of Ohio as a specialized docket program for drugs: 3909
a common pleas court, municipal court, or county court, or a 3910
division of any of those courts. 3911

(2) "Prescriber" has the same meaning as in section 3912
4729.01 of the Revised Code. 3913

(B) (1) The Department of Mental Health and Addiction 3914
Services shall conduct a program to provide addiction treatment, 3915
including medication-assisted treatment, to persons who are 3916
offenders within the Criminal Justice System, eligible to 3917
participate in a ~~MAT~~ medication-assisted treatment drug court 3918
program, and are selected under this section to be participants 3919
in the program because of their dependence on opioids, alcohol, 3920
or both. 3921

(2) The Department shall conduct the program in those 3922
courts of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, 3923
Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, 3924
Summit, and Warren counties that are conducting MAT drug court 3925
programs. If in any of these counties there is no court 3926
conducting a MAT drug court program, the Department shall 3927
conduct the program in a court that is conducting a MAT drug 3928
court program in another county. 3929

(3) In addition to conducting the program in accordance 3930
with division (B) (2) of this section, the Department may conduct 3931
the program in any court that is conducting a MAT drug court 3932
program. 3933

(C) In conducting the program, the Department shall 3934
collaborate with the Supreme Court, the Department of 3935
Rehabilitation and Correction, and any agency of the state that 3936
the Department determines may be of assistance in accomplishing 3937
the objectives of the program. The Department may collaborate 3938
with the boards of alcohol, drug addiction, and mental health 3939
services and with local law enforcement agencies that serve the 3940
counties in which a court participating in the program is 3941
located. 3942

(D) (1) A MAT drug court program shall select persons who 3943
are criminal offenders to be participants in the program. A 3944
person shall not be selected to be a participant unless the 3945
person meets the legal and clinical eligibility criteria for the 3946
MAT drug court program and is an active participant in the 3947
program. 3948

(2) The total number of persons participating in a program 3949
at any time shall not exceed one thousand five hundred, subject 3950
to available funding, except that the Department of Mental 3951
Health and Addiction Services may authorize the maximum number 3952
to be exceeded in circumstances that the Department considers to 3953
be appropriate. 3954

(3) After being enrolled in a MAT drug court program, a 3955
participant shall comply with all requirements of the MAT drug 3956
court program. 3957

(E) The treatment provided in a MAT drug court program 3958

shall be provided by a community addiction services provider 3959
that is certified under section 5119.36 of the Revised Code. In 3960
serving as a community addiction services provider, ~~a~~both of 3961
the following apply: 3962

(1) The provider shall do all of the following: 3963

~~(1)~~(a) Provide treatment based on an integrated service 3964
delivery model that consists of the coordination of care between 3965
a prescriber and the community addiction services provider; 3966

~~(2)~~(b) Conduct professional, comprehensive substance abuse 3967
and mental health diagnostic assessments of a person under 3968
consideration for selection as a program participant to 3969
determine whether the person would benefit from substance abuse 3970
treatment and monitoring; 3971

~~(3)~~(c) Determine, based on the assessment described in 3972
division (E) ~~(2)~~(1) (b) of this section, the treatment needs of 3973
the participants served by the treatment provider; 3974

~~(4)~~(d) Develop, for participants served by the treatment 3975
provider, individualized goals and objectives; 3976

~~(5)~~(e) Provide access to the long-acting antagonist 3977
therapies, partial agonist therapies, or both, that are included 3978
in the program's medication-assisted treatment; 3979

~~(6)~~(f) Provide other types of therapies, including 3980
psychosocial therapies, for both substance abuse and any 3981
disorders that are considered by the treatment provider to be 3982
co-occurring disorders; 3983

~~(7)~~(g) Monitor program compliance through the use of 3984
regular drug testing, including urinalysis, of the participants 3985
being served by the community addiction services provider. 3986

(2) The provider may provide access to time-limited 3987
recovery supports. For purposes of this division: 3988

(a) A recovery support is a form of assistance intended to 3989
help an individual with addiction or mental health needs, or a 3990
member of the family of such an individual, to initiate and 3991
sustain the individual's recovery from alcoholism, drug 3992
addiction, or mental illness. 3993

