

As Reported by the Senate Health and Human Services Committee

131st General Assembly

Regular Session

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Sub. S. B. No. 319

Senator Eklund

Cosponsors: Senators Manning, Beagle, Tavares, Brown

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, 5119.391, and 5119.392; to enact 6
sections 3707.58, 3707.59, 3719.062, 4729.10, 7
4729.40, 4729.45, 4729.513, 4729.514, 4729.553, 8
4729.90, 4729.901, 4729.902, 4729.91, 4729.92, 9
4729.921, 4729.93, 4729.94, 4729.95, 4729.96, 10
and 4731.943; and to repeal section 4729.42 of 11
the Revised Code and to amend Sections 331.90 12
and 331.120 of Am. Sub. H.B. 64 of the 131st 13
General Assembly to revise certain laws 14
regarding the regulation of drugs, the practice 15
of pharmacy, and the provision of addiction 16
services. 17

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

Section 1. That sections 2925.61, 2929.14, 2947.231, 18
3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 4729.16, 4729.18, 19

4729.19, 4729.38, 4729.51, 4729.54, 4729.541, 4729.55, 4729.571, 20
4729.60, 4729.68, 4729.99, 4731.22, 4731.94, 4776.02, 4776.04, 21
5119.391, and 5119.392 be amended and sections 3707.58, 3707.59, 22
3719.062, 4729.10, 4729.40, 4729.45, 4729.513, 4729.514, 23
4729.553, 4729.90, 4729.901, 4729.902, 4729.91, 4729.92, 24
4729.921, 4729.93, 4729.94, 4729.95, 4729.96, and 4731.943 of 25
the Revised Code be enacted to read as follows: 26

Sec. 2925.61. (A) As used in this section: 27

(1) "Law enforcement agency" means a government entity 28
that employs peace officers to perform law enforcement duties. 29

(2) "Licensed health professional" means all of the 30
following: 31

(a) A physician; 32

(b) A physician assistant who is licensed under Chapter 33
4730. of the Revised Code, holds a valid prescriber number 34
issued by the state medical board, and has been granted 35
physician-delegated prescriptive authority; 36

(c) A clinical nurse specialist, certified nurse-midwife, 37
or certified nurse practitioner who holds a certificate to 38
prescribe issued under section 4723.48 of the Revised Code. 39

(3) "Peace officer" has the same meaning as in section 40
2921.51 of the Revised Code. 41

(4) "Physician" means an individual who is authorized 42
under Chapter 4731. of the Revised Code to practice medicine and 43
surgery, osteopathic medicine and surgery, or podiatric medicine 44
and surgery. 45

(B) A family member, friend, or other individual who is in 46
a position to assist an individual who is apparently 47

experiencing or at risk of experiencing an opioid-related 48
overdose, is not subject to criminal prosecution for a violation 49
of section 4731.41 of the Revised Code or criminal prosecution 50
under this chapter if the individual, acting in good faith, does 51
all of the following: 52

(1) Obtains naloxone pursuant to a prescription issued by 53
a licensed health professional or obtains naloxone from one of 54
the following: a 55

(a) A licensed health professional,an i 56

(b) An individual who is authorized by either a physician 57
under section 4731.941 of the Revised Code or a board of health 58
under section 3707.58 of the Revised Code to personally furnish 59
naloxone,or a i 60

(c) A pharmacist or pharmacy intern who is authorized by a 61
physician or board of health under section 4729.44 of the 62
Revised Code to dispense naloxone without a prescription. 63

(2) Administers the naloxone obtained as described in 64
division (B)(1) of this section to an individual who is 65
apparently experiencing an opioid-related overdose; 66

(3) Attempts to summon emergency services as soon as 67
practicable either before or after administering the naloxone. 68

(C) ~~Division~~An individual who is an employee, volunteer, 69
or contractor of a service entity, as defined in section 70
4729.514 of the Revised Code, and has been authorized under 71
section 3707.59 or 4731.943 of the Revised Code to administer 72
naloxone is not subject to criminal prosecution for a violation 73
of section 4731.41 of the Revised Code or criminal prosecution 74
under this chapter if the individual, acting in good faith, does 75
all of the following: 76

(1) Obtains naloxone from the service entity of which the individual is an employee, volunteer, or contractor; 77
78

(2) Administers the naloxone obtained to an individual who is apparently experiencing an opioid-related overdose; 79
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(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone. 81
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(D) Divisions (B) and (C) of this section does do not 83
apply to a peace officer or to an emergency medical technician- 84
basic, emergency medical technician-intermediate, or emergency 85
medical technician-paramedic, as defined in section 4765.01 of 86
the Revised Code. 87

~~(D)~~ (E) A peace officer ~~employed by a law enforcement~~ 88
~~agency~~ is not subject to administrative action, criminal 89
prosecution for a violation of section 4731.41 of the Revised 90
Code, or criminal prosecution under this chapter if the peace 91
officer, acting in good faith, ~~obtains naloxone from the peace~~ 92
~~officer's law enforcement agency and administers the~~ naloxone to 93
an individual who is apparently experiencing an opioid-related 94
overdose. 95

(F) A peace officer is entitled to the immunity provided for in section 9.86 or 2744.03 of the Revised Code, as the case may be, for any act or omission associated with procuring, maintaining, accessing, or using naloxone. 96
97
98
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Sec. 2929.14. (A) Except as provided in division (B) (1), 100
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 101
(G), (H), or (J) of this section or in division (D) (6) of 102
section 2919.25 of the Revised Code and except in relation to an 103
offense for which a sentence of death or life imprisonment is to 104
be imposed, if the court imposing a sentence upon an offender 105

for a felony elects or is required to impose a prison term on 106
the offender pursuant to this chapter, the court shall impose a 107
definite prison term that shall be one of the following: 108

(1) For a felony of the first degree, the prison term 109
shall be three, four, five, six, seven, eight, nine, ten, or 110
eleven years. 111

(2) For a felony of the second degree, the prison term 112
shall be two, three, four, five, six, seven, or eight years. 113

(3) (a) For a felony of the third degree that is a 114
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 115
2907.05 of the Revised Code or that is a violation of section 116
2911.02 or 2911.12 of the Revised Code if the offender 117
previously has been convicted of or pleaded guilty in two or 118
more separate proceedings to two or more violations of section 119
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 120
prison term shall be twelve, eighteen, twenty-four, thirty, 121
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 122

(b) For a felony of the third degree that is not an 123
offense for which division (A) (3) (a) of this section applies, 124
the prison term shall be nine, twelve, eighteen, twenty-four, 125
thirty, or thirty-six months. 126

(4) For a felony of the fourth degree, the prison term 127
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 128
fourteen, fifteen, sixteen, seventeen, or eighteen months. 129

(5) For a felony of the fifth degree, the prison term 130
shall be six, seven, eight, nine, ten, eleven, or twelve months. 131

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

specification of the type described in section 2941.141, 135
2941.144, or 2941.145 of the Revised Code, the court shall 136
impose on the offender one of the following prison terms: 137

(i) A prison term of six years if the specification is of 138
the type described in section 2941.144 of the Revised Code that 139
charges the offender with having a firearm that is an automatic 140
firearm or that was equipped with a firearm muffler or 141
suppressor on or about the offender's person or under the 142
offender's control while committing the felony; 143

(ii) A prison term of three years if the specification is 144
of the type described in section 2941.145 of the Revised Code 145
that charges the offender with having a firearm on or about the 146
offender's person or under the offender's control while 147
committing the offense and displaying the firearm, brandishing 148
the firearm, indicating that the offender possessed the firearm, 149
or using it to facilitate the offense; 150

(iii) A prison term of one year if the specification is of 151
the type described in section 2941.141 of the Revised Code that 152
charges the offender with having a firearm on or about the 153
offender's person or under the offender's control while 154
committing the felony. 155

(b) If a court imposes a prison term on an offender under 156
division (B) (1) (a) of this section, the prison term shall not be 157
reduced pursuant to section 2967.19, section 2929.20, section 158
2967.193, or any other provision of Chapter 2967. or Chapter 159
5120. of the Revised Code. Except as provided in division (B) (1) 160
(g) of this section, a court shall not impose more than one 161
prison term on an offender under division (B) (1) (a) of this 162
section for felonies committed as part of the same act or 163
transaction. 164

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

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

offense of violence, the court shall impose on the offender a 196
prison term of two years. The prison term so imposed, subject to 197
divisions (C) to (I) of section 2967.19 of the Revised Code, 198
shall not be reduced pursuant to section 2929.20, section 199
2967.19, section 2967.193, or any other provision of Chapter 200
2967. or Chapter 5120. of the Revised Code. A court shall not 201
impose more than one prison term on an offender under division 202
(B) (1) (d) of this section for felonies committed as part of the 203
same act or transaction. If a court imposes an additional prison 204
term under division (B) (1) (a) or (c) of this section, the court 205
is not precluded from imposing an additional prison term under 206
division (B) (1) (d) of this section. 207

(e) The court shall not impose any of the prison terms 208
described in division (B) (1) (a) of this section or any of the 209
additional prison terms described in division (B) (1) (c) of this 210
section upon an offender for a violation of section 2923.12 or 211
2923.123 of the Revised Code. The court shall not impose any of 212
the prison terms described in division (B) (1) (a) or (b) of this 213
section upon an offender for a violation of section 2923.122 214
that involves a deadly weapon that is a firearm other than a 215
dangerous ordnance, section 2923.16, or section 2923.121 of the 216
Revised Code. The court shall not impose any of the prison terms 217
described in division (B) (1) (a) of this section or any of the 218
additional prison terms described in division (B) (1) (c) of this 219
section upon an offender for a violation of section 2923.13 of 220
the Revised Code unless all of the following apply: 221

(i) The offender previously has been convicted of 222
aggravated murder, murder, or any felony of the first or second 223
degree. 224

(ii) Less than five years have passed since the offender 225

was released from prison or post-release control, whichever is 226
later, for the prior offense. 227

(f) If an offender is convicted of or pleads guilty to a 228
felony that includes, as an essential element, causing or 229
attempting to cause the death of or physical harm to another and 230
also is convicted of or pleads guilty to a specification of the 231
type described in section 2941.1412 of the Revised Code that 232
charges the offender with committing the offense by discharging 233
a firearm at a peace officer as defined in section 2935.01 of 234
the Revised Code or a corrections officer, as defined in section 235
2941.1412 of the Revised Code, the court, after imposing a 236
prison term on the offender for the felony offense under 237
division (A), (B) (2), or (B) (3) of this section, shall impose an 238
additional prison term of seven years upon the offender that 239
shall not be reduced pursuant to section 2929.20, section 240
2967.19, section 2967.193, or any other provision of Chapter 241
2967. or Chapter 5120. of the Revised Code. If an offender is 242
convicted of or pleads guilty to two or more felonies that 243
include, as an essential element, causing or attempting to cause 244
the death or physical harm to another and also is convicted of 245
or pleads guilty to a specification of the type described under 246
division (B) (1) (f) of this section in connection with two or 247
more of the felonies of which the offender is convicted or to 248
which the offender pleads guilty, the sentencing court shall 249
impose on the offender the prison term specified under division 250
(B) (1) (f) of this section for each of two of the specifications 251
of which the offender is convicted or to which the offender 252
pleads guilty and, in its discretion, also may impose on the 253
offender the prison term specified under that division for any 254
or all of the remaining specifications. If a court imposes an 255
additional prison term on an offender under division (B) (1) (f) 256

of this section relative to an offense, the court shall not 257
impose a prison term under division (B) (1) (a) or (c) of this 258
section relative to the same offense. 259

(g) If an offender is convicted of or pleads guilty to two 260
or more felonies, if one or more of those felonies are 261
aggravated murder, murder, attempted aggravated murder, 262
attempted murder, aggravated robbery, felonious assault, or 263
rape, and if the offender is convicted of or pleads guilty to a 264
specification of the type described under division (B) (1) (a) of 265
this section in connection with two or more of the felonies, the 266
sentencing court shall impose on the offender the prison term 267
specified under division (B) (1) (a) of this section for each of 268
the two most serious specifications of which the offender is 269
convicted or to which the offender pleads guilty and, in its 270
discretion, also may impose on the offender the prison term 271
specified under that division for any or all of the remaining 272
specifications. 273

(2) (a) If division (B) (2) (b) of this section does not 274
apply, the court may impose on an offender, in addition to the 275
longest prison term authorized or required for the offense, an 276
additional definite prison term of one, two, three, four, five, 277
six, seven, eight, nine, or ten years if all of the following 278
criteria are met: 279

(i) The offender is convicted of or pleads guilty to a 280
specification of the type described in section 2941.149 of the 281
Revised Code that the offender is a repeat violent offender. 282

(ii) The offense of which the offender currently is 283
convicted or to which the offender currently pleads guilty is 284
aggravated murder and the court does not impose a sentence of 285
death or life imprisonment without parole, murder, terrorism and 286

the court does not impose a sentence of life imprisonment 287
without parole, any felony of the first degree that is an 288
offense of violence and the court does not impose a sentence of 289
life imprisonment without parole, or any felony of the second 290
degree that is an offense of violence and the trier of fact 291
finds that the offense involved an attempt to cause or a threat 292
to cause serious physical harm to a person or resulted in 293
serious physical harm to a person. 294

(iii) The court imposes the longest prison term for the 295
offense that is not life imprisonment without parole. 296

(iv) The court finds that the prison terms imposed 297
pursuant to division (B) (2) (a) (iii) of this section and, if 298
applicable, division (B) (1) or (3) of this section are 299
inadequate to punish the offender and protect the public from 300
future crime, because the applicable factors under section 301
2929.12 of the Revised Code indicating a greater likelihood of 302
recidivism outweigh the applicable factors under that section 303
indicating a lesser likelihood of recidivism. 304

(v) The court finds that the prison terms imposed pursuant 305
to division (B) (2) (a) (iii) of this section and, if applicable, 306
division (B) (1) or (3) of this section are demeaning to the 307
seriousness of the offense, because one or more of the factors 308
under section 2929.12 of the Revised Code indicating that the 309
offender's conduct is more serious than conduct normally 310
constituting the offense are present, and they outweigh the 311
applicable factors under that section indicating that the 312
offender's conduct is less serious than conduct normally 313
constituting the offense. 314

(b) The court shall impose on an offender the longest 315
prison term authorized or required for the offense and shall 316

impose on the offender an additional definite prison term of 317
one, two, three, four, five, six, seven, eight, nine, or ten 318
years if all of the following criteria are met: 319

(i) The offender is convicted of or pleads guilty to a 320
specification of the type described in section 2941.149 of the 321
Revised Code that the offender is a repeat violent offender. 322

(ii) The offender within the preceding twenty years has 323
been convicted of or pleaded guilty to three or more offenses 324
described in division (CC)(1) of section 2929.01 of the Revised 325
Code, including all offenses described in that division of which 326
the offender is convicted or to which the offender pleads guilty 327
in the current prosecution and all offenses described in that 328
division of which the offender previously has been convicted or 329
to which the offender previously pleaded guilty, whether 330
prosecuted together or separately. 331

(iii) The offense or offenses of which the offender 332
currently is convicted or to which the offender currently pleads 333
guilty is aggravated murder and the court does not impose a 334
sentence of death or life imprisonment without parole, murder, 335
terrorism and the court does not impose a sentence of life 336
imprisonment without parole, any felony of the first degree that 337
is an offense of violence and the court does not impose a 338
sentence of life imprisonment without parole, or any felony of 339
the second degree that is an offense of violence and the trier 340
of fact finds that the offense involved an attempt to cause or a 341
threat to cause serious physical harm to a person or resulted in 342
serious physical harm to a person. 343

(c) For purposes of division (B)(2)(b) of this section, 344
two or more offenses committed at the same time or as part of 345
the same act or event shall be considered one offense, and that 346

one offense shall be the offense with the greatest penalty. 347

(d) A sentence imposed under division (B)(2)(a) or (b) of 348
this section shall not be reduced pursuant to section 2929.20, 349
section 2967.19, or section 2967.193, or any other provision of 350
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 351
shall serve an additional prison term imposed under this section 352
consecutively to and prior to the prison term imposed for the 353
underlying offense. 354

(e) When imposing a sentence pursuant to division (B)(2) 355
(a) or (b) of this section, the court shall state its findings 356
explaining the imposed sentence. 357

(3) Except when an offender commits a violation of section 358
2903.01 or 2907.02 of the Revised Code and the penalty imposed 359
for the violation is life imprisonment or commits a violation of 360
section 2903.02 of the Revised Code, if the offender commits a 361
violation of section 2925.03 or 2925.11 of the Revised Code and 362
that section classifies the offender as a major drug offender, 363
if the offender commits a felony violation of section 2925.02, 364
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 365
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 366
division ~~(C)~~(E) of section 4729.51, or division (J) of section 367
4729.54 of the Revised Code that includes the sale, offer to 368
sell, or possession of a schedule I or II controlled substance, 369
with the exception of marihuana, and the court imposing sentence 370
upon the offender finds that the offender is guilty of a 371
specification of the type described in section 2941.1410 of the 372
Revised Code charging that the offender is a major drug 373
offender, if the court imposing sentence upon an offender for a 374
felony finds that the offender is guilty of corrupt activity 375
with the most serious offense in the pattern of corrupt activity 376

being a felony of the first degree, or if the offender is guilty 377
of an attempted violation of section 2907.02 of the Revised Code 378
and, had the offender completed the violation of section 2907.02 379
of the Revised Code that was attempted, the offender would have 380
been subject to a sentence of life imprisonment or life 381
imprisonment without parole for the violation of section 2907.02 382
of the Revised Code, the court shall impose upon the offender 383
for the felony violation a mandatory prison term of the maximum 384
prison term prescribed for a felony of the first degree that, 385
subject to divisions (C) to (I) of section 2967.19 of the 386
Revised Code, cannot be reduced pursuant to section 2929.20, 387
section 2967.19, or any other provision of Chapter 2967. or 388
5120. of the Revised Code. 389

(4) If the offender is being sentenced for a third or 390
fourth degree felony OVI offense under division (G) (2) of 391
section 2929.13 of the Revised Code, the sentencing court shall 392
impose upon the offender a mandatory prison term in accordance 393
with that division. In addition to the mandatory prison term, if 394
the offender is being sentenced for a fourth degree felony OVI 395
offense, the court, notwithstanding division (A) (4) of this 396
section, may sentence the offender to a definite prison term of 397
not less than six months and not more than thirty months, and if 398
the offender is being sentenced for a third degree felony OVI 399
offense, the sentencing court may sentence the offender to an 400
additional prison term of any duration specified in division (A) 401
(3) of this section. In either case, the additional prison term 402
imposed shall be reduced by the sixty or one hundred twenty days 403
imposed upon the offender as the mandatory prison term. The 404
total of the additional prison term imposed under division (B) 405
(4) of this section plus the sixty or one hundred twenty days 406
imposed as the mandatory prison term shall equal a definite term 407

in the range of six months to thirty months for a fourth degree 408
felony OVI offense and shall equal one of the authorized prison 409
terms specified in division (A) (3) of this section for a third 410
degree felony OVI offense. If the court imposes an additional 411
prison term under division (B) (4) of this section, the offender 412
shall serve the additional prison term after the offender has 413
served the mandatory prison term required for the offense. In 414
addition to the mandatory prison term or mandatory and 415
additional prison term imposed as described in division (B) (4) 416
of this section, the court also may sentence the offender to a 417
community control sanction under section 2929.16 or 2929.17 of 418
the Revised Code, but the offender shall serve all of the prison 419
terms so imposed prior to serving the community control 420
sanction. 421

If the offender is being sentenced for a fourth degree 422
felony OVI offense under division (G) (1) of section 2929.13 of 423
the Revised Code and the court imposes a mandatory term of local 424
incarceration, the court may impose a prison term as described 425
in division (A) (1) of that section. 426

(5) If an offender is convicted of or pleads guilty to a 427
violation of division (A) (1) or (2) of section 2903.06 of the 428
Revised Code and also is convicted of or pleads guilty to a 429
specification of the type described in section 2941.1414 of the 430
Revised Code that charges that the victim of the offense is a 431
peace officer, as defined in section 2935.01 of the Revised 432
Code, or an investigator of the bureau of criminal 433
identification and investigation, as defined in section 2903.11 434
of the Revised Code, the court shall impose on the offender a 435
prison term of five years. If a court imposes a prison term on 436
an offender under division (B) (5) of this section, the prison 437
term, subject to divisions (C) to (I) of section 2967.19 of the 438

Revised Code, shall not be reduced pursuant to section 2929.20, 439
section 2967.19, section 2967.193, or any other provision of 440
Chapter 2967. or Chapter 5120. of the Revised Code. A court 441
shall not impose more than one prison term on an offender under 442
division (B) (5) of this section for felonies committed as part 443
of the same act. 444

(6) If an offender is convicted of or pleads guilty to a 445
violation of division (A) (1) or (2) of section 2903.06 of the 446
Revised Code and also is convicted of or pleads guilty to a 447
specification of the type described in section 2941.1415 of the 448
Revised Code that charges that the offender previously has been 449
convicted of or pleaded guilty to three or more violations of 450
division (A) or (B) of section 4511.19 of the Revised Code or an 451
equivalent offense, as defined in section 2941.1415 of the 452
Revised Code, or three or more violations of any combination of 453
those divisions and offenses, the court shall impose on the 454
offender a prison term of three years. If a court imposes a 455
prison term on an offender under division (B) (6) of this 456
section, the prison term, subject to divisions (C) to (I) of 457
section 2967.19 of the Revised Code, shall not be reduced 458
pursuant to section 2929.20, section 2967.19, section 2967.193, 459
or any other provision of Chapter 2967. or Chapter 5120. of the 460
Revised Code. A court shall not impose more than one prison term 461
on an offender under division (B) (6) of this section for 462
felonies committed as part of the same act. 463

(7) (a) If an offender is convicted of or pleads guilty to 464
a felony violation of section 2905.01, 2905.02, 2907.21, 465
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 466
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 467
the Revised Code and also is convicted of or pleads guilty to a 468
specification of the type described in section 2941.1422 of the 469

Revised Code that charges that the offender knowingly committed 470
the offense in furtherance of human trafficking, the court shall 471
impose on the offender a mandatory prison term that is one of 472
the following: 473

(i) If the offense is a felony of the first degree, a 474
definite prison term of not less than five years and not greater 475
than ten years; 476

(ii) If the offense is a felony of the second or third 477
degree, a definite prison term of not less than three years and 478
not greater than the maximum prison term allowed for the offense 479
by division (A) of section 2929.14 of the Revised Code; 480

(iii) If the offense is a felony of the fourth or fifth 481
degree, a definite prison term that is the maximum prison term 482
allowed for the offense by division (A) of section 2929.14 of 483
the Revised Code. 484

(b) Subject to divisions (C) to (I) of section 2967.19 of 485
the Revised Code, the prison term imposed under division (B) (7) 486
(a) of this section shall not be reduced pursuant to section 487
2929.20, section 2967.19, section 2967.193, or any other 488
provision of Chapter 2967. of the Revised Code. A court shall 489
not impose more than one prison term on an offender under 490
division (B) (7) (a) of this section for felonies committed as 491
part of the same act, scheme, or plan. 492

(8) If an offender is convicted of or pleads guilty to a 493
felony violation of section 2903.11, 2903.12, or 2903.13 of the 494
Revised Code and also is convicted of or pleads guilty to a 495
specification of the type described in section 2941.1423 of the 496
Revised Code that charges that the victim of the violation was a 497
woman whom the offender knew was pregnant at the time of the 498

violation, notwithstanding the range of prison terms prescribed 499
in division (A) of this section for felonies of the same degree 500
as the violation, the court shall impose on the offender a 501
mandatory prison term that is either a definite prison term of 502
six months or one of the prison terms prescribed in section 503
2929.14 of the Revised Code for felonies of the same degree as 504
the violation. 505

(C) (1) (a) Subject to division (C) (1) (b) of this section, 506
if a mandatory prison term is imposed upon an offender pursuant 507
to division (B) (1) (a) of this section for having a firearm on or 508
about the offender's person or under the offender's control 509
while committing a felony, if a mandatory prison term is imposed 510
upon an offender pursuant to division (B) (1) (c) of this section 511
for committing a felony specified in that division by 512
discharging a firearm from a motor vehicle, or if both types of 513
mandatory prison terms are imposed, the offender shall serve any 514
mandatory prison term imposed under either division 515
consecutively to any other mandatory prison term imposed under 516
either division or under division (B) (1) (d) of this section, 517
consecutively to and prior to any prison term imposed for the 518
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 519
this section or any other section of the Revised Code, and 520
consecutively to any other prison term or mandatory prison term 521
previously or subsequently imposed upon the offender. 522

(b) If a mandatory prison term is imposed upon an offender 523
pursuant to division (B) (1) (d) of this section for wearing or 524
carrying body armor while committing an offense of violence that 525
is a felony, the offender shall serve the mandatory term so 526
imposed consecutively to any other mandatory prison term imposed 527
under that division or under division (B) (1) (a) or (c) of this 528
section, consecutively to and prior to any prison term imposed 529

for the underlying felony under division (A), (B) (2), or (B) (3) 530
of this section or any other section of the Revised Code, and 531
consecutively to any other prison term or mandatory prison term 532
previously or subsequently imposed upon the offender. 533

(c) If a mandatory prison term is imposed upon an offender 534
pursuant to division (B) (1) (f) of this section, the offender 535
shall serve the mandatory prison term so imposed consecutively 536
to and prior to any prison term imposed for the underlying 537
felony under division (A), (B) (2), or (B) (3) of this section or 538
any other section of the Revised Code, and consecutively to any 539
other prison term or mandatory prison term previously or 540
subsequently imposed upon the offender. 541

(d) If a mandatory prison term is imposed upon an offender 542
pursuant to division (B) (7) or (8) of this section, the offender 543
shall serve the mandatory prison term so imposed consecutively 544
to any other mandatory prison term imposed under that division 545
or under any other provision of law and consecutively to any 546
other prison term or mandatory prison term previously or 547
subsequently imposed upon the offender. 548

(2) If an offender who is an inmate in a jail, prison, or 549
other residential detention facility violates section 2917.02, 550
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 551
(2) of section 2921.34 of the Revised Code, if an offender who 552
is under detention at a detention facility commits a felony 553
violation of section 2923.131 of the Revised Code, or if an 554
offender who is an inmate in a jail, prison, or other 555
residential detention facility or is under detention at a 556
detention facility commits another felony while the offender is 557
an escapee in violation of division (A) (1) or (2) of section 558
2921.34 of the Revised Code, any prison term imposed upon the 559

offender for one of those violations shall be served by the 560
offender consecutively to the prison term or term of 561
imprisonment the offender was serving when the offender 562
committed that offense and to any other prison term previously 563
or subsequently imposed upon the offender. 564

(3) If a prison term is imposed for a violation of 565
division (B) of section 2911.01 of the Revised Code, a violation 566
of division (A) of section 2913.02 of the Revised Code in which 567
the stolen property is a firearm or dangerous ordnance, or a 568
felony violation of division (B) of section 2921.331 of the 569
Revised Code, the offender shall serve that prison term 570
consecutively to any other prison term or mandatory prison term 571
previously or subsequently imposed upon the offender. 572

(4) If multiple prison terms are imposed on an offender 573
for convictions of multiple offenses, the court may require the 574
offender to serve the prison terms consecutively if the court 575
finds that the consecutive service is necessary to protect the 576
public from future crime or to punish the offender and that 577
consecutive sentences are not disproportionate to the 578
seriousness of the offender's conduct and to the danger the 579
offender poses to the public, and if the court also finds any of 580
the following: 581

(a) The offender committed one or more of the multiple 582
offenses while the offender was awaiting trial or sentencing, 583
was under a sanction imposed pursuant to section 2929.16, 584
2929.17, or 2929.18 of the Revised Code, or was under post- 585
release control for a prior offense. 586

(b) At least two of the multiple offenses were committed 587
as part of one or more courses of conduct, and the harm caused 588
by two or more of the multiple offenses so committed was so 589

great or unusual that no single prison term for any of the 590
offenses committed as part of any of the courses of conduct 591
adequately reflects the seriousness of the offender's conduct. 592

(c) The offender's history of criminal conduct 593
demonstrates that consecutive sentences are necessary to protect 594
the public from future crime by the offender. 595

(5) If a mandatory prison term is imposed upon an offender 596
pursuant to division (B) (5) or (6) of this section, the offender 597
shall serve the mandatory prison term consecutively to and prior 598
to any prison term imposed for the underlying violation of 599
division (A) (1) or (2) of section 2903.06 of the Revised Code 600
pursuant to division (A) of this section or section 2929.142 of 601
the Revised Code. If a mandatory prison term is imposed upon an 602
offender pursuant to division (B) (5) of this section, and if a 603
mandatory prison term also is imposed upon the offender pursuant 604
to division (B) (6) of this section in relation to the same 605
violation, the offender shall serve the mandatory prison term 606
imposed pursuant to division (B) (5) of this section 607
consecutively to and prior to the mandatory prison term imposed 608
pursuant to division (B) (6) of this section and consecutively to 609
and prior to any prison term imposed for the underlying 610
violation of division (A) (1) or (2) of section 2903.06 of the 611
Revised Code pursuant to division (A) of this section or section 612
2929.142 of the Revised Code. 613

(6) When consecutive prison terms are imposed pursuant to 614
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 615
of this section, the term to be served is the aggregate of all 616
of the terms so imposed. 617

(D) (1) If a court imposes a prison term for a felony of 618
the first degree, for a felony of the second degree, for a 619

felony sex offense, or for a felony of the third degree that is 620
not a felony sex offense and in the commission of which the 621
offender caused or threatened to cause physical harm to a 622
person, it shall include in the sentence a requirement that the 623
offender be subject to a period of post-release control after 624
the offender's release from imprisonment, in accordance with 625
that division. If a court imposes a sentence including a prison 626
term of a type described in this division on or after July 11, 627
2006, the failure of a court to include a post-release control 628
requirement in the sentence pursuant to this division does not 629
negate, limit, or otherwise affect the mandatory period of post- 630
release control that is required for the offender under division 631
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 632
the Revised Code applies if, prior to July 11, 2006, a court 633
imposed a sentence including a prison term of a type described 634
in this division and failed to include in the sentence pursuant 635
to this division a statement regarding post-release control. 636

(2) If a court imposes a prison term for a felony of the 637
third, fourth, or fifth degree that is not subject to division 638
(D)(1) of this section, it shall include in the sentence a 639
requirement that the offender be subject to a period of post- 640
release control after the offender's release from imprisonment, 641
in accordance with that division, if the parole board determines 642
that a period of post-release control is necessary. Section 643
2929.191 of the Revised Code applies if, prior to July 11, 2006, 644
a court imposed a sentence including a prison term of a type 645
described in this division and failed to include in the sentence 646
pursuant to this division a statement regarding post-release 647
control. 648

(E) The court shall impose sentence upon the offender in 649
accordance with section 2971.03 of the Revised Code, and Chapter 650

2971. of the Revised Code applies regarding the prison term or 651
term of life imprisonment without parole imposed upon the 652
offender and the service of that term of imprisonment if any of 653
the following apply: 654

(1) A person is convicted of or pleads guilty to a violent 655
sex offense or a designated homicide, assault, or kidnapping 656
offense, and, in relation to that offense, the offender is 657
adjudicated a sexually violent predator. 658

(2) A person is convicted of or pleads guilty to a 659
violation of division (A) (1) (b) of section 2907.02 of the 660
Revised Code committed on or after January 2, 2007, and either 661
the court does not impose a sentence of life without parole when 662
authorized pursuant to division (B) of section 2907.02 of the 663
Revised Code, or division (B) of section 2907.02 of the Revised 664
Code provides that the court shall not sentence the offender 665
pursuant to section 2971.03 of the Revised Code. 666

(3) A person is convicted of or pleads guilty to attempted 667
rape committed on or after January 2, 2007, and a specification 668
of the type described in section 2941.1418, 2941.1419, or 669
2941.1420 of the Revised Code. 670

(4) A person is convicted of or pleads guilty to a 671
violation of section 2905.01 of the Revised Code committed on or 672
after January 1, 2008, and that section requires the court to 673
sentence the offender pursuant to section 2971.03 of the Revised 674
Code. 675

(5) A person is convicted of or pleads guilty to 676
aggravated murder committed on or after January 1, 2008, and 677
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 678
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 679

(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 710
upon the offender an additional prison term of two years. The 711
offender shall serve the additional two years consecutively to 712
and prior to the prison term imposed for the underlying offense. 713

(2) (a) If an offender is convicted of or pleads guilty to 714
a felony violation of section 2907.22, 2907.24, 2907.241, or 715
2907.25 of the Revised Code and to a specification of the type 716
described in section 2941.1421 of the Revised Code and if the 717
court imposes a prison term on the offender for the felony 718
violation, the court may impose upon the offender an additional 719
prison term as follows: 720

(i) Subject to division (H) (2) (a) (ii) of this section, an 721
additional prison term of one, two, three, four, five, or six 722
months; 723

(ii) If the offender previously has been convicted of or 724
pleaded guilty to one or more felony or misdemeanor violations 725
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 726
the Revised Code and also was convicted of or pleaded guilty to 727
a specification of the type described in section 2941.1421 of 728
the Revised Code regarding one or more of those violations, an 729
additional prison term of one, two, three, four, five, six, 730
seven, eight, nine, ten, eleven, or twelve months. 731

(b) In lieu of imposing an additional prison term under 732
division (H) (2) (a) of this section, the court may directly 733
impose on the offender a sanction that requires the offender to 734
wear a real-time processing, continual tracking electronic 735
monitoring device during the period of time specified by the 736
court. The period of time specified by the court shall equal the 737
duration of an additional prison term that the court could have 738
imposed upon the offender under division (H) (2) (a) of this 739

section. A sanction imposed under this division shall commence 740
on the date specified by the court, provided that the sanction 741
shall not commence until after the offender has served the 742
prison term imposed for the felony violation of section 2907.22, 743
2907.24, 2907.241, or 2907.25 of the Revised Code and any 744
residential sanction imposed for the violation under section 745
2929.16 of the Revised Code. A sanction imposed under this 746
division shall be considered to be a community control sanction 747
for purposes of section 2929.15 of the Revised Code, and all 748
provisions of the Revised Code that pertain to community control 749
sanctions shall apply to a sanction imposed under this division, 750
except to the extent that they would by their nature be clearly 751
inapplicable. The offender shall pay all costs associated with a 752
sanction imposed under this division, including the cost of the 753
use of the monitoring device. 754

(I) At the time of sentencing, the court may recommend the 755
offender for placement in a program of shock incarceration under 756
section 5120.031 of the Revised Code or for placement in an 757
intensive program prison under section 5120.032 of the Revised 758
Code, disapprove placement of the offender in a program of shock 759
incarceration or an intensive program prison of that nature, or 760
make no recommendation on placement of the offender. In no case 761
shall the department of rehabilitation and correction place the 762
offender in a program or prison of that nature unless the 763
department determines as specified in section 5120.031 or 764
5120.032 of the Revised Code, whichever is applicable, that the 765
offender is eligible for the placement. 766

If the court disapproves placement of the offender in a 767
program or prison of that nature, the department of 768
rehabilitation and correction shall not place the offender in 769
any program of shock incarceration or intensive program prison. 770

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 801
section 2929.142 of the Revised Code. 802

Sec. 2947.231. If a business entity described in division 803
~~(B) (1) (j)~~ (A) (2) or ~~(k) (3)~~ of section ~~4729.51~~ 4729.541 of the 804
Revised Code pleads guilty or no contest to or is found guilty 805
of any criminal offense, the judge or magistrate shall include 806
in the sentence any costs incurred by the state board of 807
pharmacy in an investigation leading to the plea or conviction. 808
Investigative costs include staff salaries, administrative 809
costs, travel expenses, attorney's fees, and any other 810
reasonable expense incurred by the board. The board shall set 811
forth the costs the entity is required to pay in an itemized 812
statement provided to the judge or magistrate. 813

Sec. 3707.56. (A) As used in this section, "board of 814
health" means a board of health of a city or general health 815
district or the authority having the duties of a board of health 816
under section 3709.05 of the Revised Code. 817

(B) A board of health, through a physician serving as the 818
board's health commissioner or medical director, may authorize 819
pharmacists and pharmacy interns ~~working practicing pharmacy in~~ 820
a county that includes all or part of the board's jurisdiction 821
health district represented by the board to use the protocol 822
developed pursuant to rules adopted under section 4729.44 of the 823
Revised Code for the purpose of dispensing naloxone under 824
section 4729.44 of the Revised Code. 825

Sec. 3707.58. (A) As used in this section and section 826
3707.59 of the Revised Code, "board of health" means a board of 827
health of a city or general health district or the authority 828
having the duties of a board of health under section 3709.05 of 829
the Revised Code. 830

(B) A board of health that establishes a protocol under 831
division (D) of this section may, through a physician serving as 832
the board's health commissioner or medical director, authorize 833
one or more individuals to personally furnish a supply of 834
naloxone pursuant to the protocol to either of the following: 835

(1) An individual who there is reason to believe is 836
experiencing or at risk of experiencing an opioid-related 837
overdose; 838

(2) A family member, friend, or other person in a position 839
to assist an individual who there is reason to believe is at 840
risk of experiencing an opioid-related overdose. 841

(C) (1) An individual authorized under this section may 842
personally furnish naloxone to an individual described in 843
division (B) of this section if both of the following conditions 844
are met: 845

(a) The authorized individual complies with the protocol 846
established by the authorizing board, including having completed 847
the training required by the protocol. 848

(b) The authorized individual instructs the individual to 849
whom naloxone is furnished to summon emergency services as soon 850
as practicable either before or after administering naloxone. 851

(2) An individual authorized under this section to 852
personally furnish naloxone may do so without having examined 853
the individual to whom it may be administered. 854

(D) A board of health, through a physician serving as the 855
board's health commissioner or medical director, may establish a 856
protocol for personally furnishing naloxone under division (B) 857
of this section. The protocol must be in writing and include all 858
of the following: 859

<u>(1) A description of the clinical pharmacology of naloxone;</u>	860
	861
<u>(2) Precautions and contraindications concerning furnishing naloxone;</u>	862
	863
<u>(3) Any limitations the board specifies concerning the individuals to whom naloxone may be furnished;</u>	864
	865
<u>(4) The naloxone dosage that may be furnished and any variation in the dosage based on circumstances specified in the protocol;</u>	866
	867
	868
<u>(5) Labeling, storage, record-keeping, and administrative requirements;</u>	869
	870
<u>(6) Training requirements that must be met before an individual can be authorized to furnish naloxone;</u>	871
	872
<u>(7) Any instructions or training the authorized individual must provide to an individual to whom naloxone is furnished.</u>	873
	874
<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>	875
	876
	877
	878
<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>	879
	880
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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>	886
	887

subject to any of the following for any act or omission of the 888
individual to whom the naloxone is furnished: damages in any 889
civil action, prosecution in any criminal proceeding, or 890
professional disciplinary action. 891

Sec. 3707.59. (A) As used in this section, "service 892
entity" has the same meaning as in section 4729.514 of the 893
Revised Code. 894

(B) A board of health that has established a protocol 895
under division (D) of this section may authorize an individual 896
who is an employee, volunteer, or contractor of a service entity 897
to administer naloxone to an individual who is apparently 898
experiencing an opioid-related overdose. 899

(C) An individual authorized by a board of health under 900
this section may administer naloxone to an individual who is 901
apparently experiencing an opioid-related overdose if both of 902
the following conditions are met: 903

(1) The authorized individual complies with the protocol 904
established by the board. 905

(2) The authorized individual summons emergency services 906
as soon as practicable either before or after administering the 907
naloxone. 908

(D) A board of health, through a physician serving as the 909
board's health commissioner or medical director, may establish a 910
protocol for administering naloxone under this section. The 911
protocol must be established in writing and include all of the 912
following: 913

(1) A description of the clinical pharmacology of 914
naloxone; 915

<u>(2) Precautions and contraindications concerning the</u>	916
<u>administration of naloxone;</u>	917
<u>(3) Any limitations the board specifies concerning the</u>	918
<u>individuals to whom naloxone may be administered;</u>	919
<u>(4) The naloxone dosage that may be administered and any</u>	920
<u>variation in the dosage based on circumstances specified in the</u>	921
<u>protocol;</u>	922
<u>(5) Labeling, storage, record-keeping, and administrative</u>	923
<u>requirements;</u>	924
<u>(6) Training requirements that must be met before an</u>	925
<u>individual can be authorized to administer naloxone.</u>	926
<u>(E) A board that in good faith authorizes an individual to</u>	927
<u>administer naloxone under this section is not liable for damages</u>	928
<u>in any civil action for any act or omission of the authorized</u>	929
<u>individual.</u>	930
<u>A physician serving as a board's health commissioner or</u>	931
<u>medical director who in good faith authorizes an individual to</u>	932
<u>administer naloxone under this section is not liable for or</u>	933
<u>subject to any of the following for any act or omission of the</u>	934
<u>authorized individual: damages in any civil action, prosecution</u>	935
<u>in any criminal proceeding, or professional disciplinary action.</u>	936
<u>A service entity or an employee, volunteer, or contractor</u>	937
<u>of a service entity is not liable for or subject to any of the</u>	938
<u>following for injury, death, or loss to person or property that</u>	939
<u>allegedly arises from an act or omission associated with</u>	940
<u>procuring, maintaining, accessing, or using naloxone under this</u>	941
<u>section, unless the act or omission constitutes willful or</u>	942
<u>wanton misconduct: damages in any civil action, prosecution in</u>	943
<u>any criminal proceeding, or professional disciplinary action.</u>	944

This section does not eliminate, limit, or reduce any 945
other immunity or defense that a service entity or an employee, 946
volunteer, or contractor of a service entity may be entitled to 947
under Chapter 2305. or any other provision of the Revised Code 948
or under the common law of this state. 949

Sec. 3719.062. As used in this section, "health-related 950
licensing board" means a state board authorized to issue a 951
license to engage in the practice of a licensed health 952
professional authorized to prescribe drugs. 953

A health-related licensing board may adopt rules limiting 954
the amount of an opioid analgesic that may be prescribed 955
pursuant to a single prescription by an individual licensed by 956
the board. The rules shall be adopted in accordance with Chapter 957
119. of the Revised Code. 958

Sec. 3719.121. (A) Except as otherwise provided in section 959
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 960
Revised Code, the license, certificate, or registration of any 961
dentist, chiropractor, physician, podiatrist, registered nurse, 962
licensed practical nurse, physician assistant, pharmacist, 963
pharmacy intern, pharmacy technician trainee, registered 964
pharmacy technician, certified pharmacy technician, optometrist, 965
or veterinarian who is or becomes addicted to the use of 966
controlled substances shall be suspended by the board that 967
authorized the person's license, certificate, or registration 968
until the person offers satisfactory proof to the board that the 969
person no longer is addicted to the use of controlled 970
substances. 971

(B) If the board under which a person has been issued a 972
license, certificate, or evidence of registration determines 973
that there is clear and convincing evidence that continuation of 974

the person's professional practice or method of administering, 975
prescribing, preparing, distributing, dispensing, or personally 976
furnishing controlled substances or other dangerous drugs 977
presents a danger of immediate and serious harm to others, the 978
board may suspend the person's license, certificate, or 979
registration without a hearing. Except as otherwise provided in 980
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, and 981
4734.36 of the Revised Code, the board shall follow the 982
procedure for suspension without a prior hearing in section 983
119.07 of the Revised Code. The suspension shall remain in 984
effect, unless removed by the board, until the board's final 985
adjudication order becomes effective, except that if the board 986
does not issue its final adjudication order within ninety days 987
after the hearing, the suspension shall be void on the ninety- 988
first day after the hearing. 989

(C) On receiving notification pursuant to section 2929.42 990
or 3719.12 of the Revised Code, the board under which a person 991
has been issued a license, certificate, or evidence of 992
registration immediately shall suspend the license, certificate, 993
or registration of that person on a plea of guilty to, a finding 994
by a jury or court of the person's guilt of, or conviction of a 995
felony drug abuse offense; a finding by a court of the person's 996
eligibility for intervention in lieu of conviction; a plea of 997
guilty to, or a finding by a jury or court of the person's guilt 998
of, or the person's conviction of an offense in another 999
jurisdiction that is essentially the same as a felony drug abuse 1000
offense; or a finding by a court of the person's eligibility for 1001
treatment or intervention in lieu of conviction in another 1002
jurisdiction. The board shall notify the holder of the license, 1003
certificate, or registration of the suspension, which shall 1004
remain in effect until the board holds an adjudicatory hearing 1005

under Chapter 119. of the Revised Code. 1006

Sec. 3719.21. Except as provided in division (C) of 1007
section 2923.42, division (B) of section 2923.44, divisions (D) 1008
(1), (F), and (H) of section 2925.03, division (D)(1) of section 1009
2925.02, 2925.04, or 2925.05, division (E)(1) of section 1010
2925.11, division (F) of section 2925.13, division (F) of 1011
section 2925.36, division (D) of section 2925.22, division (H) 1012
of section 2925.23, division (M) of section 2925.37, division 1013
(B) of section 2925.42, division (B) of section 2929.18, 1014
division (D) of section 3719.99, division (B)(1) of section 1015
4729.65, division (E)(3) of section 4729.99, and division (I)~~(4)~~ 1016
(3) of section 4729.99 of the Revised Code, the clerk of the 1017
court shall pay all fines or forfeited bail assessed and 1018
collected under prosecutions or prosecutions commenced for 1019
violations of this chapter, section 2923.42 of the Revised Code, 1020
or Chapter 2925. of the Revised Code, within thirty days, to the 1021
executive director of the state board of pharmacy, and the 1022
executive director shall deposit the fines into the state 1023
treasury to the credit of the occupational licensing and 1024
regulatory fund. 1025

Sec. 4729.06. The state board of pharmacy shall keep a 1026
record of its proceedings and a register of all ~~persons to whom~~ 1027
~~identification cards and~~, licenses, and registrations that have 1028
been granted ~~as pharmacists or pharmacy interns~~, together with 1029
each renewal and suspension or revocation of an identification 1030
card ~~and~~, license, or registration. The books and registers of 1031
the board shall be prima-facie evidence of the matters therein 1032
recorded. The books and registers may be in electronic format. 1033

The president and executive director of the board may 1034
administer oaths. 1035

A statement signed by the executive director to which is 1036
affixed the official seal of the board to the effect that it 1037
appears from the records of the board that the board has not 1038
issued an identification card ~~and, license to practice~~ 1039
~~pharmacy, or any of its branches, or registration~~ to the person 1040
specified in the statement, or that an identification card ~~and, license,~~ 1041
~~or registration,~~ if issued, has been revoked or 1042
suspended, or the holder has been subjected to disciplinary 1043
action by the board shall be received as prima-facie evidence of 1044
the record of the board in any court or before any officer of 1045
this state. 1046

Sec. 4729.071. (A) As used in this section, "license" and 1047
"applicant for an initial license" have the same meanings as in 1048
section 4776.01 of the Revised Code, except that "license" as 1049
used in both of those terms refers to the types of 1050
authorizations otherwise issued or conferred under this chapter. 1051

(B) In addition to any other eligibility requirement set 1052
forth in this chapter, each applicant for an initial license 1053
shall comply with sections 4776.01 to 4776.04 of the Revised 1054
Code. The state board of pharmacy shall not grant a license to 1055
an applicant for an initial license unless the applicant 1056
complies with sections 4776.01 to 4776.04 of the Revised Code 1057
and the board, in its discretion, decides that the results of 1058
the criminal records check do not make the applicant ineligible 1059
for a license issued pursuant to section 4729.08, 4729.09, 1060
4729.11, ~~or~~ 4729.552, or 4729.553 of the Revised Code. 1061

Sec. 4729.10. The state board of pharmacy may adopt rules 1062
under section 4729.26 of the Revised Code requiring a licensee 1063
or registrant under this chapter to report to the board a 1064
violation of state or federal law, including any rule adopted 1065

under this chapter. 1066

In the absence of fraud or bad faith, a person who reports 1067
under this section or testifies in any adjudication conducted 1068
under Chapter 119. of the Revised Code is not liable to any 1069
person for damages in a civil action as a result of the report 1070
or testimony. 1071

Sec. 4729.16. (A) (1) The state board of pharmacy, after 1072
notice and hearing in accordance with Chapter 119. of the 1073
Revised Code, may ~~revoke,~~ impose any one or more of the 1074
following sanctions on a pharmacist or pharmacy intern if the 1075
board finds the individual engaged in any of the conduct set 1076
forth in division (A) (2) of this section: 1077

(a) Revoke, suspend, restrict, limit, or refuse to grant 1078
or renew a license; 1079

(b) Reprimand or place the license holder on probation, ~~or~~ 1080
~~refuse to grant or renew an identification card, or may impose;~~ 1081

(c) Impose a monetary penalty or forfeiture not to exceed 1082
in severity any fine designated under the Revised Code for a 1083
similar offense, or in the case of a violation of a section of 1084
the Revised Code that does not bear a penalty, a monetary 1085
penalty or forfeiture of not more than five hundred dollars~~;~~ 1086

(2) The board may impose the sanctions listed in division 1087
(A) (1) of this section if the board finds a pharmacist or 1088
pharmacy intern: 1089

~~(1) Guilty of a felony or gross immorality;~~ 1090

~~(2) Guilty of~~ (a) Has been convicted of a felony, or a 1091
crime of moral turpitude, as defined in section 4776.10 of the 1092
Revised Code; 1093