(b) A recovery support does not include an addiction or 3994
mental health treatment or prevention service. 3995

(F) In the case of medication-assisted treatment provided 3996
under the program, all of the following conditions apply: 3997

(1) A drug may be used only if the drug has been approved 3998
by the United States Food and Drug Administration for use in 3999
treating dependence on opioids, alcohol, or both, or for 4000
preventing relapse into the use of opioids, alcohol, or both. 4001

(2) One or more drugs may be used, but each drug that is 4002
used must constitute long-acting antagonist therapy or partial 4003
agonist therapy. 4004

(3) If a drug constituting partial agonist therapy is 4005
used, the program shall provide safeguards to minimize abuse and 4006
diversion of the drug, including such safeguards as routine drug 4007
testing of program participants. 4008

(G) It is anticipated and expected that drug courts will 4009
expand their ability to serve more drug court participants as a 4010
result of increased access to commercial or publicly funded 4011
health insurance. In order to ensure that funds appropriated to 4012
support this MAT drug court program are used in the most 4013
efficient manner with a goal of enrolling the maximum number of 4014
participants, the Medicaid Director with major Ohio healthcare 4015

plans, shall develop plans consistent with this division. There 4016
shall be no prior authorizations or step therapy for medication- 4017
assisted treatment for participants in the MAT drug court 4018
program. The plans developed under this division shall ensure 4019
all of the following: 4020

(1) The development of an efficient and timely process for 4021
review of eligibility for health benefits for all offenders 4022
selected to participate in the MAT drug court program; 4023

(2) A rapid conversion to reimbursement for all healthcare 4024
services by the participant's health insurance company following 4025
approval for coverage of healthcare benefits; 4026

(3) The development of a consistent benefit package that 4027
provides ready access to and reimbursement for essential 4028
healthcare services including, but not limited to, primary 4029
healthcare, alcohol and opiate detoxification services, 4030
appropriate psychosocial services, and medication for long- 4031
acting injectable antagonist therapies and partial agonist 4032
therapies; 4033

(4) The development of guidelines that require the 4034
provision of all treatment services, including medication, with 4035
minimal administrative barriers and within a ~~timeframe~~time 4036
frame that meets the requirements of individual patient care 4037
plans. 4038

(H) A report of the findings obtained from the addiction 4039
treatment pilot program established by Section 327.120 of Am. 4040
Sub. H.B. 59 of the 130th General Assembly shall be prepared by 4041
a research institution and include data derived from the drug 4042
testing and performance measures used in the program. The 4043
research institution shall complete its report not later than 4044

December 31, 2015. Upon completion, the institution shall submit 4045
the report to the Governor, Chief Justice of the Supreme Court, 4046
President of the Senate, Speaker of the House of 4047
Representatives, Department of Mental Health and Addiction 4048
Services, Department of Rehabilitation and Correction, and any 4049
other state agency that the Department of Mental Health and 4050
Addiction Services collaborates with in conducting the program. 4051

(I) Within 90 days after the effective date of this 4052
section, June 30, 2015, the Department shall select a research 4053
institution with experience in evaluating multiple court systems 4054
across jurisdictions in both rural and urban regions. The 4055
research institution shall have demonstrated experience 4056
evaluating the use of agonist and antagonist medication assisted 4057
treatment in drug courts, a track record of scientific 4058
publications, experience in health economics, and ethical and 4059
patient selection and consent issues. The institution shall also 4060
have an internal institutional review board. The institution 4061
shall prepare the report described in division (J) of this 4062
section. 4063

(J) A report of the findings obtained from the MAT drug 4064
court program established under this section shall be prepared 4065
by a research institution and include data derived from the drug 4066
testing and performance measures used in the program. The 4067
research institution shall complete its report not later than 4068
June 30, 2017. Upon completion, the institution shall submit the 4069
report to the Governor, Chief Justice of the Supreme Court, 4070
President of the Senate, Speaker of the House of 4071
Representatives, Department of Mental Health and Addiction 4072
Services, Department of Rehabilitation and Correction, and any 4073
other state agency that the Department of Mental Health and 4074
Addiction Services collaborates with in conducting the program. 4075

(K) Of the foregoing appropriation item 336422, Criminal Justice Services, not more than \$5.5 million in each fiscal year shall be used to support the Medication-Assisted Treatment Drug Court Program for Specialized Docket Programs.