(b) Engaged in dishonesty or unprofessional conduct in the	1094
practice of pharmacy;	1095
(3) Addicted <u>(c) Is addicted</u> to or abusing alcohol or	1096
drugs or <u>is</u> impaired physically or mentally to such a degree as	1097
to render the pharmacist or pharmacy intern unfit to practice	1098
pharmacy;	1099
(4) (d) Has been convicted of a misdemeanor related to, or	1100
committed in, the practice of pharmacy;	1101
(5) Guilty of willfully violating, conspiring <u>(e)</u>	1102
<u>Violated, conspired</u> to violate, attempting <u>attempted</u> to violate,	1103
or aiding and abetting <u>aided and abetted</u> the violation of any of	1104
the provisions of this chapter, sections 3715.52 to 3715.72 of	1105
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or	1106
any rule adopted by the board under those provisions;	1107
(6) Guilty of permitting anyone <u>(f) Permitted someone</u>	1108
other than a pharmacist or pharmacy intern to practice pharmacy;	1109
(7) Guilty of knowingly lending <u>(g) Knowingly lent</u> the	1110
pharmacist's or pharmacy intern's name to an illegal	1111
practitioner of pharmacy or having had a professional connection	1112
with an illegal practitioner of pharmacy;	1113
(8) Guilty of dividing <u>(h) Divided or agreeing</u> agreed to	1114
divide remuneration made in the practice of pharmacy with any	1115
other individual, including, but not limited to, any licensed	1116
health professional authorized to prescribe drugs or any owner,	1117
manager, or employee of a health care facility, residential care	1118
facility, or nursing home;	1119
(9) Has violated <u>(i) Violated</u> the terms of a consult	1120
agreement entered into pursuant to section 4729.39 of the	1121
Revised Code;	1122

~~(10) Has committed~~ (j) Committed fraud, misrepresentation, 1123
or deception in applying for or securing a license or 1124
identification card issued by the board under this chapter or 1125
under Chapter 3715. or 3719. of the Revised Code; 1126

(k) Failed to comply with an order of the board or a 1127
settlement agreement; 1128

(l) Engaged in any other conduct for which the board may 1129
impose discipline as set forth in rules adopted under section 1130
4729.26 of the Revised Code. 1131

(B) Any individual whose identification card or license is 1132
revoked, suspended, or refused, shall return the identification 1133
card and license to the offices of the state board of pharmacy 1134
within ten days after receipt of notice of such action. 1135

(C) As used in this section: 1136

"Unprofessional conduct in the practice of pharmacy" 1137
includes any of the following: 1138

(1) Advertising or displaying signs that promote dangerous 1139
drugs to the public in a manner that is false or misleading; 1140

(2) Except as provided in section 4729.281 or 4729.44 of 1141
the Revised Code, the dispensing or sale of any drug for which a 1142
prescription is required, without having received a prescription 1143
for the drug; 1144

(3) Knowingly dispensing medication pursuant to false or 1145
forged prescriptions; 1146

(4) Knowingly failing to maintain complete and accurate 1147
records of all dangerous drugs received or dispensed in 1148
compliance with federal laws and regulations and state laws and 1149
rules; 1150

(5) Obtaining any remuneration by fraud, 1151
misrepresentation, or deception; 1152

(6) Failing to conform to prevailing standards of care of 1153
similar pharmacists or pharmacy interns under the same or 1154
similar circumstances, whether or not actual injury to a patient 1155
is established; 1156

(7) Engaging in any other conduct that the board specifies 1157
as unprofessional conduct in the practice of pharmacy in rules 1158
adopted under section 4729.26 of the Revised Code. 1159

(D) The board may suspend a license or identification card 1160
under division (B) of section 3719.121 of the Revised Code by 1161
utilizing a telephone conference call to review the allegations 1162
and take a vote. 1163

~~(E) If, pursuant to an adjudication under Chapter 119. of~~ 1164
~~the Revised Code, For purposes of this division, an individual~~ 1165
~~authorized to practice as a pharmacist or pharmacy intern~~ 1166
~~accepts the privilege of practicing in this state subject to~~ 1167
~~supervision by the board. By filing an application for or~~ 1168
~~holding a license to practice as a pharmacist or pharmacy~~ 1169
~~intern, an individual gives consent to submit to a mental or~~ 1170
~~physical examination when ordered to do so by the board in~~ 1171
~~writing and waives all objections to the admissibility of~~ 1172
~~testimony or examination reports that constitute privileged~~ 1173
~~communications. 1174~~

If the board has reasonable cause to believe that an 1175
individual who is a pharmacist or pharmacy intern is physically 1176
or mentally impaired, the board may require the pharmacist or 1177
pharmacy intern individual to submit to a physical or mental 1178
examination, or both. The expense of the examination is the 1179

responsibility of the individual required to be examined. 1180

Failure of an individual who is a pharmacist or pharmacy intern 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 suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control. 1181
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If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment. 1191
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An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. 1198
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(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 1201
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(G) Notwithstanding the provision of division (C) (2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(H) No pharmacist or pharmacy intern shall knowingly engage in any conduct described in divisions (A) (2) (b) or (A) (2) (e) to (l) of this section.

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

An approved treatment provider shall:	1239
(A) Report to the board the name of any pharmacist	1240
suffering or showing evidence of suffering impairment by reason	1241
of being addicted to or abusing alcohol or drugs as described in	1242
division (A) (3) <u>(2)</u> (C) of section 4729.16 of the Revised Code who	1243
fails to comply within one week with a referral for examination;	1244
(B) Report to the board the name of any impaired	1245
pharmacist who fails to enter treatment within forty-eight hours	1246
following the provider's determination that the pharmacist needs	1247
treatment;	1248
(C) Require every pharmacist who enters treatment to agree	1249
to a treatment contract establishing the terms of treatment and	1250
aftercare, including any required supervision or restrictions of	1251
practice during treatment or aftercare;	1252
(D) Require a pharmacist to suspend practice on entering	1253
any required inpatient treatment;	1254
(E) Report to the board any failure by an impaired	1255
pharmacist to comply with the terms of the treatment contract	1256
during inpatient or outpatient treatment or aftercare;	1257
(F) Report to the board the resumption of practice of any	1258
impaired pharmacist before the treatment provider has made a	1259
clear determination that the pharmacist is capable of practicing	1260
according to acceptable and prevailing standards;	1261
(G) Require a pharmacist who resumes practice after	1262
completion of treatment to comply with an aftercare contract	1263
that meets the requirements of rules adopted by the board for	1264
approval of treatment providers;	1265
(H) Report to the board any pharmacist who suffers a	1266

relapse at any time during or following aftercare. 1267

Any pharmacist who enters into treatment by an approved 1268
treatment provider shall be deemed to have waived any 1269
confidentiality requirements that would otherwise prevent the 1270
treatment provider from making reports required under this 1271
section. 1272

In the absence of fraud or bad faith, no professional 1273
association of pharmacists licensed under this chapter that 1274
sponsors a committee or program to provide peer assistance to 1275
pharmacists with substance abuse problems, no representative or 1276
agent of such a committee or program, and no member of the state 1277
board of pharmacy shall be liable to any person for damages in a 1278
civil action by reason of actions taken to refer a pharmacist to 1279
a treatment provider designated by the board or actions or 1280
omissions of the provider in treating a pharmacist. 1281

In the absence of fraud or bad faith, no person who 1282
reports to the board a pharmacist with a suspected substance 1283
abuse problem shall be liable to any person for damages in a 1284
civil action as a result of the report. 1285

Sec. 4729.19. Notwithstanding division (B) (4) of section 1286
2317.02 of the Revised Code, a pharmacist, pharmacy intern, 1287
pharmacy technician trainee, registered pharmacy technician, 1288
certified pharmacy technician, licensed terminal distributor of 1289
dangerous drugs, or registered wholesale distributor of 1290
dangerous drugs shall cooperate with federal, state, and local 1291
government investigations and shall divulge all relevant 1292
information when requested by a government agency. 1293

Sec. 4729.38. (A) Unless instructed otherwise by the 1294
person receiving the drug pursuant to the prescription, a 1295

pharmacist filling a prescription for a drug prescribed by its brand name may select a generically equivalent drug, as defined in section 3715.01 of the Revised Code, subject to the following conditions:

(1) The pharmacist shall not select a generically equivalent drug if the prescriber handwrites "dispense as written," or "D.A.W.," on the written prescription, or, when ordering a prescription electronically or orally, the prescriber specifies that the prescribed drug is medically necessary. These designations shall not be preprinted or stamped on the prescription. Division (A)(1) of this section does not preclude a reminder of the procedure required to prohibit the selection of a generically equivalent drug from being preprinted on the prescription.

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

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

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

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

(B) Unless the prescriber instructs otherwise, the label for every drug dispensed shall include the drug's brand name, if any, or its generic name and the name of the distributor, using

abbreviations if necessary. When dispensing at retail a 1325
generically equivalent drug for the brand name drug prescribed, 1326
the pharmacist shall indicate on the drug's label or container 1327
that a generic substitution was made. The labeling requirements 1328
established by this division are in addition to all other 1329
labeling requirements of Chapter 3715. of the Revised Code. 1330

(C) A pharmacist who selects a generically equivalent drug 1331
pursuant to this section assumes no greater liability for 1332
selecting the dispensed drug than would be incurred in filling a 1333
prescription for a drug prescribed by its brand name. 1334

(D) The failure of a prescriber to restrict a prescription 1335
by specifying "dispense as written," or "D.A.W.," pursuant to 1336
division (A)(1) of this section shall not constitute evidence of 1337
the prescriber's negligence unless the prescriber had reasonable 1338
cause to believe that the health condition of the patient for 1339
whom the drug was intended warranted the prescription of a 1340
specific brand name drug and no other. No prescriber shall be 1341
liable for civil damages or in any criminal prosecution arising 1342
from the interchange of a generically equivalent drug for a 1343
prescribed brand name drug by a pharmacist, unless the 1344
prescribed brand name drug would have reasonably caused the same 1345
loss, damage, injury, or death. 1346

(E) No pharmacist shall knowingly engage in conduct that 1347
is prohibited by division (A) or (B) of this section. 1348

Sec. 4729.40. (A)(1)(a) The state board of pharmacy may 1349
designate one or more attorneys at law who have been admitted to 1350
the practice of law, and who are classified as either 1351
administrative law attorney examiners or as administrative law 1352
attorney examiner administrators under the state job 1353
classification plan adopted under section 124.14 of the Revised 1354

Code, as hearing examiners, subject to Chapter 119. of the 1355
Revised Code, to conduct any hearing the board is empowered to 1356
hold or undertake pursuant to Chapter 119. of the Revised Code. 1357

(b) Notwithstanding the requirement of division (A)(1)(a) 1358
of this section that the board designate as a hearing examiner 1359
an attorney who is classified as either an administrative law 1360
attorney examiner or an administrative law attorney examiner 1361
administrator, the board may, subject to section 127.16 of the 1362
Revised Code, enter into a personal service contract with an 1363
attorney admitted to the practice of law in this state to serve 1364
as a hearing examiner. 1365

(2) The hearing examiner shall hear and consider the oral 1366
and documented evidence introduced by the parties and issue in 1367
writing proposed findings of fact and conclusions of law to the 1368
board for their consideration within thirty days following the 1369
close of the hearing. 1370

(B) The board shall be given copies of the transcript of 1371
the hearing record and all exhibits and documents presented by 1372
the parties at the hearing. 1373

(C) The board shall render a decision and take action 1374
within ninety days following the receipt of the hearing 1375
examiner's proposed findings of fact and conclusions of law. 1376

(D) The final decision of the board in any hearing shall 1377
be in writing and contain findings of fact and conclusions of 1378
law. Copies of the decision shall be delivered to the parties 1379
personally or by certified mail. The decision is final on 1380
delivery or mailing, but may be appealed as provided by Chapter 1381
119. of the Revised Code. 1382

Sec. 4729.45. (A) As used in this section, "opioid 1383

analgesic" has the same meaning as in section 3719.01 of the 1384
Revised Code. 1385

(B) Except as provided in division (C) of this section, 1386
both of the following apply with respect to a prescription for 1387
an opioid analgesic to be used by an individual on an outpatient 1388
basis: 1389

(1) A pharmacist, pharmacy intern, or terminal distributor 1390
of dangerous drugs shall not dispense or sell the opioid 1391
analgesic in an amount that exceeds a ninety-day supply, as 1392
determined according to the prescription's directions for use of 1393
the drug, regardless of whether the prescription was issued for 1394
a greater amount. 1395

(2) If the prescription indicates the earliest date on 1396
which the prescription may be filled, a pharmacist, pharmacy 1397
intern, or terminal distributor of dangerous drugs shall not 1398
dispense or sell the opioid analgesic if more than fourteen days 1399
have elapsed since that date. Otherwise, a pharmacist, pharmacy 1400
intern, or terminal distributor of dangerous drugs shall not 1401
dispense or sell the opioid analgesic if more than fourteen days 1402
have elapsed since the prescription was issued. 1403

(C) Division (B) of this section does not apply when a 1404
pharmacist, pharmacy intern, or terminal distributor of 1405
dangerous drugs dispenses or sells an opioid analgesic to be 1406
delivered outside of this state by mail, parcel post, or common 1407
carrier to a patient who resides outside of this state. 1408

(D) The state board of pharmacy may adopt rules 1409
establishing additional limitations on the authority of a 1410
pharmacist, pharmacy intern, or terminal distributor of 1411
dangerous drugs to dispense or sell an opioid analgesic. The 1412

rules shall be adopted in accordance with Chapter 119. of the 1413
Revised Code. 1414

Sec. 4729.51. (A) ~~(1) Except as provided in division (A) (2)~~ 1415
~~of this section, no~~ No person other than a registered wholesale 1416
distributor of dangerous drugs shall possess for sale, sell, 1417
distribute, or deliver, at wholesale, dangerous drugs, except as 1418
follows: 1419

~~(a) (1) A pharmacist who is a licensed terminal~~ 1420
~~distributor of dangerous drugs or who is employed by a licensed~~ 1421
~~terminal distributor of dangerous drugs that is a pharmacy may~~ 1422
make occasional sales of dangerous drugs at wholesale. 1423

~~(b) (2) A licensed terminal distributor of dangerous drugs~~ 1424
having more than one ~~establishment or place~~ licensed location 1425
may transfer or deliver dangerous drugs from one ~~establishment~~ 1426
~~or place for which a license has been issued to the terminal~~ 1427
~~distributor licensed location~~ to another ~~establishment or place~~ 1428
~~for which a license has been issued to the terminal distributor~~ 1429
licensed location owned by that terminal distributor if the 1430
license issued for each ~~establishment or place~~ location is in 1431
effect at the time of the transfer or delivery. 1432

~~(c) (3) A licensed terminal distributor of dangerous drugs~~ 1433
that is not a pharmacy may make occasional sales of naloxone at 1434
wholesale ~~to a state or local law enforcement agency if the~~ 1435
~~terminal distributor is any of the following:~~ 1436

~~(i) A board of health of a city or general health~~ 1437
~~district;~~ 1438

~~(ii) An authority having the duties of a board of health~~ 1439
~~under section 3709.05 of the Revised Code;~~ 1440

~~(iii) A health department operated by such a board or~~ 1441

authority. 1442

~~(2) A manufacturer of dangerous drugs may donate inhalers, as defined in section 3313.7113 of the Revised Code, and epinephrine autoinjectors to any of the following: 1443~~

~~(a) The board of education of a city, local, exempted village, or joint vocational school district; 1444~~

~~(b) A community school established under Chapter 3314. of the Revised Code; 1445~~

~~(c) A STEM school established under Chapter 3326. of the Revised Code; 1446~~

~~(d) A college preparatory boarding school established under Chapter 3328. of the Revised Code; 1447~~

~~(e) A chartered or nonchartered nonpublic school. 1448~~

(B) ~~(1)~~ No registered wholesale distributor of dangerous drugs shall possess for sale, ~~or~~ sell, or distribute, at wholesale, dangerous drugs to any person other than the following: 1449

~~(a) Except as provided in division (B) (2) (a) of this section and division (B) of section 4729.541 of the Revised Code, a licensed health professional authorized to prescribe drugs; 1450~~

~~(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate; 1451~~

~~(c) (1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs; 1452~~

(2) Subject to division (C) of this section, any person 1453

<u>exempt from licensure as a terminal distributor of dangerous</u>	1469
<u>drugs under section 4729.541 of the Revised Code;</u>	1470
<u>(3) A registered wholesale distributor of dangerous drugs;</u>	1471
(d) A manufacturer of dangerous drugs;	1472
(e) Subject to division (B) (3) of this section, a licensed	1473
terminal distributor of dangerous drugs;	1474
(f) Carriers or warehouses for the purpose of carriage or	1475
storage;	1476
(g) Terminal <u>(4) A terminal or wholesale distributors</u>	1477
<u>distributor of dangerous drugs who are that is located in</u>	1478
<u>another state, is not engaged in the sale of dangerous drugs</u>	1479
<u>within this state, and is actively licensed to engage in the</u>	1480
<u>sale of dangerous drugs by the state in which the distributor</u>	1481
<u>conducts business.</u>	1482
(h) An individual who holds a current license,	1483
certificate, or registration issued under Title XLVII of the	1484
Revised Code and has been certified to conduct diabetes	1485
education by a national certifying body specified in rules	1486
adopted by the state board of pharmacy under section 4729.68 of	1487
the Revised Code, but only with respect to insulin that will be	1488
used for the purpose of diabetes education and only if diabetes	1489
education is within the individual's scope of practice under	1490
statutes and rules regulating the individual's profession;	1491
(i) An individual who holds a valid certificate issued by	1492
a nationally recognized S.C.U.B.A. diving certifying	1493
organization approved by the state board of pharmacy in rule,	1494
but only with respect to medical oxygen that will be used for	1495
the purpose of emergency care or treatment at the scene of a	1496
diving emergency;	1497

~~(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;~~ 1498
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~~(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;~~ 1508
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~~(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~~ 1522
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~~Chapter 3326. of the Revised Code; or a college preparatory~~ 1529
~~boarding school established under Chapter 3328. of the Revised~~ 1530
~~Code;—~~ 1531

~~(m) With respect to epinephrine autoinjectors that may be~~ 1532
~~possessed under section 5101.76 of the Revised Code, any of the~~ 1533
~~following: a residential camp, as defined in section 2151.011 of~~ 1534
~~the Revised Code; a child day camp, as defined in section~~ 1535
~~5104.01 of the Revised Code; or a child day camp operated by any~~ 1536
~~county, township, municipal corporation, township park district~~ 1537
~~created under section 511.18 of the Revised Code, park district~~ 1538
~~created under section 1545.04 of the Revised Code, or joint~~ 1539
~~recreation district established under section 755.14 of the~~ 1540
~~Revised Code;—~~ 1541

~~(n) With respect to naloxone that may be possessed under~~ 1542
~~section 2925.61 of the Revised Code, a law enforcement agency~~ 1543
~~and its peace officers;—~~ 1544

~~(o) With respect to inhalers that may be possessed under~~ 1545
~~section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of~~ 1546
~~the Revised Code, any of the following: the board of education~~ 1547
~~of a city, local, exempted village, or joint vocational school~~ 1548
~~district; a chartered or nonchartered nonpublic school; a~~ 1549
~~community school established under Chapter 3314. of the Revised~~ 1550
~~Code; a STEM school established under Chapter 3326. of the~~ 1551
~~Revised Code; or a college preparatory boarding school~~ 1552
~~established under Chapter 3328. of the Revised Code;—~~ 1553

~~(p) With respect to inhalers that may be possessed under~~ 1554
~~section 5101.77 of the Revised Code, any of the following: a~~ 1555
~~residential camp, as defined in section 2151.011 of the Revised~~ 1556
~~Code; a child day camp, as defined in section 5104.01 of the~~ 1557
~~Revised Code; or a child day camp operated by any county,—~~ 1558

~~township, municipal corporation, township park district created~~ 1559
~~under section 511.18 of the Revised Code, park district created~~ 1560
~~under section 1545.04 of the Revised Code, or joint recreation~~ 1561
~~district established under section 755.14 of the Revised Code.~~ 1562

~~(2)(C)~~ No registered wholesale distributor of dangerous 1563
drugs shall possess for sale, ~~or sell,~~ or distribute, at 1564
wholesale, dangerous drugs to ~~any~~ either of the following: 1565

~~(a)(1)~~ A prescriber who is employed by a pain management 1566
clinic that is not licensed as a terminal distributor of 1567
dangerous drugs with a pain management clinic classification 1568
issued under section 4729.552 of the Revised Code; 1569

~~(b)~~ A business entity described in division (B) (1) (j) of 1570
this section that is, or is operating, a pain management clinic 1571
without a license as a terminal distributor of dangerous drugs 1572
with a pain management clinic classification issued under 1573
section 4729.552 of the Revised Code; 1574

~~(c)~~ A business entity described in division (B) (1) (k) of 1575
this section that is, or is operating, a pain management clinic 1576
without a license as a terminal distributor of dangerous drugs 1577
with a pain management clinic classification issued under 1578
section 4729.552 of the Revised Code. (2) A prescriber who is 1579
employed by an office-based opioid treatment facility pursuant 1580
to section 4729.553 of the Revised Code. 1581

~~(3)(D)~~ No registered wholesale distributor of dangerous 1582
drugs shall possess dangerous drugs for sale at wholesale, or 1583
sell or distribute such drugs at wholesale, to a licensed 1584
terminal distributor of dangerous drugs, except as follows: 1585

~~(a)(1)~~ In the case of a terminal distributor with a 1586
category I license, only dangerous drugs described in category 1587

I, as defined in division (A) (1) of section 4729.54 of the Revised Code; 1588
1589

~~(b)~~ (2) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code; 1590
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~~(e)~~ (3) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A) (1), (2), and (3) of section 4729.54 of the Revised Code; 1594
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~~(d)~~ (4) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code. 1598
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~~(C)~~ (E) (1) Except as provided in division ~~(C) (4)~~ (E) (2) of this section, no person shall ~~sell~~ do any of the following: 1603
1604

(a) Sell or distribute, at retail, dangerous drugs- 1605

~~(2) Except as provided in division (C) (4) of this section, no person shall possess;~~ 1606
1607

(b) Possess for sale, at retail, dangerous drugs- 1608

~~(3) Except as provided in division (C) (4) of this section, no person shall possess;~~ 1609
1610

(c) Possess dangerous drugs. 1611

~~(4) Divisions (C) (1), (2), and (3)~~ (2) (a) Divisions (E) (1) (a), (b), and (c) of this section do not apply to ~~a registered wholesale distributor of dangerous drugs or a~~ any of the 1612
1613
1614

following: 1615

(i) A licensed terminal distributor of dangerous drugs; 1616

~~Divisions (C)(1), (2), and (3) of this section do not~~ 1617

~~apply to a~~ (ii) A person who possesses, or possesses for sale or 1618

sells, at retail, a dangerous drug in accordance with Chapters 1619

3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 1620

the Revised Code; 1621

(iii) Any of the persons identified in divisions (A)(1) to 1622

(5) and (12) of section 4729.541 of the Revised Code, but only 1623

to the extent specified in that section. 1624

~~Divisions (C)(1), (2), and (3) of this section do not~~ 1625

~~apply to an individual who holds a current license, certificate,~~ 1626

~~or registration issued under Title XLVII of the Revised Code and~~ 1627

~~has been certified to conduct diabetes education by a national~~ 1628

~~certifying body specified in rules adopted by the state board of~~ 1629

~~pharmacy under section 4729.68 of the Revised Code, but only to~~ 1630

~~the extent that the individual possesses insulin or personally~~ 1631

~~supplies insulin solely for the purpose of diabetes education~~ 1632

~~and only if diabetes education is within the individual's scope~~ 1633

~~of practice under statutes and rules regulating the individual's~~ 1634

~~profession.~~ 1635

~~Divisions (C)(1), (2), and (3) of this section do not~~ 1636

~~apply to an individual who holds a valid certificate issued by a~~ 1637

~~nationally recognized S.C.U.B.A. diving certifying organization~~ 1638

~~approved by the state board of pharmacy in rule, but only to the~~ 1639

~~extent that the individual possesses medical oxygen or~~ 1640

~~personally supplies medical oxygen for the purpose of emergency~~ 1641

~~care or treatment at the scene of a diving emergency.~~ 1642

~~Division (C)(3) of this section does not apply to the~~ 1643

~~board of education of a city, local, exempted village, or joint- 1644
vocational school district, a school building operated by a 1645
school district board of education, a chartered or nonchartered 1646
nonpublic school, a community school, a STEM school, or a 1647
college preparatory boarding school for the purpose of 1648
possessing epinephrine autoinjectors under section 3313.7110, 1649
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 1650
for the purpose of possessing inhalers under section 3313.7113, 1651
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 1652~~

~~Division (C) (3) of this section does not apply to a 1653
residential camp, as defined in section 2151.011 of the Revised 1654
Code, a child day camp, as defined in section 5104.01 of the 1655
Revised Code, or a child day camp operated by any county, 1656
township, municipal corporation, township park district created 1657
under section 511.18 of the Revised Code, park district created 1658
under section 1545.04 of the Revised Code, or joint recreation 1659
district established under section 755.14 of the Revised Code 1660
for the purpose of possessing epinephrine autoinjectors under 1661
section 5101.76 of the Revised Code and for the purpose of 1662
possessing inhalers under section 5101.77 of the Revised Code. 1663~~

~~Division (C) (3) of this section does not apply to a law 1664
enforcement agency or the agency's peace officers if the agency 1665
or officers possess naloxone for administration to individuals 1666
who are apparently experiencing opioid related overdoses (b) 1667~~

~~Division (E) (1) (c) of this section does not apply to any of the 1668
following: 1669~~

~~(i) A registered wholesale distributor of dangerous drugs; 1670~~

~~(ii) Any of the persons identified in divisions (A) (6) to 1671
(11) of section 4729.541 of the Revised Code, but only to the 1672
extent specified in that section. 1673~~

~~(D)~~ (F) No licensed terminal distributor of dangerous 1674
drugs or a person that is exempt from licensure under section 1675
4729.541 of the Revised Code shall purchase for the purpose of 1676
~~resale~~ dangerous drugs from any person other than a registered 1677
wholesale distributor of dangerous drugs, except as follows: 1678

(1) A licensed terminal distributor of dangerous drugs or 1679
a person that is exempt from licensure under section 4729.541 of 1680
the Revised Code may make occasional purchases of dangerous 1681
drugs ~~for resale from a pharmacist who is a licensed terminal~~ 1682
~~distributor of dangerous drugs or who is employed by a licensed~~ 1683
~~terminal distributor of dangerous drugs, that are sold in~~ 1684
accordance with division (A) (1) or (3) of this section. 1685

(2) A licensed terminal distributor of dangerous drugs 1686
having more than one ~~establishment or place~~ licensed location 1687
may transfer or ~~receive~~ deliver dangerous drugs from one 1688
~~establishment or place for which a license has been issued to~~ 1689
~~the terminal distributor~~ licensed location to another 1690
~~establishment or place for which a license has been issued to~~ 1691
~~the terminal distributor~~ licensed location if the license issued 1692
for each ~~establishment or place~~ location is in effect at the 1693
time of the transfer or ~~receipt~~ delivery. 1694

~~(E)~~ (G) No licensed terminal distributor of dangerous 1695
drugs shall engage in the retail sale or other distribution of 1696
dangerous drugs ~~at retail~~ or maintain possession, custody, or 1697
control of dangerous drugs for any purpose other than the 1698
distributor's personal use or consumption, at any establishment 1699
or place other than that or those described in the license 1700
issued by the state board of pharmacy to such terminal 1701
distributor. 1702

~~(F)~~ (H) Nothing in this section shall be construed to 1703

interfere with the performance of official duties by any law 1704
enforcement official authorized by municipal, county, state, or 1705
federal law to collect samples of any drug, regardless of its 1706
nature or in whose possession it may be. 1707

~~(G)~~ (I) Notwithstanding anything to the contrary in this 1708
section, the board of education of a city, local, exempted 1709
village, or joint vocational school district may ~~deliver~~ 1710
distribute epinephrine autoinjectors ~~to a school under its~~ 1711
~~control for the purpose of possessing the epinephrine~~ 1712
~~autoinjectors under~~ for use in accordance with section 3313.7110 1713
of the Revised Code and may ~~deliver~~ distribute inhalers ~~to a~~ 1714
~~school under its control for the purpose of possessing the~~ 1715
~~inhalers under~~ for use in accordance with section 3313.7113 of 1716
the Revised Code. 1717

Sec. 4729.513. A manufacturer of dangerous drugs may 1718
donate inhalers, as defined in section 3313.7113 of the Revised 1719
Code, and epinephrine autoinjectors to any of the following: 1720

(A) The board of education of a city, local, exempted 1721
village, or joint vocational school district; 1722

(B) A community school established under Chapter 3314. of 1723
the Revised Code; 1724

(C) A STEM school established under Chapter 3326. of the 1725
Revised Code; 1726

(D) A college-preparatory boarding school established 1727
under Chapter 3328. of the Revised Code; 1728

(E) A chartered or nonchartered nonpublic school. 1729

Sec. 4729.514. (A) As used in this section, "service 1730
entity" means a public or private entity that provides services 1731

to individuals who there is reason to believe may be at risk of 1732
experiencing an opioid-related overdose. "Service entity" 1733
includes a college or university, school, local health 1734
department, community addiction services provider, court, 1735
probation department, halfway house, prison, jail, community 1736
residential center, homeless shelter, or similar entity. 1737

(B) A service entity may procure naloxone for use in 1738
emergency situations. 1739

(C) A service entity or an employee, volunteer, or 1740
contractor of a service entity is not liable for or subject to 1741
any of the following for injury, death, or loss to person or 1742
property that allegedly arises from an act or omission 1743
associated with procuring, maintaining, accessing, or using 1744
naloxone under this section, unless the act or omission 1745
constitutes willful or wanton misconduct: damages in any civil 1746
action, prosecution in any criminal proceeding, or professional 1747
disciplinary action. 1748

This section does not eliminate, limit, or reduce any 1749
other immunity or defense that a service entity or an employee, 1750
volunteer, or contractor of a service entity may be entitled to 1751
under Chapter 2305. or any other provision of the Revised Code 1752
or under the common law of this state. 1753

Sec. 4729.54. (A) As used in this section: 1754

(1) "Category I" means single-dose injections of 1755
intravenous fluids, including saline, Ringer's lactate, five per 1756
cent dextrose and distilled water, and other intravenous fluids 1757
or parenteral solutions included in this category by rule of the 1758
state board of pharmacy, that have a volume of one hundred 1759
milliliters or more and that contain no added substances, or 1760

single-dose injections of epinephrine to be administered 1761
pursuant to sections 4765.38 and 4765.39 of the Revised Code. 1762

(2) "Category II" means any dangerous drug that is not 1763
included in category I or III. 1764

(3) "Category III" means any controlled substance that is 1765
contained in schedule I, II, III, IV, or V. 1766

(4) "Emergency medical service organization" has the same 1767
meaning as in section 4765.01 of the Revised Code. 1768

(5) "Person" includes an emergency medical service 1769
organization. 1770

(6) "Schedule I, schedule II, schedule III, schedule IV,
and schedule V" mean controlled substance schedules I, II, III,
IV, and V, respectively, as established pursuant to section 1771
3719.41 of the Revised Code and as amended. 1772
1773
1774

(B) (1) A person who desires to be licensed as a terminal 1775
distributor of dangerous drugs shall file with the executive 1776
director of the state board of pharmacy a verified application. 1777
After it is filed, the application may not be withdrawn without 1778
approval of the board. 1779

(2) An application shall contain all the following that 1780
apply in the applicant's case: 1781

(a) Information that the board requires relative to the 1782
qualifications of a terminal distributor of dangerous drugs set 1783
forth in section 4729.55 of the Revised Code; 1784

(b) A statement that the person wishes to be licensed as a 1785
category I, category II, category III, limited category I, 1786
limited category II, or limited category III terminal 1787
distributor of dangerous drugs; 1788

(c) If the person wishes to be licensed as a limited 1789
category I, limited category II, or limited category III 1790
terminal distributor of dangerous drugs, a notarized list of the 1791
dangerous drugs that the person wishes to possess, have custody 1792
or control of, and distribute, which list shall also specify the 1793
purpose for which those drugs will be used and their source; 1794

(d) If the person is an emergency medical service 1795
organization, the information that is specified in division (C) 1796
(1) of this section; 1797

(e) Except for an emergency medical service organization, 1798
the identity of the one establishment or place at which the 1799
person intends to engage in the sale or other distribution of 1800
dangerous drugs at retail, and maintain possession, custody, or 1801
control of dangerous drugs for purposes other than the person's 1802
own use or consumption; 1803

(f) If the application pertains to a pain management 1804
clinic, information that demonstrates, to the satisfaction of 1805
the board, compliance with division (A) of section 4729.552 of 1806
the Revised Code; 1807

(g) If the application pertains to a facility, clinic, or 1808
other location described in division (B) of section 4729.553 of 1809
the Revised Code that must hold a category III terminal 1810
distributor of dangerous drugs license with an office-based 1811
opioid treatment classification, information that demonstrates, 1812
to the satisfaction of the board, compliance with division (C) 1813
of that section. 1814

(C) (1) An emergency medical service organization that 1815
wishes to be licensed as a terminal distributor of dangerous 1816
drugs shall list in its application for licensure the following 1817

additional information: 1818

(a) The units under its control that the organization 1819
determines will possess dangerous drugs for the purpose of 1820
administering emergency medical services in accordance with 1821
Chapter 4765. of the Revised Code; 1822

(b) With respect to each such unit, whether the dangerous 1823
drugs that the organization determines the unit will possess are 1824
in category I, II, or III. 1825

(2) An emergency medical service organization that is 1826
licensed as a terminal distributor of dangerous drugs shall file 1827
a new application for such licensure if there is any change in 1828
the number, or location of, any of its units or any change in 1829
the category of the dangerous drugs that any unit will possess. 1830

(3) A unit listed in an application for licensure pursuant 1831
to division (C)(1) of this section may obtain the dangerous 1832
drugs it is authorized to possess from its emergency medical 1833
service organization or, on a replacement basis, from a hospital 1834
pharmacy. If units will obtain dangerous drugs from a hospital 1835
pharmacy, the organization shall file, and maintain in current 1836
form, the following items with the pharmacist who is responsible 1837
for the hospital's terminal distributor of dangerous drugs 1838
license: 1839

(a) A copy of its standing orders or protocol; 1840

(b) A list of the personnel employed or used by the 1841
organization to provide emergency medical services in accordance 1842
with Chapter 4765. of the Revised Code, who are authorized to 1843
possess the drugs, which list also shall indicate the personnel 1844
who are authorized to administer the drugs. 1845

(D) Each emergency medical service organization that 1846

applies for a terminal distributor of dangerous drugs license 1847
shall submit with its application the following: 1848

(1) A notarized copy of its standing orders or protocol, 1849
which orders or protocol shall be signed by a physician and 1850
specify the dangerous drugs that its units may carry, expressed 1851
in standard dose units; 1852

(2) A list of the personnel employed or used by the 1853
organization to provide emergency medical services in accordance 1854
with Chapter 4765. of the Revised Code. 1855

An emergency medical service organization that is licensed 1856
as a terminal distributor shall notify the board immediately of 1857
any changes in its standing orders or protocol. 1858

(E) There shall be six categories of terminal distributor 1859
of dangerous drugs licenses, which categories shall be as 1860
follows: 1861

(1) Category I license. A person who obtains this license 1862
may possess, have custody or control of, and distribute only the 1863
dangerous drugs described in category I. 1864

(2) Limited category I license. A person who obtains this 1865
license may possess, have custody or control of, and distribute 1866
only the dangerous drugs described in category I that were 1867
listed in the application for licensure. 1868

(3) Category II license. A person who obtains this license 1869
may possess, have custody or control of, and distribute only the 1870
dangerous drugs described in category I and category II. 1871

(4) Limited category II license. A person who obtains this 1872
license may possess, have custody or control of, and distribute 1873
only the dangerous drugs described in category I or category II 1874

that were listed in the application for licensure. 1875

(5) Category III license, which may include a pain 1876
management clinic classification issued under section 4729.552 1877
of the Revised Code. A person who obtains this license may 1878
possess, have custody or control of, and distribute the 1879
dangerous drugs described in category I, category II, and 1880
category III. If the license includes a pain management clinic 1881
classification, the person may operate a pain management clinic. 1882

(6) Limited category III license. A person who obtains 1883
this license may possess, have custody or control of, and 1884
distribute only the dangerous drugs described in category I, 1885
category II, or category III that were listed in the application 1886
for licensure. 1887

(F) Except for an application made on behalf of an animal 1888
shelter, if an applicant for licensure as a limited category I, 1889
II, or III terminal distributor of dangerous drugs intends to 1890
administer dangerous drugs to a person or animal, the applicant 1891
shall submit, with the application, a notarized copy of its 1892
protocol or standing orders, which protocol or orders shall be 1893
signed by a licensed health professional authorized to prescribe 1894
drugs, specify the dangerous drugs to be administered, and list 1895
personnel who are authorized to administer the dangerous drugs 1896
in accordance with federal law or the law of this state. An 1897
application made on behalf of an animal shelter shall include a 1898
notarized list of the dangerous drugs to be administered to 1899
animals and the personnel who are authorized to administer the 1900
drugs to animals in accordance with section 4729.532 of the 1901
Revised Code. After obtaining a terminal distributor license, a 1902
licensee shall notify the board immediately of any changes in 1903
its protocol or standing orders, or in such personnel. 1904

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

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

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

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

(2) (a) Except as provided in division (G) (2) (b) of this section, for a person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (D) of section 4729.541 of the Revised Code, the fee shall be sixty dollars.

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

(3) Fees assessed under divisions (G) (1) and (2) of this section shall not be returned if the applicant fails to qualify for registration.

(H) (1) The board shall issue a terminal distributor of dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the

Revised Code, and satisfies any other applicable requirements of 1934
this section. 1935

(2) The license of a person other than an emergency 1936
medical service organization shall describe the one 1937
establishment or place at which the licensee may engage in the 1938
sale or other distribution of dangerous drugs at retail and 1939
maintain possession, custody, or control of dangerous drugs for 1940
purposes other than the licensee's own use or consumption. The 1941
one establishment or place shall be that which is described in 1942
the application for licensure. 1943

No such license shall authorize or permit the terminal 1944
distributor of dangerous drugs named in it to engage in the sale 1945
or other distribution of dangerous drugs at retail or to 1946
maintain possession, custody, or control of dangerous drugs for 1947
any purpose other than the distributor's own use or consumption, 1948
at any establishment or place other than that described in the 1949
license, except that an agent or employee of an animal shelter 1950
may possess and use dangerous drugs in the course of business as 1951
provided in division (D) of section 4729.532 of the Revised 1952
Code. 1953

(3) The license of an emergency medical service 1954
organization shall cover and describe all the units of the 1955
organization listed in its application for licensure. 1956

(4) The license of every terminal distributor of dangerous 1957
drugs shall indicate, on its face, the category of licensure. If 1958
the license is a limited category I, II, or III license, it 1959
shall specify, and shall authorize the licensee to possess, have 1960
custody or control of, and distribute only, the dangerous drugs 1961
that were listed in the application for licensure. 1962

(I) All licenses issued pursuant to this section shall be 1963
effective for a period of twelve months from the first day of 1964
April of each year. A license shall be renewed by the board for 1965
a like period, annually, according to the provisions of this 1966
section, and the standard renewal procedure of Chapter 4745. of 1967
the Revised Code. A person who desires to renew a license shall 1968
submit an application for renewal and pay the required fee on or 1969
before the thirty-first day of March each year. The fee required 1970
for the renewal of a license shall be the same as the fee paid 1971
for the license being renewed, and shall accompany the 1972
application for renewal. 1973

A license that has not been renewed during March in any 1974
year and by the first day of May of the same year may be 1975
reinstated only upon payment of the required renewal fee and a 1976
penalty fee of fifty-five dollars. 1977

(J) (1) No emergency medical service organization that is 1978
licensed as a terminal distributor of dangerous drugs shall fail 1979
to comply with division (C) (2) or (3) of this section. 1980

(2) No emergency medical service organization that is 1981
licensed as a terminal distributor of dangerous drugs shall fail 1982
to comply with division (D) of this section. 1983

(3) No licensed terminal distributor of dangerous drugs 1984
shall possess, have custody or control of, or distribute 1985
dangerous drugs that the terminal distributor is not entitled to 1986
possess, have custody or control of, or distribute by virtue of 1987
its category of licensure. 1988

(4) No licensee that is required by division (F) of this 1989
section to notify the board of changes in its protocol or 1990
standing orders, or in personnel, shall fail to comply with that 1991

division. 1992

Sec. 4729.541. (A) ~~(1)~~ Except as provided in divisions ~~(A)~~ 1993
~~(2)~~ and ~~(3)~~ (B) to (D) of this section, a ~~business entity~~ 1994
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 1995
~~Revised Code may possess, have custody or control of, and~~ 1996
~~distribute the dangerous drugs in category I, category II, and~~ 1997
~~category III, as defined in section 4729.54 of the Revised Code,~~ 1998
~~without holding a terminal distributor of dangerous drugs~~ 1999
~~license issued under that section. all of the following are~~ 2000
~~exempt from licensure as a terminal distributor of dangerous~~ 2001
~~drugs:~~ 2002

(1) A licensed health professional authorized to prescribe 2003
drugs; 2004

(2) A business entity that is a corporation formed under 2005
division (B) of section 1701.03 of the Revised Code, a limited 2006
liability company formed under Chapter 1705. of the Revised 2007
Code, or a professional association formed under Chapter 1785. 2008
of the Revised Code if the entity has a sole shareholder who is 2009
a prescriber and is authorized to provide the professional 2010
services being offered by the entity; 2011

(3) A business entity that is a corporation formed under 2012
division (B) of section 1701.03 of the Revised Code, a limited 2013
liability company formed under Chapter 1705. of the Revised 2014
Code, a partnership or a limited liability partnership formed 2015
under Chapter 1775. of the Revised Code, or a professional 2016
association formed under Chapter 1785. of the Revised Code, if, 2017
to be a shareholder, member, or partner, an individual is 2018
required to be licensed, certified, or otherwise legally 2019
authorized under Title XLVII of the Revised Code to perform the 2020
professional service provided by the entity and each such 2021

individual is a prescriber; 2022

(4) An individual who holds a current license, 2023
certificate, or registration issued under Title XLVII of the 2024
Revised Code and has been certified to conduct diabetes 2025
education by a national certifying body specified in rules 2026
adopted by the state board of pharmacy under section 4729.68 of 2027
the Revised Code, but only with respect to insulin that will be 2028
used for the purpose of diabetes education and only if diabetes 2029
education is within the individual's scope of practice under 2030
statutes and rules regulating the individual's profession; 2031

(5) An individual who holds a valid certificate issued by 2032
a nationally recognized S.C.U.B.A. diving certifying 2033
organization approved by the state board of pharmacy under rules 2034
adopted by the board, but only with respect to medical oxygen 2035
that will be used for the purpose of emergency care or treatment 2036
at the scene of a diving emergency; 2037

(6) With respect to epinephrine autoinjectors that may be 2038
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 2039
or 3328.29 of the Revised Code, any of the following: the board 2040
of education of a city, local, exempted village, or joint 2041
vocational school district; a chartered or nonchartered 2042
nonpublic school; a community school established under Chapter 2043
3314. of the Revised Code; a STEM school established under 2044
Chapter 3326. of the Revised Code; or a college-preparatory 2045
boarding school established under Chapter 3328. of the Revised 2046
Code; 2047

(7) With respect to epinephrine autoinjectors that may be 2048
possessed under section 5101.76 of the Revised Code, any of the 2049
following: a residential camp, as defined in section 2151.011 of 2050
the Revised Code; a child day camp, as defined in section 2051

5104.01 of the Revised Code; or a child day camp operated by any 2052
county, township, municipal corporation, township park district 2053
created under section 511.18 of the Revised Code, park district 2054
created under section 1545.04 of the Revised Code, or joint 2055
recreation district established under section 755.14 of the 2056
Revised Code; 2057

(8) With respect to inhalers that may be possessed under 2058
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 2059
the Revised Code, any of the following: the board of education 2060
of a city, local, exempted village, or joint vocational school 2061
district; a chartered or nonchartered nonpublic school; a 2062
community school established under Chapter 3314. of the Revised 2063
Code; a STEM school established under Chapter 3326. of the 2064
Revised Code; or a college-preparatory boarding school 2065
established under Chapter 3328. of the Revised Code; 2066

(9) With respect to inhalers that may be possessed under 2067
section 5101.77 of the Revised Code, any of the following: a 2068
residential camp, as defined in section 2151.011 of the Revised 2069
Code; a child day camp, as defined in section 5104.01 of the 2070
Revised Code; or a child day camp operated by any county, 2071
township, municipal corporation, township park district created 2072
under section 511.18 of the Revised Code, park district created 2073
under section 1545.04 of the Revised Code, or joint recreation 2074
district established under section 755.14 of the Revised Code; 2075

(10) With respect to naloxone that may be possessed under 2076
section 2925.61 of the Revised Code, a law enforcement agency 2077
and its peace officers; 2078

(11) With respect to naloxone that may be possessed under 2079
section 4729.514 of the Revised Code, a service entity, as 2080
defined in that section; 2081

(12) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency. 2082
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(B) If a ~~business entity person~~ described in division ~~(B) (1) (j) or (k)~~ (A) of ~~this~~ section 4729.51 of the Revised Code is a pain management clinic or is operating a pain management clinic, the ~~entity person~~ shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 2085
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(C) If a person described in division (A) of this section 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 person shall hold a license with that classification. 2092
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~~(3) A business entity (D) Any of the persons described in division (B) (1) (j) or (k) divisions (A) (1) to (11) of this 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 either any of the following:~~ 2098
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~~(a) (1) Dangerous drugs that are compounded or used for the purpose of compounding;~~ 2104
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~~(b) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction~~ 2106
2107
(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code. 2108
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~~(B) A licensed health professional authorized to prescribe~~ 2110

~~drugs who does not practice in the form of a business entity~~ 2111
~~described in division (B) (1) (j) or (k) of section 4729.51 of the~~ 2112
~~Revised Code shall hold a license as a terminal distributor of~~ 2113
~~dangerous drugs in order to possess, have custody or control of,~~ 2114
~~and distribute, including personally furnish, either of the~~ 2115
~~following:—~~ 2116

~~(1) Dangerous drugs that are compounded or used for the~~ 2117
~~purpose of compounding;—~~ 2118

~~(2) Controlled substances containing buprenorphine that~~ 2119
~~are used for the purpose of treating drug dependence or~~ 2120
~~addiction.—~~ 2121

Sec. 4729.55. No license shall be issued to an applicant 2122
for licensure as a terminal distributor of dangerous drugs 2123
unless the applicant has furnished satisfactory proof to the 2124
state board of pharmacy that: 2125

(A) The applicant is equipped as to land, buildings, and 2126
equipment to properly carry on the business of a terminal 2127
distributor of dangerous drugs within the category of licensure 2128
approved by the board. 2129

(B) A pharmacist, licensed health professional authorized 2130
to prescribe drugs, animal shelter licensed with the state board 2131
of pharmacy under section 4729.531 of the Revised Code, or a 2132
laboratory as defined in section 3719.01 of the Revised Code 2133
will maintain supervision and control over the possession and 2134
custody of dangerous drugs that may be acquired by or on behalf 2135
of the applicant. 2136

(C) Adequate safeguards are assured to prevent the sale or 2137
other distribution of dangerous drugs by any person other than a 2138
pharmacist or licensed health professional authorized to 2139

prescribe drugs. 2140

(D) Adequate safeguards are assured that the applicant 2141
will carry on the business of a terminal distributor of 2142
dangerous drugs in a manner that allows pharmacists and pharmacy 2143
interns employed by the terminal distributor to practice 2144
pharmacy in a safe and effective manner. 2145

(E) If the applicant, or any agent or employee of the 2146
applicant, has been found guilty of violating section 4729.51 of 2147
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 2148
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 2149
control laws, Chapter 2925., 3715., 3719., or 4729. of the 2150
Revised Code, or any rule of the board, adequate safeguards are 2151
assured to prevent the recurrence of the violation. 2152

(F) In the case of an applicant who is a food processor or 2153
retail seller of food, the applicant will maintain supervision 2154
and control over the possession and custody of nitrous oxide. 2155

(G) In the case of an applicant who is a retail seller of 2156
oxygen in original packages labeled as required by the "Federal 2157
Food, Drug, and Cosmetic Act," the applicant will maintain 2158
supervision and control over the possession, custody, and retail 2159
sale of the oxygen. 2160

(H) If the application is made on behalf of an animal 2161
shelter, at least one of the agents or employees of the animal 2162
shelter is certified in compliance with section 4729.532 of the 2163
Revised Code. 2164

(I) In the case of an applicant who is a retail seller of 2165
peritoneal dialysis solutions in original packages labeled as 2166
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 2167
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 2168

supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions. 2169
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(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. 2171
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(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. 2175
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Sec. 4729.553. (A) As used in this section: 2182

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 2183
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(2) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code. 2185
2186