Sec. 331.120. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each 4106
recipient of community innovation funds, identifying: allowable 4107
expenditure of the funds; other commitment of funds or other 4108
resources to the program, project, or system; expected state 4109
savings and/or improved outcomes and proposed mechanisms for 4110
measurement of such savings or outcomes; and required reporting 4111
regarding expenditure of funds and savings or outcomes achieved. 4112

Of the foregoing appropriation item 336504, Community 4113
Innovations, up to \$3,000,000 in each fiscal year shall be used 4114
to provide funding for community projects across the state that 4115
focus on support for families, assisting families in avoiding 4116
crisis, and crisis intervention. 4117

Of the foregoing appropriation item 336504, Community 4118
Innovations, up to \$500,000 in each fiscal year shall be used to 4119
enhance access to Naloxone across the state for county health 4120
departments to then disperse through a grant program to local 4121
law enforcement, emergency personnel, and first responders. If 4122
local law enforcement, emergency personnel, and first responders 4123
are not making use of the Naloxone grant, the county health 4124
department may use grant funding to provide Naloxone through a 4125
Project DAWN program within the county. 4126

Of the foregoing appropriation item 336504, Community 4127
Innovations, up to \$3,000,000 in each fiscal year shall be used 4128
to improve collaboration between local jails, state hospitals, 4129
and community addiction and mental health services providers in 4130
order to reduce transfers, improve safety and judicial oversight 4131
as well as address capacity issues in both jails and state 4132
hospitals. 4133

Of the foregoing appropriation item 336504, Community 4134
Innovations, up to \$100,000 in each fiscal year shall be used to 4135

continue the Department of Mental Health and Addiction Services 4136
cross-agency efforts to share evidence-based practices that 4137
encourage the use of trauma-informed care. 4138

Of the foregoing appropriation item 336504, Community 4139
Innovations, up to \$1,000,000 in each fiscal year shall be used 4140
to implement strategies to increase job opportunities, reduce 4141
the number of positive drug screens, and improve workforce 4142
readiness for individuals in recovery. 4143

Section 4. That existing Sections 331.90 and 331.120 of 4144
Am. Sub. H.B. 64 of the 131st General Assembly are hereby 4145
repealed. 4146

Section 5. (A) The amendment, enactment, or repeal of 4147
sections 3719.21, 4729.42, and 4729.95 and division (I) of 4148
section 4729.99 of the Revised Code take effect one year after 4149
the effective date of this section. 4150

(B) Notwithstanding sections 4776.02 and 4776.04 of the 4151
Revised Code, as amended by this act, the provisions of those 4152
sections that were in effect immediately prior to the effective 4153
date of this act and referred to a person seeking to satisfy the 4154
criteria for being a qualified pharmacy technician that are 4155
specified in section 4729.42 of the Revised Code continue to 4156
apply for one year after the effective date of this section as 4157
if the provisions had not been removed from those sections by 4158
this act. 4159

Section 6. Section 2925.61 of the Revised Code is 4160
presented in this act as a composite of the section as amended 4161
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 4162
Assembly. The General Assembly, applying the principle stated in 4163
division (B) of section 1.52 of the Revised Code that amendments 4164

are to be harmonized if reasonably capable of simultaneous 4165
operation, finds that the composite is the resulting version of 4166
the section in effect prior to the effective date of the section 4167
as presented in this act. 4168

Section 7. Section 4729.16 of the Revised Code is 4169
presented in this act as a composite of the section as amended 4170
by Am. Sub. H.B. 4 of the 131st General Assembly and Am. Sub. 4171
H.B. 394 and Am. Sub. S.B. 276, both of the 130th General 4172
Assembly. The General Assembly, applying the principle stated in 4173
division (B) of section 1.52 of the Revised Code that amendments 4174
are to be harmonized if reasonably capable of simultaneous 4175
operation, finds that the composite is the resulting version of 4176
the section in effect prior to the effective date of the section 4177
as presented in this act. 4178