(3) "Office-based opioid treatment" means the treatment of opioid dependence or addiction using a controlled substance. 2187
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(B) (1) Except as provided in division (B) (2) of this section, no person shall knowingly operate a facility, clinic, or other location where a prescriber provides office-based opioid treatment to more than thirty patients or that meets any other identifying criteria established in rules adopted under division (G) of this section without holding a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification. 2189
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<u>(2) Division (B)(1) of this section does not apply to any</u>	2197
<u>of the following:</u>	2198
<u>(a) A hospital;</u>	2199
<u>(b) A facility for the treatment of opioid dependence or</u>	2200
<u>addiction that is operated by a hospital;</u>	2201
<u>(c) A physician practice owned or controlled, in whole or</u>	2202
<u>in part, by a hospital or by an entity that owns or controls, in</u>	2203
<u>whole or in part, one or more hospitals;</u>	2204
<u>(d) A facility that conducts only clinical research and</u>	2205
<u>uses controlled substances in studies approved by a hospital-</u>	2206
<u>based institutional review board or an institutional review</u>	2207
<u>board that is accredited by the association for the</u>	2208
<u>accreditation of human research protection programs, inc.;</u>	2209
<u>(e) A facility that holds a category III terminal</u>	2210
<u>distributor of dangerous drugs license in accordance with</u>	2211
<u>section 4729.54 of the Revised Code for the purpose of treating</u>	2212
<u>drug dependence or addiction as part of an opioid treatment</u>	2213
<u>program and is the subject of a current, valid certification</u>	2214
<u>from the substance abuse and mental health services</u>	2215
<u>administration of the United States department of health and</u>	2216
<u>human services pursuant to 42 C.F.R. 8.11;</u>	2217
<u>(f) A program or facility that is licensed or certified by</u>	2218
<u>the department of mental health and addiction services under</u>	2219
<u>Chapter 5119. of the Revised Code.</u>	2220
<u>(C) To be eligible to receive a license as a category III</u>	2221
<u>terminal distributor of dangerous drugs with an office-based</u>	2222
<u>opioid treatment classification, an applicant shall submit</u>	2223
<u>evidence satisfactory to the state board of pharmacy that the</u>	2224
<u>applicant's office-based opioid treatment will be operated in</u>	2225

accordance with the requirements specified in division (D) of 2226
this section and that the applicant meets any other applicable 2227
requirements of this chapter. 2228

If the board determines that an applicant meets all of the 2229
requirements, the board shall issue to the applicant a license 2230
as a category III terminal distributor of dangerous drugs with 2231
an office-based opioid treatment classification. 2232

(D) The holder of a category III terminal distributor 2233
license with an office-based opioid treatment classification 2234
shall do all of the following: 2235

(1) Be in control of a facility that is owned and operated 2236
solely by one or more physicians authorized under Chapter 4731. 2237
of the Revised Code to practice medicine and surgery or 2238
osteopathic medicine and surgery, unless the state board of 2239
pharmacy has exempted the holder from this requirement; 2240

(2) Comply with the requirements for conducting office- 2241
based opioid treatment, as established by the state medical 2242
board in rules adopted under section 4731.056 of the Revised 2243
Code; 2244

(3) Require any person with ownership of the facility to 2245
submit to a criminal records check in accordance with section 2246
4776.02 of the Revised Code and send the results of the criminal 2247
records check directly to the state board of pharmacy for review 2248
and decision under section 4729.071 of the Revised Code; 2249

(4) Require all employees of the facility to submit to a 2250
criminal records check in accordance with section 4776.02 of the 2251
Revised Code and ensure that no person is employed who has 2252
previously been convicted of, or pleaded guilty to, either of 2253
the following: 2254

(a) A theft offense, described in division (K) (3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 2255
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(b) A felony drug offense, as defined in section 2925.01 of the Revised Code. 2259
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(5) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list. 2261
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(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification shall knowingly fail to remain in compliance with the requirements of division (D) of this section and any other applicable requirements of this chapter. 2264
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(F) The state board of pharmacy may impose a fine of not more than five thousand dollars on a person who violates division (B) or (E) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code. 2269
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(G) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 2275
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Sec. 4729.571. If the state board of pharmacy determines that there is clear and convincing evidence that the method used by a terminal distributor of dangerous drugs to distribute controlled substances presents a danger of immediate and serious harm to others, the board may suspend the terminal distributor's 2279
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license without a hearing. The board shall follow the procedure 2284
for suspension without a prior hearing in section 119.07 of the 2285
Revised Code. The suspension shall remain in effect, unless 2286
removed by the board, until the board's final adjudication order 2287
becomes effective, except that if the board does not issue its 2288
final adjudication order within ninety days after the hearing, 2289
the suspension shall be void on the ninety-first day after the 2290
suspension. 2291

If the terminal distributor holds a license with a pain 2292
management clinic classification issued under section 4729.552 2293
of the Revised Code or a license with an office-based opioid 2294
treatment classification issued under section 4729.553 of the 2295
Revised Code and the person holding the license also holds a 2296
certificate issued under Chapter 4731. of the Revised Code to 2297
practice medicine and surgery or osteopathic medicine and 2298
surgery, prior to suspending the license without a hearing, the 2299
board shall consult with the secretary of the state medical 2300
board or, if the secretary is unavailable, another physician 2301
member of the board. 2302

Sec. 4729.60. (A) (1) Before a registered wholesale 2303
distributor of dangerous drugs may sell dangerous drugs at 2304
wholesale to any person, ~~other than the persons specified in~~ 2305
~~divisions (B) (1) (a) to (d), (f) to (h), and (l) to (p) of~~ 2306
~~section 4729.51 of the Revised Code~~ except as provided in 2307
division (A) (2) of this section, ~~such the~~ wholesale distributor 2308
shall obtain from the purchaser and the purchaser shall furnish 2309
to the wholesale distributor a certificate indicating that the 2310
purchaser is a licensed terminal distributor of dangerous drugs. 2311
The certificate shall be in the form that the state board of 2312
pharmacy shall prescribe, and shall set forth the name of the 2313
licensee, the number of the license, a description of the place 2314

or establishment or each place or establishment for which the 2315
license was issued, the category of licensure, and, if the 2316
license is a limited category I, II, or III license, the 2317
dangerous drugs that the licensee is authorized to possess, have 2318
custody or control of, and distribute. 2319

If no certificate is obtained or furnished before a sale 2320
is made, it shall be presumed that the sale of dangerous drugs 2321
by the wholesale distributor is in violation of division (B) of 2322
section 4729.51 of the Revised Code and the purchase of 2323
dangerous drugs by the purchaser is in violation of division ~~(C)~~ 2324
(E) of section 4729.51 of the Revised Code. If a registered 2325
wholesale distributor of dangerous drugs obtains or is furnished 2326
a certificate from a terminal distributor of dangerous drugs and 2327
relies on the certificate in selling dangerous drugs at 2328
wholesale to the terminal distributor of dangerous drugs, the 2329
wholesale distributor of dangerous drugs shall be deemed not to 2330
have violated division (B) of section 4729.51 of the Revised 2331
Code in making the sale. 2332

(2) Division (A)(1) of this section does not apply when a 2333
wholesale distributor sells dangerous drugs at wholesale to any 2334
of the following: 2335

(a) A person specified in division (B)(4) of section 2336
4729.51 of the Revised Code; 2337

(b) Any of the persons described in divisions (A)(1) to 2338
(12) of section 4729.541 of the Revised Code, but only if the 2339
purchaser is not required to obtain licensure as provided in 2340
divisions (B) to (D) of that section. 2341

(B) Before a licensed terminal distributor of dangerous 2342
drugs may purchase dangerous drugs at wholesale, the terminal 2343

distributor shall obtain from the seller and the seller shall 2344
furnish to the terminal distributor the number of the seller's 2345
registration certificate to engage in the sale of dangerous 2346
drugs at wholesale. 2347

If no registration number is obtained or furnished before 2348
a purchase is made, it shall be presumed that the purchase of 2349
dangerous drugs by the terminal distributor is in violation of 2350
division ~~(D)~~-(F) of section 4729.51 of the Revised Code and the 2351
sale of dangerous drugs by the seller is in violation of 2352
division (A) of section 4729.51 of the Revised Code. If a 2353
licensed terminal distributor of dangerous drugs obtains or is 2354
furnished a registration number from a wholesale distributor of 2355
dangerous drugs and relies on the registration number in 2356
purchasing dangerous drugs at wholesale from the wholesale 2357
distributor of dangerous drugs, the terminal distributor shall 2358
be deemed not to have violated division ~~(D)~~-(F) of section 2359
4729.51 of the Revised Code in making the purchase. 2360

Sec. 4729.68. The state board of pharmacy shall adopt 2361
rules pursuant to Chapter 119. of the Revised Code specifying 2362
for the purposes of sections 3719.172 and ~~4729.51-4729.541~~ of 2363
the Revised Code the national bodies recognized by the board 2364
that certify persons who successfully complete diabetes 2365
education programs. 2366

Sec. 4729.90. (A) As used in this section, "responsible 2367
person" has the same meaning as in rules adopted by the state 2368
board of pharmacy under section 4729.26 of the Revised Code. 2369

(B)(1) An applicant for registration as a registered 2370
pharmacy technician shall: 2371

(a) Be at least eighteen years of age; 2372

(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; 2373
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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; 2377
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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; 2380
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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. 2382
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(2) An applicant for registration as a certified pharmacy technician shall: 2387
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(a) Comply with divisions (B) (1) (a), (c), and (d) of this section; 2389
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(b) Possess a high school diploma or a certificate of high school equivalence; 2391
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(c) Except as provided in division (E) (2) 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; 2393
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(d) Have a current pharmacy technician certification from an organization that has been recognized by the board. 2398
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(C) A pharmacist or pharmacy intern whose license has been 2400

denied, revoked, suspended, or otherwise restricted by the board 2401
shall not be registered as a registered pharmacy technician or 2402
certified pharmacy technician. 2403

(D) Until the date that is two years after the effective 2404
date of this section, an applicant for registration as a 2405
registered pharmacy technician or certified pharmacy technician 2406
who meets the requirements to be a qualified pharmacy technician 2407
under section 4729.42 of the Revised Code, as it existed 2408
immediately prior to the effective date of section 4729.95 of 2409
the Revised Code, may, instead of complying with division (B) (1) 2410
(d) of this section, authorize the superintendent of the bureau 2411
of criminal identification and investigation to make the results 2412
of a criminal records check of the applicant available to the 2413
state board of pharmacy. The criminal records check must have 2414
been conducted not earlier than twenty-four months before the 2415
date of the application for registration. 2416

(E) (1) Until the date that is two years after the 2417
effective date of this section, an applicant for registration as 2418
a registered pharmacy technician who meets the requirements to 2419
be a qualified pharmacy technician under section 4729.42 of the 2420
Revised Code, as it existed immediately prior to the effective 2421
date of section 4729.95 of the Revised Code, may, instead of 2422
complying with division (B) (1) (e) of this section, submit an 2423
attestation from a pharmacy's responsible person that the 2424
applicant has completed a pharmacy technician training program 2425
that is of appropriate breadth and depth to clearly address the 2426
competencies for a technician to safely and effectively work in 2427
that particular setting and includes instruction in all of the 2428
following: 2429

(a) Packaging and labeling drugs; 2430

<u>(b) Pharmacy terminology;</u>	2431
<u>(c) Basic drug information;</u>	2432
<u>(d) Basic calculations;</u>	2433
<u>(e) Quality control procedures;</u>	2434
<u>(f) State and federal statutes, rules, and regulations</u>	2435
<u>regarding pharmacy technician duties, pharmacist duties,</u>	2436
<u>pharmacy intern duties, prescription or drug order processing</u>	2437
<u>procedures, non-sterile drug compounding, drug record-keeping</u>	2438
<u>requirements, patient confidentiality, security requirements,</u>	2439
<u>and storage requirements.</u>	2440
<u>(2) Until the date that is two years after the effective</u>	2441
<u>date of this section, an applicant for registration as a</u>	2442
<u>certified pharmacy technician who meets the requirements to be a</u>	2443
<u>qualified pharmacy technician under section 4729.42 of the</u>	2444
<u>Revised Code, as it existed immediately prior to the effective</u>	2445
<u>date of section 4729.95 of the Revised Code, may, instead of</u>	2446
<u>complying with division (B)(2)(c) of this section, submit an</u>	2447
<u>attestation from a pharmacy's responsible person that the</u>	2448
<u>applicant has completed a pharmacy technician training program</u>	2449
<u>that is of appropriate breadth and depth to clearly address the</u>	2450
<u>competencies for a technician to safely and effectively work in</u>	2451
<u>that particular setting and includes instruction in all of the</u>	2452
<u>following:</u>	2453
<u>(a) The topics listed in divisions (E)(1)(a) to (f) of</u>	2454
<u>this section;</u>	2455
<u>(b) Sterile drug compounding;</u>	2456
<u>(c) Preparing and mixing intravenous drugs to be injected</u>	2457
<u>into a human being.</u>	2458

Sec. 4729.901. An applicant for registration under section 2459
4729.90 of the Revised Code shall file with the state board of 2460
pharmacy an application in the form and manner prescribed in 2461
rules adopted under section 4729.94 of the Revised Code. The 2462
application shall be accompanied by an application fee of fifty 2463
dollars, which shall not be returned if the applicant fails to 2464
qualify for registration. 2465

If the board is satisfied that the applicant meets the 2466
requirements of section 4729.90 of the Revised Code and any 2467
additional requirements established by the board and determines 2468
that the results of a criminal records check do not make the 2469
applicant ineligible, the board shall register the applicant as 2470
a registered pharmacy technician or certified pharmacy 2471
technician, as applicable. 2472

Registration under this section is valid for the period 2473
specified by the board in rules adopted under section 4729.94 of 2474
the Revised Code. The period shall not exceed twenty-four months 2475
unless the board extends the period in the rules to adjust 2476
license renewal schedules. 2477

Sec. 4729.902. (A) A registered pharmacy technician or 2478
certified pharmacy technician shall file an application for 2479
registration renewal in the form and manner prescribed by the 2480
state board of pharmacy in rules adopted under section 4729.94 2481
of the Revised Code. Registrations shall be renewed in 2482
accordance with the rules and the standard renewal procedure set 2483
forth in Chapter 4745. of the Revised Code. The renewal fee is 2484
twenty-five dollars per year. 2485

(B) (1) A registered pharmacy technician or certified 2486
pharmacy technician who fails to renew registration in 2487
accordance with division (A) of this section is prohibited from 2488

<u>engaging in the activities authorized by section 4729.91 of the</u>	2489
<u>Revised Code.</u>	2490
<u>(2) (a) A registration that is not renewed by a date</u>	2491
<u>determined under division (A) of this section but has not lapsed</u>	2492
<u>for more than ninety days may be reinstated if the applicant</u>	2493
<u>does both of the following:</u>	2494
<u>(i) Submits a renewal application in a form prescribed by</u>	2495
<u>the board in rules adopted under section 4729.94 of the Revised</u>	2496
<u>Code;</u>	2497
<u>(ii) Pays the renewal fee and a late fee of fifty dollars.</u>	2498
<u>(b) A registration that has lapsed for more than ninety</u>	2499
<u>days cannot be renewed, but the registration holder may reapply</u>	2500
<u>for registration.</u>	2501
<u>Sec. 4729.91. (A) A registered pharmacy technician may,</u>	2502
<u>under the direct supervision of a pharmacist, engage in the</u>	2503
<u>following activities at a location licensed as a terminal</u>	2504
<u>distributor of dangerous drugs to the extent that the activities</u>	2505
<u>do not require the exercise of professional judgment:</u>	2506
<u>(1) Accepting new written or electronic prescription</u>	2507
<u>orders from a prescriber or a prescriber's agent;</u>	2508
<u>(2) Entering information into and retrieving information</u>	2509
<u>from a database or patient profile;</u>	2510
<u>(3) Preparing and affixing labels;</u>	2511
<u>(4) Stocking dangerous drugs and retrieving those drugs</u>	2512
<u>from inventory;</u>	2513
<u>(5) Counting and pouring dangerous drugs into containers;</u>	2514
<u>(6) Placing dangerous drugs into patient storage</u>	2515

<u>containers;</u>	2516
<u>(7) Non-sterile drug compounding as authorized by the</u>	2517
<u>state board of pharmacy in rules adopted under section 4729.94</u>	2518
<u>of the Revised Code;</u>	2519
<u>(8) Other activities specified by the board in rules</u>	2520
<u>adopted under section 4729.94 of the Revised Code.</u>	2521
<u>(B) A certified pharmacy technician may, under the direct</u>	2522
<u>supervision of a pharmacist, engage in the following activities</u>	2523
<u>at a location licensed as a terminal distributor of dangerous</u>	2524
<u>drugs to the extent that the activities do not require the</u>	2525
<u>exercise of professional judgment:</u>	2526
<u>(1) Any activity listed in division (A) of this section;</u>	2527
<u>(2) Accepting or requesting refill authorizations for</u>	2528
<u>dangerous drugs that are not controlled substances from a</u>	2529
<u>prescriber or the prescriber's agent, so long as there is no</u>	2530
<u>change from the original prescription;</u>	2531
<u>(3) Sterile and non-sterile drug compounding as authorized</u>	2532
<u>by the board in rules adopted under section 4729.94 of the</u>	2533
<u>Revised Code;</u>	2534
<u>(4) Other activities specified by the board in rules</u>	2535
<u>adopted under section 4729.94 of the Revised Code.</u>	2536
<u>Sec. 4729.92. (A) An applicant for registration as a</u>	2537
<u>pharmacy technician trainee shall:</u>	2538
<u>(1) Comply with divisions (B) (1) (a) to (c) of section</u>	2539
<u>4729.90 of the Revised Code;</u>	2540
<u>(2) Be enrolled in or plan to enroll in education and</u>	2541
<u>training that will allow the applicant to meet the requirements</u>	2542

established by the state board of pharmacy in rules adopted 2543
under section 4729.94 of the Revised Code; 2544

(3) Comply with sections 4776.01 to 4776.04 of the Revised 2545
Code. 2546

(B) A pharmacist or pharmacy intern whose license has been 2547
denied, revoked, suspended, or otherwise restricted by the board 2548
shall not be registered as a pharmacy technician trainee. 2549

Sec. 4729.921. An applicant for registration as a pharmacy 2550
technician trainee shall file with the state board of pharmacy 2551
an application in the form and manner prescribed in rules 2552
adopted under section 4729.94 of the Revised Code. The 2553
application shall be accompanied by an application fee of 2554
twenty-five dollars, which shall not be returned if the 2555
applicant fails to qualify for registration. 2556

If the board is satisfied that an applicant meets the 2557
requirements of section 4729.92 of the Revised Code and any 2558
additional requirements established by the board and determines 2559
that the results of a criminal records check do not make the 2560
applicant ineligible, the board shall register the applicant as 2561
a pharmacy technician trainee. 2562

Registration is valid for one year from the date of 2563
registration. Registration is not renewable, but an individual 2564
may reapply for registration if the individual's previous 2565
registration has lapsed for more than five years or the board 2566
grants its approval. 2567

Sec. 4729.93. A pharmacy technician trainee may, under the 2568
direct supervision of a pharmacist, engage in the same 2569
activities as a registered pharmacy technician, as listed in 2570
division (A) of section 4729.91 of the Revised Code. 2571

<u>Sec. 4729.94. The state board of pharmacy shall adopt</u>	2572
<u>rules under section 4729.26 of the Revised Code governing</u>	2573
<u>registration of registered pharmacy technicians, certified</u>	2574
<u>pharmacy technicians, and pharmacy technician trainees. The</u>	2575
<u>rules shall include all of the following:</u>	2576
<u>(A) Application and renewal forms and procedures;</u>	2577
<u>(B) Reapplication forms and procedures for individuals</u>	2578
<u>whose registration has lapsed more than ninety days;</u>	2579
<u>(C) Education and training requirements, requirements for</u>	2580
<u>employer-administered training programs, and other requirements</u>	2581
<u>considered appropriate by the board;</u>	2582
<u>(D) Additional activities permitted by divisions (A) (7)</u>	2583
<u>and (B) (4) of section 4729.91 of the Revised Code;</u>	2584
<u>(E) Requirements for sterile and non-sterile drug</u>	2585
<u>compounding;</u>	2586
<u>(F) Continuing education requirements;</u>	2587
<u>(G) Conduct that constitutes dishonesty or unprofessional</u>	2588
<u>conduct by a registered pharmacy technician, certified pharmacy</u>	2589
<u>technician, or pharmacy technician trainee;</u>	2590
<u>(H) Additional conduct for which the board may impose</u>	2591
<u>discipline under section 4729.96 of the Revised Code on a</u>	2592
<u>registered pharmacy technician, certified pharmacy technician,</u>	2593
<u>or pharmacy technician trainee;</u>	2594
<u>(I) Any other rules the board considers appropriate to</u>	2595
<u>implement sections 4729.90 to 4729.96 of the Revised Code.</u>	2596
<u>Sec. 4729.95. (A) No person who is not a pharmacist,</u>	2597
<u>pharmacy intern, registered pharmacy technician, certified</u>	2598

pharmacy technician, or pharmacy technician trainee shall 2599
knowingly engage in any of the activities listed in section 2600
4729.91 of the Revised Code in a location licensed as a terminal 2601
distributor of dangerous drugs or while performing the function 2602
of a terminal distributor, except that this division does not 2603
prevent a licensed health care professional from engaging in 2604
activities that are authorized by law as part of the licensed 2605
professional's practice. 2606

(B) No pharmacist shall knowingly allow any person 2607
employed or otherwise under the control of the pharmacist to 2608
violate division (A) of this section. 2609

(C) No terminal distributor of dangerous drugs shall 2610
knowingly allow any person employed or otherwise under the 2611
control of the person who owns, manages, or conducts the 2612
terminal distributor to violate division (A) of this section. 2613

Sec. 4729.96. (A) (1) The state board of pharmacy, after 2614
notice and hearing in accordance with Chapter 119. of the 2615
Revised Code, may impose one or more of the following sanctions 2616
on a pharmacy technician trainee, registered pharmacy 2617
technician, or certified pharmacy technician if the board finds 2618
the individual engaged in any of the conduct set forth in 2619
division (A) (2) of this section: 2620

(a) Revoke, suspend, restrict, limit, or refuse to grant 2621
or renew a registration; 2622

(b) Reprimand or place the holder of the registration on 2623
probation; 2624

(c) Impose a monetary penalty or forfeiture not to exceed 2625
in severity any fine designated under the Revised Code for a 2626
similar offense, or in the case of a violation of a section of 2627

the Revised Code that does not bear a penalty, a monetary 2628
penalty or forfeiture of not more than five hundred dollars. 2629

(2) The board may impose the sanctions listed in division 2630
(A)(1) of this section if the board finds a pharmacy technician 2631
trainee, registered pharmacy technician, or certified pharmacy 2632
technician: 2633

(a) Has been convicted of a felony, or a crime of moral 2634
turpitude, as defined in section 4776.10 of the Revised Code; 2635

(b) Engaged in dishonesty or unprofessional conduct, as 2636
prescribed in rules adopted by the board under section 4729.94 2637
of the Revised Code; 2638

(c) Is addicted to or abusing alcohol or drugs or impaired 2639
physically or mentally to such a degree as to render the 2640
individual unable to perform the individual's duties; 2641

(d) Violated, conspired to violate, attempted to violate, 2642
or aided and abetted the violation of any of the provisions of 2643
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 2644
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 2645
by the board under those provisions; 2646

(e) Committed fraud, misrepresentation, or deception in 2647
applying for or securing a registration issued by the board 2648
under this chapter; 2649

(f) Failed to comply with an order of the board or a 2650
settlement agreement; 2651

(g) Engaged in any other conduct for which the board may 2652
impose discipline as set forth in rules adopted by the board 2653
under section 4729.94 of the Revised Code. 2654

(B) The board may suspend a registration under division 2655

(B) of section 3719.121 of the Revised Code by utilizing a 2656
telephone conference call to review the allegations and take a 2657
vote. 2658

(C) For purposes of this division, an individual 2659
authorized to practice as a pharmacy technician trainee, 2660
registered pharmacy technician, or certified pharmacy technician 2661
accepts the privilege of practicing in this state subject to 2662
supervision by the board. By filing an application for or 2663
holding a registration under this chapter, the individual gives 2664
consent to submit to a mental or physical examination when 2665
ordered to do so by the board in writing and waives all 2666
objections to the admissibility of testimony or examination 2667
reports that constitute privileged communications. 2668

If the board has reasonable cause to believe that an 2669
individual who is a pharmacy technician trainee, registered 2670
pharmacy technician, or certified pharmacy technician is 2671
physically or mentally impaired, the board may require the 2672
individual to submit to a physical or mental examination, or 2673
both. The expense of the examination is the responsibility of 2674
the individual required to be examined. 2675

Failure of an individual who is a pharmacy technician 2676
trainee, registered pharmacy technician, or certified pharmacy 2677
technician to submit to a physical or mental examination ordered 2678
by the board, unless the failure is due to circumstances beyond 2679
the individual's control, constitutes an admission of the 2680
allegations and a suspension order shall be entered without the 2681
taking of testimony or presentation of evidence. Any subsequent 2682
adjudication hearing under Chapter 119. of the Revised Code 2683
concerning failure to submit to an examination is limited to 2684
consideration of whether the failure was beyond the individual's 2685

control. 2686

If, based on the results of an examination ordered under 2687
this division, the board determines that the individual's 2688
ability to practice is impaired, the board shall suspend the 2689
individual's registration or deny the individual's application 2690
and shall require the individual, as a condition for an initial, 2691
continued, reinstated, or renewed registration to practice, to 2692
submit to a physical or mental examination and treatment. 2693

An order of suspension issued under this division shall 2694
not be subject to suspension by a court during pendency of any 2695
appeal filed under section 119.12 of the Revised Code. 2696

(D) If the board is required under Chapter 119. of the 2697
Revised Code to give notice of an opportunity for a hearing and 2698
the applicant or registrant does not make a timely request for a 2699
hearing in accordance with section 119.07 of the Revised Code, 2700
the board is not required to hold a hearing, but may adopt a 2701
final order that contains the board's findings. In the final 2702
order, the board may impose any of the sanctions listed in 2703
division (A) of this section. 2704

(E) Notwithstanding the provision of division (C) (2) of 2705
section 2953.32 of the Revised Code specifying that if records 2706
pertaining to a criminal case are sealed under that section the 2707
proceedings in the case must be deemed not to have occurred, 2708
sealing of the following records on which the board has based an 2709
action under this section shall have no effect on the board's 2710
action or any sanction imposed by the board under this section: 2711
records of any conviction, guilty plea, judicial finding of 2712
guilt resulting from a plea of no contest, or a judicial finding 2713
of eligibility for a pretrial diversion program or intervention 2714
in lieu of conviction. The board shall not be required to seal, 2715

destroy, redact, or otherwise modify its records to reflect the 2716
court's sealing of conviction records. 2717

(F) No pharmacy technician trainee, registered pharmacy 2718
technician, or certified pharmacy technician shall knowingly 2719
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 2720
(d) to (g) of this section. 2721

Sec. 4729.99. (A) Whoever violates division (H) of section 2722
4729.16, division ~~(A) or (B)~~ (E) of section 4729.38, or section 2723
4729.57, or division (F) of section 4729.96 of the Revised Code 2724
is guilty of a minor misdemeanor, unless a different penalty is 2725
otherwise specified in the Revised Code. Each day's violation 2726
constitutes a separate offense. 2727

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 2728
of the Revised Code is guilty of a misdemeanor of the third 2729
degree. Each day's violation constitutes a separate offense. If 2730
the offender previously has been convicted of or pleaded guilty 2731
to a violation of this chapter, that person is guilty of a 2732
misdemeanor of the second degree. 2733

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 2734
of the Revised Code is guilty of a misdemeanor. 2735

(D) Whoever violates division (A), (B), (C), (D), (F) or 2736
~~(E)~~ (G) of section 4729.51 of the Revised Code is guilty of a 2737
misdemeanor of the first degree. 2738

(E) (1) Whoever violates section 4729.37, division ~~(C) (2)~~ 2739
(E) (1) (b) of section 4729.51, division (J) of section 4729.54, 2740
division (B) or (D) of section 4729.553, or section 4729.61 of 2741
the Revised Code is guilty of a felony of the fifth degree. If 2742
the offender previously has been convicted of or pleaded guilty 2743
to a violation of this chapter or a violation of Chapter 2925. 2744

or 3719. of the Revised Code, that person is guilty of a felony 2745
of the fourth degree. 2746

(2) If an offender is convicted of or pleads guilty to a 2747
violation of section 4729.37, division ~~(C)~~(E) of section 2748
4729.51, division (J) of section 4729.54, or section 4729.61 of 2749
the Revised Code, if the violation involves the sale, offer to 2750
sell, or possession of a schedule I or II controlled substance, 2751
with the exception of marihuana, and if the court imposing 2752
sentence upon the offender finds that the offender as a result 2753
of the violation is a major drug offender, as defined in section 2754
2929.01 of the Revised Code, and is guilty of a specification of 2755
the type described in section 2941.1410 of the Revised Code, the 2756
court, in lieu of the prison term authorized or required by 2757
division (E) (1) of this section and sections 2929.13 and 2929.14 2758
of the Revised Code and in addition to any other sanction 2759
imposed for the offense under sections 2929.11 to 2929.18 of the 2760
Revised Code, shall impose upon the offender, in accordance with 2761
division (B) (3) of section 2929.14 of the Revised Code, the 2762
mandatory prison term specified in that division. 2763

(3) Notwithstanding any contrary provision of section 2764
3719.21 of the Revised Code, the clerk of court shall pay any 2765
fine imposed for a violation of section 4729.37, division ~~(C)~~ 2766
(E) of section 4729.51, division (J) of section 4729.54, or 2767
section 4729.61 of the Revised Code pursuant to division (A) of 2768
section 2929.18 of the Revised Code in accordance with and 2769
subject to the requirements of division (F) of section 2925.03 2770
of the Revised Code. The agency that receives the fine shall use 2771
the fine as specified in division (F) of section 2925.03 of the 2772
Revised Code. 2773

(F) Whoever violates section 4729.531 of the Revised Code 2774

or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

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

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

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

(2) Whoever violates division (B) or (C) ~~or~~ ~~(D)~~ of section ~~4729.42-4729.95~~ of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty

to a violation of division (A), (B), or (C), ~~(D)~~, ~~or~~ ~~(E)~~ of that 2805
section, permitting unauthorized pharmacy-related drug conduct 2806
is a misdemeanor of the first degree on a second offense and a 2807
felony of the fifth degree on a third or subsequent offense. 2808

~~(3) Whoever violates division (E) of section 4729.42 of~~ 2809
~~the Revised Code is guilty of the offense of falsification under~~ 2810
~~section 2921.13 of the Revised Code. In addition to any other~~ 2811
~~sanction imposed for the violation, the offender is forever~~ 2812
~~disqualified from engaging in any activity specified in division~~ 2813
~~(B) (1), (2), or (3) of section 4729.42 of the Revised Code and~~ 2814
~~from performing any function as a health care professional or~~ 2815
~~health care worker. As used in this division, "health care~~ 2816
~~professional" and "health care worker" have the same meanings as~~ 2817
~~in section 2305.234 of the Revised Code.~~ 2818

~~(4)~~ Notwithstanding any contrary provision of section 2819
3719.21 of the Revised Code or any other provision of law that 2820
governs the distribution of fines, the clerk of the court shall 2821
pay any fine imposed pursuant to division (I) (1), or (2), ~~or~~ ~~(3)~~ 2822
of this section to the state board of pharmacy if the board has 2823
adopted a written internal control policy under division (F) (2) 2824
of section 2925.03 of the Revised Code that addresses fine 2825
moneys that it receives under Chapter 2925. of the Revised Code 2826
and if the policy also addresses fine moneys paid under this 2827
division. The state board of pharmacy shall use the fines so 2828
paid in accordance with the written internal control policy to 2829
subsidize the board's law enforcement efforts that pertain to 2830
drug offenses. 2831

(J) (1) Whoever violates division (A) (1) of section 4729.86 2832
of the Revised Code is guilty of a misdemeanor of the third 2833
degree. If the offender has previously been convicted of or 2834

pleaded guilty to a violation of division (A) (1), (2), or (3) of 2835
section 4729.86 of the Revised Code, that person is guilty of a 2836
misdemeanor of the first degree. 2837

(2) Whoever violates division (A) (2) of section 4729.86 of 2838
the Revised Code is guilty of a misdemeanor of the first degree. 2839
If the offender has previously been convicted of or pleaded 2840
guilty to a violation of division (A) (1), (2), or (3) of section 2841
4729.86 of the Revised Code, that person is guilty of a felony 2842
of the fifth degree. 2843

(3) Whoever violates division (A) (3) of section 4729.86 of 2844
the Revised Code is guilty of a felony of the fifth degree. If 2845
the offender has previously been convicted of or pleaded guilty 2846
to a violation of division (A) (1), (2), or (3) of section 2847
4729.86 of the Revised Code, that person is guilty of a felony 2848
of the fourth degree. 2849

(K) A person who violates division (C) of section 4729.552 2850
of the Revised Code is guilty of a misdemeanor of the first 2851
degree. If the person previously has been convicted of or 2852
pleaded guilty to a violation of division (C) of section 2853
4729.552 of the Revised Code, that person is guilty of a felony 2854
of the fifth degree. 2855

Sec. 4731.22. (A) The state medical board, by an 2856
affirmative vote of not fewer than six of its members, may 2857
limit, revoke, or suspend an individual's certificate to 2858
practice, refuse to grant a certificate to an individual, refuse 2859
to renew a certificate, refuse to reinstate a certificate, or 2860
reprimand or place on probation the holder of a certificate if 2861
the individual or certificate holder is found by the board to 2862
have committed fraud during the administration of the 2863
examination for a certificate to practice or to have committed 2864

fraud, misrepresentation, or deception in applying for, 2865
renewing, or securing any certificate to practice issued by the 2866
board. 2867

(B) The board, by an affirmative vote of not fewer than 2868
six members, shall, to the extent permitted by law, limit, 2869
revoke, or suspend an individual's certificate to practice, 2870
refuse to issue a certificate to an individual, refuse to renew 2871
a certificate, refuse to reinstate a certificate, or reprimand 2872
or place on probation the holder of a certificate for one or 2873
more of the following reasons: 2874

(1) Permitting one's name or one's certificate to practice 2875
to be used by a person, group, or corporation when the 2876
individual concerned is not actually directing the treatment 2877
given; 2878

(2) Failure to maintain minimal standards applicable to 2879
the selection or administration of drugs, or failure to employ 2880
acceptable scientific methods in the selection of drugs or other 2881
modalities for treatment of disease; 2882

(3) Selling, giving away, personally furnishing, 2883
prescribing, or administering drugs for other than legal and 2884
legitimate therapeutic purposes or a plea of guilty to, a 2885
judicial finding of guilt of, or a judicial finding of 2886
eligibility for intervention in lieu of conviction of, a 2887
violation of any federal or state law regulating the possession, 2888
distribution, or use of any drug; 2889

(4) Willfully betraying a professional confidence. 2890

For purposes of this division, "willfully betraying a 2891
professional confidence" does not include providing any 2892
information, documents, or reports under sections 307.621 to 2893

307.629 of the Revised Code to a child fatality review board; 2894
does not include providing any information, documents, or 2895
reports to the director of health pursuant to guidelines 2896
established under section 3701.70 of the Revised Code; does not 2897
include written notice to a mental health professional under 2898
section 4731.62 of the Revised Code; and does not include the 2899
making of a report of an employee's use of a drug of abuse, or a 2900
report of a condition of an employee other than one involving 2901
the use of a drug of abuse, to the employer of the employee as 2902
described in division (B) of section 2305.33 of the Revised 2903
Code. Nothing in this division affects the immunity from civil 2904
liability conferred by section 2305.33 or 4731.62 of the Revised 2905
Code upon a physician who makes a report in accordance with 2906
section 2305.33 or notifies a mental health professional in 2907
accordance with section 4731.62 of the Revised Code. As used in 2908
this division, "employee," "employer," and "physician" have the 2909
same meanings as in section 2305.33 of the Revised Code. 2910

(5) Making a false, fraudulent, deceptive, or misleading 2911
statement in the solicitation of or advertising for patients; in 2912
relation to the practice of medicine and surgery, osteopathic 2913
medicine and surgery, podiatric medicine and surgery, or a 2914
limited branch of medicine; or in securing or attempting to 2915
secure any certificate to practice issued by the board. 2916

As used in this division, "false, fraudulent, deceptive, 2917
or misleading statement" means a statement that includes a 2918
misrepresentation of fact, is likely to mislead or deceive 2919
because of a failure to disclose material facts, is intended or 2920
is likely to create false or unjustified expectations of 2921
favorable results, or includes representations or implications 2922
that in reasonable probability will cause an ordinarily prudent 2923
person to misunderstand or be deceived. 2924

- (6) A departure from, or the failure to conform to, 2925
minimal standards of care of similar practitioners under the 2926
same or similar circumstances, whether or not actual injury to a 2927
patient is established; 2928
- (7) Representing, with the purpose of obtaining 2929
compensation or other advantage as personal gain or for any 2930
other person, that an incurable disease or injury, or other 2931
incurable condition, can be permanently cured; 2932
- (8) The obtaining of, or attempting to obtain, money or 2933
anything of value by fraudulent misrepresentations in the course 2934
of practice; 2935
- (9) A plea of guilty to, a judicial finding of guilt of, 2936
or a judicial finding of eligibility for intervention in lieu of 2937
conviction for, a felony; 2938
- (10) Commission of an act that constitutes a felony in 2939
this state, regardless of the jurisdiction in which the act was 2940
committed; 2941
- (11) A plea of guilty to, a judicial finding of guilt of, 2942
or a judicial finding of eligibility for intervention in lieu of 2943
conviction for, a misdemeanor committed in the course of 2944
practice; 2945
- (12) Commission of an act in the course of practice that 2946
constitutes a misdemeanor in this state, regardless of the 2947
jurisdiction in which the act was committed; 2948
- (13) A plea of guilty to, a judicial finding of guilt of, 2949
or a judicial finding of eligibility for intervention in lieu of 2950
conviction for, a misdemeanor involving moral turpitude; 2951
- (14) Commission of an act involving moral turpitude that 2952

constitutes a misdemeanor in this state, regardless of the 2953
jurisdiction in which the act was committed; 2954

(15) Violation of the conditions of limitation placed by 2955
the board upon a certificate to practice; 2956

(16) Failure to pay license renewal fees specified in this 2957
chapter; 2958

(17) Except as authorized in section 4731.31 of the 2959
Revised Code, engaging in the division of fees for referral of 2960
patients, or the receiving of a thing of value in return for a 2961
specific referral of a patient to utilize a particular service 2962
or business; 2963

(18) Subject to section 4731.226 of the Revised Code, 2964
violation of any provision of a code of ethics of the American 2965
medical association, the American osteopathic association, the 2966
American podiatric medical association, or any other national 2967
professional organizations that the board specifies by rule. The 2968
state medical board shall obtain and keep on file current copies 2969
of the codes of ethics of the various national professional 2970
organizations. The individual whose certificate is being 2971
suspended or revoked shall not be found to have violated any 2972
provision of a code of ethics of an organization not appropriate 2973
to the individual's profession. 2974

For purposes of this division, a "provision of a code of 2975
ethics of a national professional organization" does not include 2976
any provision that would preclude the making of a report by a 2977
physician of an employee's use of a drug of abuse, or of a 2978
condition of an employee other than one involving the use of a 2979
drug of abuse, to the employer of the employee as described in 2980
division (B) of section 2305.33 of the Revised Code. Nothing in 2981

this division affects the immunity from civil liability 2982
conferred by that section upon a physician who makes either type 2983
of report in accordance with division (B) of that section. As 2984
used in this division, "employee," "employer," and "physician" 2985
have the same meanings as in section 2305.33 of the Revised 2986
Code. 2987

(19) Inability to practice according to acceptable and 2988
prevailing standards of care by reason of mental illness or 2989
physical illness, including, but not limited to, physical 2990
deterioration that adversely affects cognitive, motor, or 2991
perceptive skills. 2992

In enforcing this division, the board, upon a showing of a 2993
possible violation, may compel any individual authorized to 2994
practice by this chapter or who has submitted an application 2995
pursuant to this chapter to submit to a mental examination, 2996
physical examination, including an HIV test, or both a mental 2997
and a physical examination. The expense of the examination is 2998
the responsibility of the individual compelled to be examined. 2999
Failure to submit to a mental or physical examination or consent 3000
to an HIV test ordered by the board constitutes an admission of 3001
the allegations against the individual unless the failure is due 3002
to circumstances beyond the individual's control, and a default 3003
and final order may be entered without the taking of testimony 3004
or presentation of evidence. If the board finds an individual 3005
unable to practice because of the reasons set forth in this 3006
division, the board shall require the individual to submit to 3007
care, counseling, or treatment by physicians approved or 3008
designated by the board, as a condition for initial, continued, 3009
reinstated, or renewed authority to practice. An individual 3010
affected under this division shall be afforded an opportunity to 3011
demonstrate to the board the ability to resume practice in 3012

compliance with acceptable and prevailing standards under the 3013
provisions of the individual's certificate. For the purpose of 3014
this division, any individual who applies for or receives a 3015
certificate to practice under this chapter accepts the privilege 3016
of practicing in this state and, by so doing, shall be deemed to 3017
have given consent to submit to a mental or physical examination 3018
when directed to do so in writing by the board, and to have 3019
waived all objections to the admissibility of testimony or 3020
examination reports that constitute a privileged communication. 3021

(20) Except when civil penalties are imposed under section 3022
4731.225 or 4731.282 of the Revised Code, and subject to section 3023
4731.226 of the Revised Code, violating or attempting to 3024
violate, directly or indirectly, or assisting in or abetting the 3025
violation of, or conspiring to violate, any provisions of this 3026
chapter or any rule promulgated by the board. 3027

This division does not apply to a violation or attempted 3028
violation of, assisting in or abetting the violation of, or a 3029
conspiracy to violate, any provision of this chapter or any rule 3030
adopted by the board that would preclude the making of a report 3031
by a physician of an employee's use of a drug of abuse, or of a 3032
condition of an employee other than one involving the use of a 3033
drug of abuse, to the employer of the employee as described in 3034
division (B) of section 2305.33 of the Revised Code. Nothing in 3035
this division affects the immunity from civil liability 3036
conferred by that section upon a physician who makes either type 3037
of report in accordance with division (B) of that section. As 3038
used in this division, "employee," "employer," and "physician" 3039
have the same meanings as in section 2305.33 of the Revised 3040
Code. 3041

(21) The violation of section 3701.79 of the Revised Code 3042

or of any abortion rule adopted by the director of health 3043
pursuant to section 3701.341 of the Revised Code; 3044

(22) Any of the following actions taken by an agency 3045
responsible for authorizing, certifying, or regulating an 3046
individual to practice a health care occupation or provide 3047
health care services in this state or another jurisdiction, for 3048
any reason other than the nonpayment of fees: the limitation, 3049
revocation, or suspension of an individual's license to 3050
practice; acceptance of an individual's license surrender; 3051
denial of a license; refusal to renew or reinstate a license; 3052
imposition of probation; or issuance of an order of censure or 3053
other reprimand; 3054

(23) The violation of section 2919.12 of the Revised Code 3055
or the performance or inducement of an abortion upon a pregnant 3056
woman with actual knowledge that the conditions specified in 3057
division (B) of section 2317.56 of the Revised Code have not 3058
been satisfied or with a heedless indifference as to whether 3059
those conditions have been satisfied, unless an affirmative 3060
defense as specified in division (H)(2) of that section would 3061
apply in a civil action authorized by division (H)(1) of that 3062
section; 3063

(24) The revocation, suspension, restriction, reduction, 3064
or termination of clinical privileges by the United States 3065
department of defense or department of veterans affairs or the 3066
termination or suspension of a certificate of registration to 3067
prescribe drugs by the drug enforcement administration of the 3068
United States department of justice; 3069

(25) Termination or suspension from participation in the 3070
medicare or medicaid programs by the department of health and 3071
human services or other responsible agency for any act or acts 3072

that also would constitute a violation of division (B) (2), (3), 3073
(6), (8), or (19) of this section; 3074

(26) Impairment of ability to practice according to 3075
acceptable and prevailing standards of care because of habitual 3076
or excessive use or abuse of drugs, alcohol, or other substances 3077
that impair ability to practice. 3078

For the purposes of this division, any individual 3079
authorized to practice by this chapter accepts the privilege of 3080
practicing in this state subject to supervision by the board. By 3081
filing an application for or holding a certificate to practice 3082
under this chapter, an individual shall be deemed to have given 3083
consent to submit to a mental or physical examination when 3084
ordered to do so by the board in writing, and to have waived all 3085
objections to the admissibility of testimony or examination 3086
reports that constitute privileged communications. 3087

If it has reason to believe that any individual authorized 3088
to practice by this chapter or any applicant for certification 3089
to practice suffers such impairment, the board may compel the 3090
individual to submit to a mental or physical examination, or 3091
both. The expense of the examination is the responsibility of 3092
the individual compelled to be examined. Any mental or physical 3093
examination required under this division shall be undertaken by 3094
a treatment provider or physician who is qualified to conduct 3095
the examination and who is chosen by the board. 3096

Failure to submit to a mental or physical examination 3097
ordered by the board constitutes an admission of the allegations 3098
against the individual unless the failure is due to 3099
circumstances beyond the individual's control, and a default and 3100
final order may be entered without the taking of testimony or 3101
presentation of evidence. If the board determines that the 3102

individual's ability to practice is impaired, the board shall 3103
suspend the individual's certificate or deny the individual's 3104
application and shall require the individual, as a condition for 3105
initial, continued, reinstated, or renewed certification to 3106
practice, to submit to treatment. 3107

Before being eligible to apply for reinstatement of a 3108
certificate suspended under this division, the impaired 3109
practitioner shall demonstrate to the board the ability to 3110
resume practice in compliance with acceptable and prevailing 3111
standards of care under the provisions of the practitioner's 3112
certificate. The demonstration shall include, but shall not be 3113
limited to, the following: 3114

(a) Certification from a treatment provider approved under 3115
section 4731.25 of the Revised Code that the individual has 3116
successfully completed any required inpatient treatment; 3117

(b) Evidence of continuing full compliance with an 3118
aftercare contract or consent agreement; 3119

(c) Two written reports indicating that the individual's 3120
ability to practice has been assessed and that the individual 3121
has been found capable of practicing according to acceptable and 3122
prevailing standards of care. The reports shall be made by 3123
individuals or providers approved by the board for making the 3124
assessments and shall describe the basis for their 3125
determination. 3126

The board may reinstate a certificate suspended under this 3127
division after that demonstration and after the individual has 3128
entered into a written consent agreement. 3129

When the impaired practitioner resumes practice, the board 3130
shall require continued monitoring of the individual. The 3131

monitoring shall include, but not be limited to, compliance with 3132
the written consent agreement entered into before reinstatement 3133
or with conditions imposed by board order after a hearing, and, 3134
upon termination of the consent agreement, submission to the 3135
board for at least two years of annual written progress reports 3136
made under penalty of perjury stating whether the individual has 3137
maintained sobriety. 3138

(27) A second or subsequent violation of section 4731.66 3139
or 4731.69 of the Revised Code; 3140

(28) Except as provided in division (N) of this section: 3141

(a) Waiving the payment of all or any part of a deductible 3142
or copayment that a patient, pursuant to a health insurance or 3143
health care policy, contract, or plan that covers the 3144
individual's services, otherwise would be required to pay if the 3145
waiver is used as an enticement to a patient or group of 3146
patients to receive health care services from that individual; 3147

(b) Advertising that the individual will waive the payment 3148
of all or any part of a deductible or copayment that a patient, 3149
pursuant to a health insurance or health care policy, contract, 3150
or plan that covers the individual's services, otherwise would 3151
be required to pay. 3152

(29) Failure to use universal blood and body fluid 3153
precautions established by rules adopted under section 4731.051 3154
of the Revised Code; 3155

(30) Failure to provide notice to, and receive 3156
acknowledgment of the notice from, a patient when required by 3157
section 4731.143 of the Revised Code prior to providing 3158
nonemergency professional services, or failure to maintain that 3159
notice in the patient's file; 3160

(31) Failure of a physician supervising a physician	3161
assistant to maintain supervision in accordance with the	3162
requirements of Chapter 4730. of the Revised Code and the rules	3163
adopted under that chapter;	3164
(32) Failure of a physician or podiatrist to enter into a	3165
standard care arrangement with a clinical nurse specialist,	3166
certified nurse-midwife, or certified nurse practitioner with	3167
whom the physician or podiatrist is in collaboration pursuant to	3168
section 4731.27 of the Revised Code or failure to fulfill the	3169
responsibilities of collaboration after entering into a standard	3170
care arrangement;	3171
(33) Failure to comply with the terms of a consult	3172
agreement entered into with a pharmacist pursuant to section	3173
4729.39 of the Revised Code;	3174
(34) Failure to cooperate in an investigation conducted by	3175
the board under division (F) of this section, including failure	3176
to comply with a subpoena or order issued by the board or	3177
failure to answer truthfully a question presented by the board	3178
in an investigative interview, an investigative office	3179
conference, at a deposition, or in written interrogatories,	3180
except that failure to cooperate with an investigation shall not	3181
constitute grounds for discipline under this section if a court	3182
of competent jurisdiction has issued an order that either	3183
quashes a subpoena or permits the individual to withhold the	3184
testimony or evidence in issue;	3185
(35) Failure to supervise an oriental medicine	3186
practitioner or acupuncturist in accordance with Chapter 4762.	3187
of the Revised Code and the board's rules for providing that	3188
supervision;	3189

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3190 3191 3192
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	3193 3194
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3195 3196
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	3197 3198 3199
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3200 3201 3202 3203
(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;	3204 3205 3206 3207
(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;	3208 3209 3210 3211
(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;	3212 3213 3214 3215
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the	3216 3217

department of health in accordance with a court order a complete	3218
report as described in section 2919.171 of the Revised Code;	3219
(45) Practicing at a facility that is subject to licensure	3220
as a category III terminal distributor of dangerous drugs with a	3221
pain management clinic classification unless the person	3222
operating the facility has obtained and maintains the license	3223
with the classification;	3224
(46) Owning a facility that is subject to licensure as a	3225
category III terminal distributor of dangerous drugs with a pain	3226
management clinic classification unless the facility is licensed	3227
with the classification;	3228
(47) Failure to comply with the requirement regarding	3229
maintaining notes described in division (B) of section 2919.191	3230
of the Revised Code or failure to satisfy the requirements of	3231
section 2919.191 of the Revised Code prior to performing or	3232
inducing an abortion upon a pregnant woman;	3233
(48) Failure to comply with the requirements in section	3234
3719.061 of the Revised Code before issuing for a minor a	3235
prescription for an opioid analgesic, as defined in section	3236
3719.01 of the Revised Code;	3237
<u>(49) Practicing at a facility, clinic, or other location</u>	3238
<u>that is subject to licensure as a category III terminal</u>	3239
<u>distributor of dangerous drugs with an office-based opioid</u>	3240
<u>treatment classification unless the person operating that place</u>	3241
<u>has obtained and maintains the license with the classification;</u>	3242
<u>(50) Owning a facility, clinic, or other location that is</u>	3243
<u>subject to licensure as a category III terminal distributor of</u>	3244
<u>dangerous drugs with an office-based opioid treatment</u>	3245
<u>classification unless that place is licensed with the</u>	3246

classification. 3247

(C) Disciplinary actions taken by the board under 3248
divisions (A) and (B) of this section shall be taken pursuant to 3249
an adjudication under Chapter 119. of the Revised Code, except 3250
that in lieu of an adjudication, the board may enter into a 3251
consent agreement with an individual to resolve an allegation of 3252
a violation of this chapter or any rule adopted under it. A 3253
consent agreement, when ratified by an affirmative vote of not 3254
fewer than six members of the board, shall constitute the 3255
findings and order of the board with respect to the matter 3256
addressed in the agreement. If the board refuses to ratify a 3257
consent agreement, the admissions and findings contained in the 3258
consent agreement shall be of no force or effect. 3259

A telephone conference call may be utilized for 3260
ratification of a consent agreement that revokes or suspends an 3261
individual's certificate to practice. The telephone conference 3262
call shall be considered a special meeting under division (F) of 3263
section 121.22 of the Revised Code. 3264

If the board takes disciplinary action against an 3265
individual under division (B) of this section for a second or 3266
subsequent plea of guilty to, or judicial finding of guilt of, a 3267
violation of section 2919.123 of the Revised Code, the 3268
disciplinary action shall consist of a suspension of the 3269
individual's certificate to practice for a period of at least 3270
one year or, if determined appropriate by the board, a more 3271
serious sanction involving the individual's certificate to 3272
practice. Any consent agreement entered into under this division 3273
with an individual that pertains to a second or subsequent plea 3274
of guilty to, or judicial finding of guilt of, a violation of 3275
that section shall provide for a suspension of the individual's 3276

certificate to practice for a period of at least one year or, if 3277
determined appropriate by the board, a more serious sanction 3278
involving the individual's certificate to practice. 3279

(D) For purposes of divisions (B)(10), (12), and (14) of 3280
this section, the commission of the act may be established by a 3281
finding by the board, pursuant to an adjudication under Chapter 3282
119. of the Revised Code, that the individual committed the act. 3283
The board does not have jurisdiction under those divisions if 3284
the trial court renders a final judgment in the individual's 3285
favor and that judgment is based upon an adjudication on the 3286
merits. The board has jurisdiction under those divisions if the 3287
trial court issues an order of dismissal upon technical or 3288
procedural grounds. 3289

(E) The sealing of conviction records by any court shall 3290
have no effect upon a prior board order entered under this 3291
section or upon the board's jurisdiction to take action under 3292
this section if, based upon a plea of guilty, a judicial finding 3293
of guilt, or a judicial finding of eligibility for intervention 3294
in lieu of conviction, the board issued a notice of opportunity 3295
for a hearing prior to the court's order to seal the records. 3296
The board shall not be required to seal, destroy, redact, or 3297
otherwise modify its records to reflect the court's sealing of 3298
conviction records. 3299

(F)(1) The board shall investigate evidence that appears 3300
to show that a person has violated any provision of this chapter 3301
or any rule adopted under it. Any person may report to the board 3302
in a signed writing any information that the person may have 3303
that appears to show a violation of any provision of this 3304
chapter or any rule adopted under it. In the absence of bad 3305
faith, any person who reports information of that nature or who 3306

testifies before the board in any adjudication conducted under 3307
Chapter 119. of the Revised Code shall not be liable in damages 3308
in a civil action as a result of the report or testimony. Each 3309
complaint or allegation of a violation received by the board 3310
shall be assigned a case number and shall be recorded by the 3311
board. 3312

(2) Investigations of alleged violations of this chapter 3313
or any rule adopted under it shall be supervised by the 3314
supervising member elected by the board in accordance with 3315
section 4731.02 of the Revised Code and by the secretary as 3316
provided in section 4731.39 of the Revised Code. The president 3317
may designate another member of the board to supervise the 3318
investigation in place of the supervising member. No member of 3319
the board who supervises the investigation of a case shall 3320
participate in further adjudication of the case. 3321

(3) In investigating a possible violation of this chapter 3322
or any rule adopted under this chapter, or in conducting an 3323
inspection under division (E) of section 4731.054 of the Revised 3324
Code, the board may question witnesses, conduct interviews, 3325
administer oaths, order the taking of depositions, inspect and 3326
copy any books, accounts, papers, records, or documents, issue 3327
subpoenas, and compel the attendance of witnesses and production 3328
of books, accounts, papers, records, documents, and testimony, 3329
except that a subpoena for patient record information shall not 3330
be issued without consultation with the attorney general's 3331
office and approval of the secretary and supervising member of 3332
the board. 3333

(a) Before issuance of a subpoena for patient record 3334
information, the secretary and supervising member shall 3335
determine whether there is probable cause to believe that the 3336

complaint filed alleges a violation of this chapter or any rule 3337
adopted under it and that the records sought are relevant to the 3338
alleged violation and material to the investigation. The 3339
subpoena may apply only to records that cover a reasonable 3340
period of time surrounding the alleged violation. 3341

(b) On failure to comply with any subpoena issued by the 3342
board and after reasonable notice to the person being 3343
subpoenaed, the board may move for an order compelling the 3344
production of persons or records pursuant to the Rules of Civil 3345
Procedure. 3346

(c) A subpoena issued by the board may be served by a 3347
sheriff, the sheriff's deputy, or a board employee designated by 3348
the board. Service of a subpoena issued by the board may be made 3349
by delivering a copy of the subpoena to the person named 3350
therein, reading it to the person, or leaving it at the person's 3351
usual place of residence, usual place of business, or address on 3352
file with the board. When serving a subpoena to an applicant for 3353
or the holder of a certificate issued under this chapter, 3354
service of the subpoena may be made by certified mail, return 3355
receipt requested, and the subpoena shall be deemed served on 3356
the date delivery is made or the date the person refuses to 3357
accept delivery. If the person being served refuses to accept 3358
the subpoena or is not located, service may be made to an 3359
attorney who notifies the board that the attorney is 3360
representing the person. 3361

(d) A sheriff's deputy who serves a subpoena shall receive 3362
the same fees as a sheriff. Each witness who appears before the 3363
board in obedience to a subpoena shall receive the fees and 3364
mileage provided for under section 119.094 of the Revised Code. 3365

(4) All hearings, investigations, and inspections of the 3366

board shall be considered civil actions for the purposes of 3367
section 2305.252 of the Revised Code. 3368

(5) A report required to be submitted to the board under 3369
this chapter, a complaint, or information received by the board 3370
pursuant to an investigation or pursuant to an inspection under 3371
division (E) of section 4731.054 of the Revised Code is 3372
confidential and not subject to discovery in any civil action. 3373

The board shall conduct all investigations or inspections 3374
and proceedings in a manner that protects the confidentiality of 3375
patients and persons who file complaints with the board. The 3376
board shall not make public the names or any other identifying 3377
information about patients or complainants unless proper consent 3378
is given or, in the case of a patient, a waiver of the patient 3379
privilege exists under division (B) of section 2317.02 of the 3380
Revised Code, except that consent or a waiver of that nature is 3381
not required if the board possesses reliable and substantial 3382
evidence that no bona fide physician-patient relationship 3383
exists. 3384

The board may share any information it receives pursuant 3385
to an investigation or inspection, including patient records and 3386
patient record information, with law enforcement agencies, other 3387
licensing boards, and other governmental agencies that are 3388
prosecuting, adjudicating, or investigating alleged violations 3389
of statutes or administrative rules. An agency or board that 3390
receives the information shall comply with the same requirements 3391
regarding confidentiality as those with which the state medical 3392
board must comply, notwithstanding any conflicting provision of 3393
the Revised Code or procedure of the agency or board that 3394
applies when it is dealing with other information in its 3395
possession. In a judicial proceeding, the information may be 3396

admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

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

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

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

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

(d) The disposition of the case.

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

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

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

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

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

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

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

(H) If the board takes action under division (B) (9), (11), 3455
or (13) of this section and the judicial finding of guilt, 3456
guilty plea, or judicial finding of eligibility for intervention 3457
in lieu of conviction is overturned on appeal, upon exhaustion 3458
of the criminal appeal, a petition for reconsideration of the 3459
order may be filed with the board along with appropriate court 3460
documents. Upon receipt of a petition of that nature and 3461
supporting court documents, the board shall reinstate the 3462
individual's certificate to practice. The board may then hold an 3463
adjudication under Chapter 119. of the Revised Code to determine 3464
whether the individual committed the act in question. Notice of 3465
an opportunity for a hearing shall be given in accordance with 3466
Chapter 119. of the Revised Code. If the board finds, pursuant 3467
to an adjudication held under this division, that the individual 3468
committed the act or if no hearing is requested, the board may 3469
order any of the sanctions identified under division (B) of this 3470
section. 3471

(I) The certificate to practice issued to an individual 3472
under this chapter and the individual's practice in this state 3473
are automatically suspended as of the date of the individual's 3474
second or subsequent plea of guilty to, or judicial finding of 3475
guilt of, a violation of section 2919.123 of the Revised Code, 3476
or the date the individual pleads guilty to, is found by a judge 3477
or jury to be guilty of, or is subject to a judicial finding of 3478
eligibility for intervention in lieu of conviction in this state 3479
or treatment or intervention in lieu of conviction in another 3480
jurisdiction for any of the following criminal offenses in this 3481
state or a substantially equivalent criminal offense in another 3482
jurisdiction: aggravated murder, murder, voluntary manslaughter, 3483
felonious assault, kidnapping, rape, sexual battery, gross 3484
sexual imposition, aggravated arson, aggravated robbery, or 3485

aggravated burglary. Continued practice after suspension shall 3486
be considered practicing without a certificate. 3487

The board shall notify the individual subject to the 3488
suspension by certified mail or in person in accordance with 3489
section 119.07 of the Revised Code. If an individual whose 3490
certificate is automatically suspended under this division fails 3491
to make a timely request for an adjudication under Chapter 119. 3492
of the Revised Code, the board shall do whichever of the 3493
following is applicable: 3494

(1) If the automatic suspension under this division is for 3495
a second or subsequent plea of guilty to, or judicial finding of 3496
guilt of, a violation of section 2919.123 of the Revised Code, 3497
the board shall enter an order suspending the individual's 3498
certificate to practice for a period of at least one year or, if 3499
determined appropriate by the board, imposing a more serious 3500
sanction involving the individual's certificate to practice. 3501

(2) In all circumstances in which division (I)(1) of this 3502
section does not apply, enter a final order permanently revoking 3503
the individual's certificate to practice. 3504

(J) If the board is required by Chapter 119. of the 3505
Revised Code to give notice of an opportunity for a hearing and 3506
if the individual subject to the notice does not timely request 3507
a hearing in accordance with section 119.07 of the Revised Code, 3508
the board is not required to hold a hearing, but may adopt, by 3509
an affirmative vote of not fewer than six of its members, a 3510
final order that contains the board's findings. In that final 3511
order, the board may order any of the sanctions identified under 3512
division (A) or (B) of this section. 3513

(K) Any action taken by the board under division (B) of 3514

this section resulting in a suspension from practice shall be 3515
accompanied by a written statement of the conditions under which 3516
the individual's certificate to practice may be reinstated. The 3517
board shall adopt rules governing conditions to be imposed for 3518
reinstatement. Reinstatement of a certificate suspended pursuant 3519
to division (B) of this section requires an affirmative vote of 3520
not fewer than six members of the board. 3521

(L) When the board refuses to grant or issue a certificate 3522
to practice to an applicant, revokes an individual's certificate 3523
to practice, refuses to renew an individual's certificate to 3524
practice, or refuses to reinstate an individual's certificate to 3525
practice, the board may specify that its action is permanent. An 3526
individual subject to a permanent action taken by the board is 3527
forever thereafter ineligible to hold a certificate to practice 3528
and the board shall not accept an application for reinstatement 3529
of the certificate or for issuance of a new certificate. 3530

(M) Notwithstanding any other provision of the Revised 3531
Code, all of the following apply: 3532

(1) The surrender of a certificate issued under this 3533
chapter shall not be effective unless or until accepted by the 3534
board. A telephone conference call may be utilized for 3535
acceptance of the surrender of an individual's certificate to 3536
practice. The telephone conference call shall be considered a 3537
special meeting under division (F) of section 121.22 of the 3538
Revised Code. Reinstatement of a certificate surrendered to the 3539
board requires an affirmative vote of not fewer than six members 3540
of the board. 3541

(2) An application for a certificate made under the 3542
provisions of this chapter may not be withdrawn without approval 3543
of the board. 3544

(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.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board

an educational and assessment program pursuant to an 3574
investigation the board conducts under this section; 3575

(2) Select providers of educational and assessment 3576
services, including a quality intervention program panel of case 3577
reviewers; 3578

(3) Make referrals to educational and assessment service 3579
providers and approve individual educational programs 3580
recommended by those providers. The board shall monitor the 3581
progress of each individual undertaking a recommended individual 3582
educational program. 3583

(4) Determine what constitutes successful completion of an 3584
individual educational program and require further monitoring of 3585
the individual who completed the program or other action that 3586
the board determines to be appropriate; 3587

(5) Adopt rules in accordance with Chapter 119. of the 3588
Revised Code to further implement the quality intervention 3589
program. 3590

An individual who participates in an individual 3591
educational program pursuant to this division shall pay the 3592
financial obligations arising from that educational program. 3593

Sec. 4731.94. (A) As used in this section and sections 3594
4731.941 ~~and~~, 4731.942, and 4731.943 of the Revised Code, 3595
"physician" means an individual authorized under this chapter to 3596
practice medicine and surgery, osteopathic medicine and surgery, 3597
or podiatric medicine and surgery. 3598

(B) Notwithstanding any provision of this chapter or rule 3599
adopted by the state medical board, a physician may personally 3600
furnish a supply of naloxone, or issue a prescription for 3601
naloxone, without having examined the individual to whom it may 3602

be administered if both of the following conditions are met: 3603

(1) The naloxone supply is furnished to, or the 3604
prescription is issued to and in the name of, a family member, 3605
friend, or other individual in a position to assist an 3606
individual who there is reason to believe is at risk of 3607
experiencing an opioid-related overdose. 3608

(2) The physician instructs the individual receiving the 3609
naloxone supply or prescription to summon emergency services as 3610
soon as practicable either before or after administering the 3611
naloxone to an individual apparently experiencing an opioid- 3612
related overdose. 3613

(C) A physician who under division (B) of this section in 3614
good faith furnishes a supply of naloxone or issues a 3615
prescription for naloxone is not liable for or subject to any of 3616
the following for any ~~action~~ act or omission of the individual 3617
to whom the naloxone is furnished or the prescription is issued: 3618
damages in any civil action, prosecution in any criminal 3619
proceeding, or professional disciplinary action. 3620

Sec. 4731.943. (A) As used in this section, "service 3621
entity" has the same meaning as in section 4729.514 of the 3622
Revised Code. 3623

(B) A physician who has established a protocol under 3624
division (D) of this section may authorize an individual who is 3625
an employee, volunteer, or contractor of a service entity to 3626
administer naloxone to an individual who is apparently 3627
experiencing an opioid-related overdose. 3628

(C) An individual authorized by a physician under this 3629
section may administer naloxone to an individual who is 3630
apparently experiencing an opioid-related overdose if all of the 3631

following conditions are met: 3632

(1) The naloxone is obtained from a service entity of 3633
which the authorized individual is an employee, volunteer, or 3634
contractor. 3635

(2) The authorized individual complies with the protocol 3636
established by the authorizing physician. 3637

(3) The authorized individual summons emergency services 3638
as soon as practicable either before or after administering the 3639
naloxone. 3640

(D) A protocol established by a physician for purposes of 3641
this section must be in writing and include all of the 3642
following: 3643

(1) A description of the clinical pharmacology of 3644
naloxone; 3645

(2) Precautions and contraindications concerning the 3646
administration of naloxone; 3647

(3) Any limitations the physician specifies concerning the 3648
individuals to whom naloxone may be administered; 3649

(4) The naloxone dosage that may be administered and any 3650
variation in the dosage based on circumstances specified in the 3651
protocol; 3652

(5) Labeling, storage, record-keeping, and administrative 3653
requirements; 3654

(6) Training requirements that must be met before an 3655
individual can be authorized to administer naloxone. 3656

(E) A physician who in good faith authorizes an individual 3657
to administer naloxone under this section is not liable for or 3658

subject to any of the following for any act or omission of the 3659
authorized individual: damages in any civil action, prosecution 3660
in any criminal proceeding, or professional disciplinary action. 3661

A service entity or an employee, volunteer, or contractor 3662
of a service entity is not liable for or subject to any of the 3663
following for injury, death, or loss to person or property that 3664
allegedly arises from an act or omission associated with 3665
procuring, maintaining, accessing, or administering naloxone 3666
under this section, unless the act or omission constitutes 3667
willful or wanton misconduct: damages in any civil action, 3668
prosecution in any criminal proceeding, or professional 3669
disciplinary action. 3670

This section does not eliminate, limit, or reduce any 3671
other immunity or defense that a service entity or an employee, 3672
volunteer, or contractor of a service entity may be entitled to 3673
under Chapter 2305. or any other provision of the Revised Code 3674
or under the common law of this state. 3675

Sec. 4776.02. (A) An applicant for an initial license or 3676
restored license from a licensing agency, ~~a person seeking to~~ 3677
~~satisfy the criteria for being a qualified pharmacy technician~~ 3678
~~that are specified in section 4729.42 of the Revised Code, or a~~ 3679
person seeking to satisfy the requirements to be an employee of 3680
a pain management clinic as specified in section 4729.552 of the 3681
Revised Code, ~~or a person seeking to satisfy the requirements to~~ 3682
~~be an employee of a facility, clinic, or other location that is~~ 3683
~~subject to licensure as a category III terminal distributor of~~ 3684
~~dangerous drugs with an office-based opioid treatment~~ 3685
classification under section 4729.553 of the Revised Code shall 3686
submit a request to the bureau of criminal identification and 3687
investigation for a criminal records check of the applicant or 3688

person. The request shall be accompanied by a completed copy of 3689
the form prescribed under division (C) (1) of section 109.572 of 3690
the Revised Code, a set of fingerprint impressions obtained as 3691
described in division (C) (2) of that section, and the fee 3692
prescribed under division (C) (3) of that section. The applicant 3693
or person shall ask the superintendent of the bureau of criminal 3694
identification and investigation in the request to obtain from 3695
the federal bureau of investigation any information it has 3696
pertaining to the applicant or person. 3697

An applicant or person requesting a criminal records check 3698
shall provide the bureau of criminal identification and 3699
investigation with the applicant's or person's name and address 3700
and, regarding an applicant, with the licensing agency's name 3701
and address. 3702

(B) Upon receipt of the completed form, the set of 3703
fingerprint impressions, and the fee provided for in division 3704
(A) of this section, the superintendent of the bureau of 3705
criminal identification and investigation shall conduct a 3706
criminal records check of the applicant or person under division 3707
(B) of section 109.572 of the Revised Code. Upon completion of 3708
the criminal records check, the superintendent shall do 3709
whichever of the following is applicable: 3710

(1) If the request was submitted by an applicant for an 3711
initial license or restored license, report the results of the 3712
criminal records check and any information the federal bureau of 3713
investigation provides to the licensing agency identified in the 3714
request for a criminal records check; 3715

(2) If the request was submitted by ~~a person seeking to~~ 3716
~~satisfy the criteria for being a qualified pharmacy technician~~ 3717
~~that are specified in section 4729.42 of the Revised Code or a~~ 3718

person seeking to satisfy the requirements to be an employee of 3719
a pain management clinic ~~as specified in section 4729.552 of the~~ 3720
~~Revised Code~~ or a person seeking to satisfy the requirements to 3721
be an employee of a facility, clinic, or other location that is 3722
subject to licensure as a category III terminal distributor of 3723
dangerous drugs with an office-based opioid treatment 3724
classification, do both of the following: 3725

(a) Report the results of the criminal records check and 3726
any information the federal bureau of investigation provides to 3727
the person who submitted the request; 3728

(b) Report the results of the portion of the criminal 3729
records check performed by the bureau of criminal identification 3730
and investigation under division (B)(1) of section 109.572 of 3731
the Revised Code to the employer or potential employer specified 3732
in the request of the person who submitted the request and send 3733
a letter to that employer or potential employer regarding the 3734
information provided by the federal bureau of investigation that 3735
states ~~either that~~ whichever of the following is applicable: 3736

(i) That based on that information there is no record of 3737
any conviction ~~or that;~~ 3738

(ii) That based on that information the person who 3739
submitted the request may not meet the criteria that are 3740
specified in section ~~4729.42~~4729.552 or 4729.553 of the Revised 3741
Code, whichever is applicable. 3742

Sec. 4776.04. The results of any criminal records check 3743
conducted pursuant to a request made under this chapter and any 3744
report containing those results, including any information the 3745
federal bureau of investigation provides, are not public records 3746
for purposes of section 149.43 of the Revised Code and shall not 3747

be made available to any person or for any purpose other than as 3748
follows: 3749

(A) If the request for the criminal records check was 3750
submitted by an applicant for an initial license or restored 3751
license, as follows: 3752

(1) The superintendent of the bureau of criminal 3753
identification and investigation shall make the results 3754
available to the licensing agency for use in determining, under 3755
the agency's authorizing chapter of the Revised Code, whether 3756
the applicant who is the subject of the criminal records check 3757
should be granted a license under that chapter. 3758

(2) The licensing agency shall make the results available 3759
to the applicant who is the subject of the criminal records 3760
check. 3761

(B) If the request for the criminal records check was 3762
submitted by ~~a person seeking to satisfy the criteria for being~~ 3763
~~a qualified pharmacy technician that are specified in section~~ 3764
~~4729.42 of the Revised Code or a person seeking to satisfy the~~ 3765
requirements to be an employee of a pain management clinic as 3766
specified in section 4729.552 of the Revised Code or a person 3767
seeking to satisfy the requirements to be an employee of a 3768
facility, clinic, or other location that is subject to licensure 3769
as a category III terminal distributor of dangerous drugs with 3770
an office-based opioid treatment classification, the 3771
superintendent of the bureau of criminal identification and 3772
investigation shall make the results available in accordance 3773
with the following: 3774

(1) The superintendent shall make the results of the 3775
criminal records check, including any information the federal 3776

bureau of investigation provides, available to the person who 3777
submitted the request and is the subject of the criminal records 3778
check. 3779

(2) The superintendent shall make the results of the 3780
portion of the criminal records check performed by the bureau of 3781
criminal identification and investigation under division (B) (1) 3782
of section 109.572 of the Revised Code available to the employer 3783
or potential employer specified in the request of the person who 3784
submitted the request and shall send a letter of the type 3785
described in division (B) (2) of section 4776.02 of the Revised 3786
Code to that employer or potential employer regarding the 3787
information provided by the federal bureau of investigation that 3788
contains one of the types of statements described in that 3789
division. 3790

(C) If the request for the criminal records check was 3791
submitted by an applicant for a trainee license under section 3792
4776.021 of the Revised Code, as follows: 3793

(1) The superintendent of the bureau of criminal 3794
identification and investigation shall make the results 3795
available to the licensing agency or other agency identified in 3796
division (B) of section 4776.021 of the Revised Code for use in 3797
determining, under the agency's authorizing chapter of the 3798
Revised Code and division (D) of section 4776.021 of the Revised 3799
Code, whether the applicant who is the subject of the criminal 3800
records check should be granted a trainee license under that 3801
chapter and that division. 3802

(2) The licensing agency or other agency identified in 3803
division (B) of section 4776.021 of the Revised Code shall make 3804
the results available to the applicant who is the subject of the 3805
criminal records check. 3806

Sec. 5119.391. (A) No community addiction services 3807
provider shall employ methadone treatment or prescribe, 3808
dispense, or administer methadone unless the program is licensed 3809
under this section. No community addiction services provider 3810
licensed under this section shall maintain methadone treatment 3811
in a manner inconsistent with this section and the rules adopted 3812
under it. 3813

(B) A community addiction services provider may apply to 3814
the department of mental health and addiction services for a 3815
license to maintain methadone treatment. The department shall 3816
review all applications received. 3817

(C) The department may issue a license to maintain 3818
methadone treatment to a community addiction services provider 3819
only if all of the following apply: 3820

~~(1) The provider is operated by a private, nonprofit-~~ 3821
~~organization or by a government entity;~~ 3822

~~(2) For at least two years immediately preceding the date-~~ 3823
~~of application, the provider has been fully certified under-~~ 3824
~~section 5119.36 of the Revised Code;~~ 3825

~~(3) The provider has not been denied a license to maintain~~ 3826
~~methadone treatment or had its license withdrawn or revoked~~ 3827
~~within the five-year period immediately preceding the date of~~ 3828
~~application;~~ 3829

~~(4)~~ (2) It affirmatively appears to the department that 3830
the provider is adequately staffed and equipped to maintain 3831
methadone treatment; 3832

~~(5)~~ (3) It affirmatively appears to the department that 3833
the provider will maintain methadone treatment in strict 3834
compliance with section 3719.61 of the Revised Code, all other 3835

laws relating to drug abuse, and the rules adopted by the 3836
department; 3837

~~(6)~~(4) Except as provided in division (D) of this section 3838
and section 5119.392 of the Revised Code, there is no public or 3839
private school, licensed child day-care center, or other child- 3840
serving agency within a radius of five hundred linear feet of 3841
the location where the program is to maintain methadone 3842
treatment; 3843

(5) The provider meets any additional requirements 3844
established by the department in rules adopted under division 3845
(F) of this section. 3846

(D) The department may waive the requirement of division 3847
(C)~~(6)~~(4) of this section if it receives, from each public or 3848
private school, licensed child day-care center, or other child- 3849
serving agency that is within the five hundred linear feet 3850
radius of the location where the program is to maintain 3851
methadone treatment, a letter of support for the location. The 3852
department shall determine whether a letter of support is 3853
satisfactory for purposes of waiving the requirement. 3854

(E) A license to maintain methadone treatment shall expire 3855
one year from the date of issuance. Licenses may be renewed. 3856

(F) The department shall establish procedures and adopt 3857
rules for licensing, inspection, and supervision of community 3858
addiction services providers that maintain methadone treatment. 3859
The rules shall establish standards for the control, storage, 3860
furnishing, use, and dispensing of methadone; prescribe minimum 3861
standards for the operation of the methadone treatment component 3862
of the provider's operations; and comply with federal laws and 3863
regulations. 3864

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

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

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

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

A community addiction services provider shall not employ an individual who receives methadone treatment from that services provider. A program shall not permit an individual to act as a provider sponsor, medical director, or director of the provider if the individual is receiving methadone treatment from any community addiction services provider.

(J) The department may issue orders to assure compliance 3894
with section 3719.61 of the Revised Code, all other laws 3895
relating to drug abuse, and the rules adopted under this 3896
section. Subject to section 5119.27 of the Revised Code, the 3897
department may hold hearings, require the production of relevant 3898
matter, compel testimony, issue subpoenas, and make 3899
adjudications. Upon failure of a person without lawful excuse to 3900
obey a subpoena or to produce relevant matter, the department 3901
may apply to a court of common pleas for an order compelling 3902
compliance. 3903

(K) The department may refuse to issue, or may withdraw or 3904
revoke, a license to maintain methadone treatment. A license may 3905
be refused if a community addiction services provider does not 3906
meet the requirements of division (C) of this section. A license 3907
may be withdrawn at any time the department determines that the 3908
program no longer meets the requirements for receiving the 3909
license. A license may be revoked in accordance with division 3910
(L) of this section. 3911

Once a license is issued under this section, the 3912
department shall not consider the requirement of division (C) ~~(6)~~— 3913
(4) of this section in determining whether to renew, withdraw, 3914
or revoke the license or whether to reissue the license as a 3915
result of a change in ownership. 3916

(L) If the department of mental health and addiction 3917
services finds reasonable cause to believe that a community 3918
addiction services provider licensed under this section is in 3919
violation of any provision of section 3719.61 of the Revised 3920
Code, or of any other state or federal law or rule relating to 3921
drug abuse, the department may issue an order immediately 3922
revoking the license, subject to division (M) of this section. 3923

The department shall set a date not more than fifteen days later 3924
than the date of the order of revocation for a hearing on the 3925
continuation or cancellation of the revocation. For good cause, 3926
the department may continue the hearing on application of any 3927
interested party. In conducting hearings, the department has all 3928
the authority and power set forth in division (J) of this 3929
section. Following the hearing, the department shall either 3930
confirm or cancel the revocation. The hearing shall be conducted 3931
in accordance with Chapter 119. of the Revised Code, except that 3932
the provider shall not be permitted to maintain methadone 3933
treatment pending the hearing or pending any appeal from an 3934
adjudication made as a result of the hearing. Notwithstanding 3935
any provision of Chapter 119. of the Revised Code to the 3936
contrary, a court shall not stay or suspend any order of 3937
revocation issued by the director under this division pending 3938
judicial appeal. 3939

(M) The department shall not revoke a license to maintain 3940
methadone treatment unless all services recipients receiving 3941
methadone treatment from the community addiction services 3942
provider are provided adequate substitute treatment. For 3943
purposes of this division, the department may transfer the 3944
services recipients to other programs licensed to maintain 3945
methadone treatment or replace any or all of the administrators 3946
and staff of the provider with representatives of the department 3947
who shall continue on a provisional basis the methadone 3948
treatment component of the program. 3949

(N) Each time the department receives an application from 3950
a community addiction services provider for a license to 3951
maintain methadone treatment, issues or refuses to issue a 3952
license, or withdraws or revokes a license, the department shall 3953
notify the board of alcohol, drug addiction, and mental health 3954

services of each alcohol, drug addiction, and mental health 3955
service district in which the provider operates. 3956

(O) Whenever it appears to the department from files, upon 3957
complaint, or otherwise, that a community addiction services 3958
provider has engaged in any practice declared to be illegal or 3959
prohibited by section 3719.61 of the Revised Code, or any other 3960
state or federal laws or regulations relating to drug abuse, or 3961
when the department believes it to be in the best interest of 3962
the public and necessary for the protection of the citizens of 3963
the state, the department may request criminal proceedings by 3964
laying before the prosecuting attorney of the proper county any 3965
evidence of criminality which may come to its knowledge. 3966

(P) The department shall maintain a current list of 3967
community addiction services providers licensed by the 3968
department under this section and shall provide a copy of the 3969
current list to a judge of a court of common pleas who requests 3970
a copy for the use of the judge under division (H) of section 3971
2925.03 of the Revised Code. The list of licensed community 3972
addiction services providers shall identify each licensed 3973
provider by its name, its address, and the county in which it is 3974
located. 3975

Sec. 5119.392. (A) On application by a community addiction 3976
services provider that has purchased or leased real property to 3977
be used as the location of a methadone treatment program 3978
licensed under section 5119.391 of the Revised Code, the 3979
department of mental health and addiction services shall 3980
determine whether there is a public or private school, licensed 3981
child day-care center, or other child-serving agency within a 3982
radius of five hundred linear feet of the location of the 3983
property. 3984

If it determines there is not a public or private school, 3985
licensed child day-care center, or other child-serving agency 3986
within a radius of five hundred linear feet of the location, the 3987
department shall issue a declaration that the location is in 3988
compliance with division (C) ~~(6)~~ (4) section 5119.391 of the 3989
Revised Code. 3990

The declaration is valid for one year and shall be 3991
extended for up to two six-month periods on application by the 3992
provider to the department. 3993

The department shall provide to the provider either a copy 3994
of the declaration or notice that the department has determined 3995
that the location is not in compliance with division (C) ~~(6)~~ (4) 3996
of section 5119.391 of the Revised Code. 3997

If, before expiration of the declaration and any 3998
extensions, a community addiction services provider applies for 3999
a license to maintain a methadone treatment program, the 4000
department shall not consider the requirement of division (C) ~~(6)~~ 4001
(4) of section 5119.391 of the Revised Code in determining 4002
whether to issue the license. 4003

(B) A community addiction services provider that desires 4004
to relocate a methadone treatment program licensed under section 4005
5119.391 of the Revised Code may apply for and be granted a 4006
declaration under division (A) of this section. If, before 4007
expiration of the declaration and any extensions, the provider 4008
applies for issuance of a license due to relocation, the 4009
department shall not consider the requirement of division (C) ~~(6)~~ 4010
(4) of section 5119.391 of the Revised Code in determining 4011
whether to reissue the license due to relocation. 4012

Section 2. That existing sections 2925.61, 2929.14, 4013

2947.231, 3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 4014
4729.16, 4729.18, 4729.19, 4729.38, 4729.51, 4729.54, 4729.541, 4015
4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 4731.94, 4016
4776.02, 4776.04, 5119.391, and 5119.392 and section 4729.42 of 4017
the Revised Code are hereby repealed. 4018

Section 3. That Sections 331.90 and 331.120 of Am. Sub. 4019
H.B. 64 of the 131st General Assembly be amended to read as 4020
follows: 4021

Sec. 331.90. MEDICATION-ASSISTED TREATMENT DRUG COURT 4022
PROGRAM FOR SPECIALIZED DOCKET PROGRAMS 4023

(A) As used in this section: 4024

(1) "Medication-assisted treatment ~~(MAT)~~ drug court 4025
program" or "MAT drug court program" means a session of any of 4026
the following that holds initial or final certification from the 4027
Supreme Court of Ohio as a specialized docket program for drugs: 4028
a common pleas court, municipal court, or county court, or a 4029
division of any of those courts. 4030

(2) "Prescriber" has the same meaning as in section 4031
4729.01 of the Revised Code. 4032

(B) (1) The Department of Mental Health and Addiction 4033
Services shall conduct a program to provide addiction treatment, 4034
including medication-assisted treatment, to persons who are 4035
offenders within the Criminal Justice System, eligible to 4036
participate in a ~~MAT~~ medication-assisted treatment drug court 4037
program, and are selected under this section to be participants 4038
in the program because of their dependence on opioids, alcohol, 4039
or both. 4040

(2) The Department shall conduct the program in those 4041
courts of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, 4042

Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, 4043
Summit, and Warren counties that are conducting MAT drug court 4044
programs. If in any of these counties there is no court 4045
conducting a MAT drug court program, the Department shall 4046
conduct the program in a court that is conducting a MAT drug 4047
court program in another county. 4048

(3) In addition to conducting the program in accordance 4049
with division (B) (2) of this section, the Department may conduct 4050
the program in any court that is conducting a MAT drug court 4051
program. 4052

(C) In conducting the program, the Department shall 4053
collaborate with the Supreme Court, the Department of 4054
Rehabilitation and Correction, and any agency of the state that 4055
the Department determines may be of assistance in accomplishing 4056
the objectives of the program. The Department may collaborate 4057
with the boards of alcohol, drug addiction, and mental health 4058
services and with local law enforcement agencies that serve the 4059
counties in which a court participating in the program is 4060
located. 4061

(D) (1) A MAT drug court program shall select persons who 4062
are criminal offenders to be participants in the program. A 4063
person shall not be selected to be a participant unless the 4064
person meets the legal and clinical eligibility criteria for the 4065
MAT drug court program and is an active participant in the 4066
program. 4067

(2) The total number of persons participating in a program 4068
at any time shall not exceed one thousand five hundred, subject 4069
to available funding, except that the Department of Mental 4070
Health and Addiction Services may authorize the maximum number 4071
to be exceeded in circumstances that the Department considers to 4072

be appropriate. 4073

(3) After being enrolled in a MAT drug court program, a 4074
participant shall comply with all requirements of the MAT drug 4075
court program. 4076

(E) The treatment provided in a MAT drug court program 4077
shall be provided by a community addiction services provider 4078
that is certified under section 5119.36 of the Revised Code. In 4079
serving as a community addiction services provider, ~~a~~ both of 4080
the following apply: 4081

(1) The provider shall do all of the following: 4082

~~(1)~~ (a) Provide treatment based on an integrated service 4083
delivery model that consists of the coordination of care between 4084
a prescriber and the community addiction services provider; 4085

~~(2)~~ (b) Conduct professional, comprehensive substance abuse 4086
and mental health diagnostic assessments of a person under 4087
consideration for selection as a program participant to 4088
determine whether the person would benefit from substance abuse 4089
treatment and monitoring; 4090

~~(3)~~ (c) Determine, based on the assessment described in 4091
division (E) ~~(2)~~ (1) (b) of this section, the treatment needs of 4092
the participants served by the treatment provider; 4093

~~(4)~~ (d) Develop, for participants served by the treatment 4094
provider, individualized goals and objectives; 4095

~~(5)~~ (e) Provide access to the long-acting antagonist 4096
therapies, partial agonist therapies, or both, that are included 4097
in the program's medication-assisted treatment; 4098

~~(6)~~ (f) Provide other types of therapies, including 4099
psychosocial therapies, for both substance abuse and any 4100

disorders that are considered by the treatment provider to be 4101
co-occurring disorders; 4102

~~(7)(g)~~ Monitor program compliance through the use of 4103
regular drug testing, including urinalysis, of the participants 4104
being served by the community addiction services provider. 4105

(2) The provider may provide access to time-limited 4106
recovery supports. For purposes of this division: 4107

(a) A recovery support is a form of assistance intended to 4108
help an individual with addiction or mental health needs, or a 4109
member of the family of such an individual, to initiate and 4110
sustain the individual's recovery from alcoholism, drug 4111
addiction, or mental illness. 4112

(b) A recovery support does not include an addiction or 4113
mental health treatment or prevention service. 4114

(F) In the case of medication-assisted treatment provided 4115
under the program, all of the following conditions apply: 4116

(1) A drug may be used only if the drug has been approved 4117
by the United States Food and Drug Administration for use in 4118
treating dependence on opioids, alcohol, or both, or for 4119
preventing relapse into the use of opioids, alcohol, or both. 4120

(2) One or more drugs may be used, but each drug that is 4121
used must constitute long-acting antagonist therapy or partial 4122
agonist therapy. 4123

(3) If a drug constituting partial agonist therapy is 4124
used, the program shall provide safeguards to minimize abuse and 4125
diversion of the drug, including such safeguards as routine drug 4126
testing of program participants. 4127

(G) It is anticipated and expected that drug courts will 4128

expand their ability to serve more drug court participants as a 4129
result of increased access to commercial or publicly funded 4130
health insurance. In order to ensure that funds appropriated to 4131
support this MAT drug court program are used in the most 4132
efficient manner with a goal of enrolling the maximum number of 4133
participants, the Medicaid Director with major Ohio healthcare 4134
plans, shall develop plans consistent with this division. There 4135
shall be no prior authorizations or step therapy for medication- 4136
assisted treatment for participants in the MAT drug court 4137
program. The plans developed under this division shall ensure 4138
all of the following: 4139

(1) The development of an efficient and timely process for 4140
review of eligibility for health benefits for all offenders 4141
selected to participate in the MAT drug court program; 4142

(2) A rapid conversion to reimbursement for all healthcare 4143
services by the participant's health insurance company following 4144
approval for coverage of healthcare benefits; 4145

(3) The development of a consistent benefit package that 4146
provides ready access to and reimbursement for essential 4147
healthcare services including, but not limited to, primary 4148
healthcare, alcohol and opiate detoxification services, 4149
appropriate psychosocial services, and medication for long- 4150
acting injectable antagonist therapies and partial agonist 4151
therapies; 4152

(4) The development of guidelines that require the 4153
provision of all treatment services, including medication, with 4154
minimal administrative barriers and within a ~~timeframe~~time 4155
frame that meets the requirements of individual patient care 4156
plans. 4157

(H) A report of the findings obtained from the addiction 4158
treatment pilot program established by Section 327.120 of Am. 4159
Sub. H.B. 59 of the 130th General Assembly shall be prepared by 4160
a research institution and include data derived from the drug 4161
testing and performance measures used in the program. The 4162
research institution shall complete its report not later than 4163
December 31, 2015. Upon completion, the institution shall submit 4164
the report to the Governor, Chief Justice of the Supreme Court, 4165
President of the Senate, Speaker of the House of 4166
Representatives, Department of Mental Health and Addiction 4167
Services, Department of Rehabilitation and Correction, and any 4168
other state agency that the Department of Mental Health and 4169
Addiction Services collaborates with in conducting the program. 4170

(I) Within 90 days after the effective date of this 4171
section, June 30, 2015, the Department shall select a research 4172
institution with experience in evaluating multiple court systems 4173
across jurisdictions in both rural and urban regions. The 4174
research institution shall have demonstrated experience 4175
evaluating the use of agonist and antagonist medication assisted 4176
treatment in drug courts, a track record of scientific 4177
publications, experience in health economics, and ethical and 4178
patient selection and consent issues. The institution shall also 4179
have an internal institutional review board. The institution 4180
shall prepare the report described in division (J) of this 4181
section. 4182

(J) A report of the findings obtained from the MAT drug 4183
court program established under this section shall be prepared 4184
by a research institution and include data derived from the drug 4185
testing and performance measures used in the program. The 4186
research institution shall complete its report not later than 4187
June 30, 2017. Upon completion, the institution shall submit the 4188

report to the Governor, Chief Justice of the Supreme Court, 4189
President of the Senate, Speaker of the House of 4190
Representatives, Department of Mental Health and Addiction 4191
Services, Department of Rehabilitation and Correction, and any 4192
other state agency that the Department of Mental Health and 4193
Addiction Services collaborates with in conducting the program. 4194

(K) Of the foregoing appropriation item 336422, Criminal 4195
Justice Services, not more than \$5.5 million in each fiscal year 4196
shall be used to support the Medication-Assisted Treatment Drug 4197
Court Program for Specialized Docket Programs. 4198

Sec. 331.120. COMMUNITY INNOVATIONS 4199

The foregoing appropriation item 336504, Community 4200
Innovations, may be used by the Department of Mental Health and 4201
Addiction Services to make targeted investments in programs, 4202
projects, or systems operated by or under the authority of other 4203
state agencies, governmental entities, or private not-for-profit 4204
agencies that impact, or are impacted by, the operations and 4205
functions of the Department, with the goal of achieving a net 4206
reduction in expenditure of state general revenue funds and/or 4207
improved outcomes for Ohio citizens without a net increase in 4208
state general revenue fund spending. 4209

The Director shall identify and evaluate programs, 4210
projects, or systems proposed or operated, in whole or in part, 4211
outside of the authority of the Department, where targeted 4212
investment of these funds in the program, project, or system is 4213
expected to decrease demand for the Department or other 4214
resources funded with state general revenue funds, and/or to 4215
measurably improve outcomes for Ohio citizens with mental 4216
illness or with alcohol, drug, or gambling addictions. The 4217
Director shall have discretion to transfer money from the 4218

appropriation item to other state agencies, governmental 4219
entities, or private not-for-profit agencies in amounts, and 4220
subject to conditions, that the Director determines most likely 4221
to achieve state savings and/or improved outcomes. Distribution 4222
of moneys from this appropriation item shall not be subject to 4223
sections 9.23 to 9.239 or Chapter 125. of the Revised Code. 4224

The Department shall enter into an agreement with each 4225
recipient of community innovation funds, identifying: allowable 4226
expenditure of the funds; other commitment of funds or other 4227
resources to the program, project, or system; expected state 4228
savings and/or improved outcomes and proposed mechanisms for 4229
measurement of such savings or outcomes; and required reporting 4230
regarding expenditure of funds and savings or outcomes achieved. 4231

Of the foregoing appropriation item 336504, Community 4232
Innovations, up to \$3,000,000 in each fiscal year shall be used 4233
to provide funding for community projects across the state that 4234
focus on support for families, assisting families in avoiding 4235
crisis, and crisis intervention. 4236

Of the foregoing appropriation item 336504, Community 4237
Innovations, up to \$500,000 in each fiscal year shall be used to 4238
enhance access to Naloxone across the state for county health 4239
departments to then disperse through a grant program to local 4240
law enforcement, emergency personnel, and first responders. If 4241
local law enforcement, emergency personnel, and first responders 4242
are not making use of the Naloxone grant, the county health 4243
department may use grant funding to provide Naloxone through a 4244
Project DAWN program within the county. 4245

Of the foregoing appropriation item 336504, Community 4246
Innovations, up to \$3,000,000 in each fiscal year shall be used 4247
to improve collaboration between local jails, state hospitals, 4248

and community addiction and mental health services providers in 4249
order to reduce transfers, improve safety and judicial oversight 4250
as well as address capacity issues in both jails and state 4251
hospitals. 4252

Of the foregoing appropriation item 336504, Community 4253
Innovations, up to \$100,000 in each fiscal year shall be used to 4254
continue the Department of Mental Health and Addiction Services 4255
cross-agency efforts to share evidence-based practices that 4256
encourage the use of trauma-informed care. 4257

Of the foregoing appropriation item 336504, Community 4258
Innovations, up to \$1,000,000 in each fiscal year shall be used 4259
to implement strategies to increase job opportunities, reduce 4260
the number of positive drug screens, and improve workforce 4261
readiness for individuals in recovery. 4262

Section 4. That existing Sections 331.90 and 331.120 of 4263
Am. Sub. H.B. 64 of the 131st General Assembly are hereby 4264
repealed. 4265

Section 5. (A) Not later than 180 days after the effective 4266
date of this section, the Department of Mental Health and 4267
Addiction Services shall adopt rules pursuant to division (F) of 4268
section 5119.391 of the Revised Code that revise the 4269
requirements governing licensure of methadone treatment 4270
providers. The rules shall include the following as requirements 4271
for licensure: 4272

(1) Being in good standing with the Medicaid program, 4273
Medicare program, and United States Drug Enforcement 4274
Administration; 4275

(2) Being in good standing in any other jurisdiction in 4276
which the community addiction services provider provides 4277

services that are comparable to the methadone treatment services 4278
authorized under section 5119.391 of the Revised Code; 4279

(3) The ability to meet treatment standards established in 4280
42 C.F.R. 8.12 and the accepted standards of medical care for 4281
opioid treatment services established by the American Society of 4282
Addiction Medicine. 4283

(B) Not later than two years after the effective date of 4284
this section, the Department shall conduct an analysis of unmet 4285
needs for methadone treatment in Ohio and the impact of the 4286
changes made by this act to division (C) of section 5119.391 of 4287
the Revised Code on the overall treatment capacity in Ohio. The 4288
Department shall complete a report of its findings not later 4289
than 180 days after beginning the analysis. The Department shall 4290
publish a copy of the report on its Internet web site. 4291

Section 6. (A) The amendment, enactment, or repeal of 4292
sections 3719.21, 4729.42, and 4729.95 and division (I) of 4293
section 4729.99 of the Revised Code take effect one year after 4294
the effective date of this section. 4295

The amendment of sections 5119.391 and 5119.392 of the 4296
Revised Code takes effect 180 days after the effective date of 4297
this section. 4298

(B) Notwithstanding sections 4776.02 and 4776.04 of the 4299
Revised Code, as amended by this act, the provisions of those 4300
sections that were in effect immediately prior to the effective 4301
date of this act and referred to a person seeking to satisfy the 4302
criteria for being a qualified pharmacy technician that are 4303
specified in section 4729.42 of the Revised Code continue to 4304
apply for one year after the effective date of this section as 4305
if the provisions had not been removed from those sections by 4306

this act. 4307

Section 7. Section 2925.61 of the Revised Code is 4308
presented in this act as a composite of the section as amended 4309
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 4310
Assembly. The General Assembly, applying the principle stated in 4311
division (B) of section 1.52 of the Revised Code that amendments 4312
are to be harmonized if reasonably capable of simultaneous 4313
operation, finds that the composite is the resulting version of 4314
the section in effect prior to the effective date of the section 4315
as presented in this act. 4316

Section 4729.16 of the Revised Code is presented in this 4317
act as a composite of the section as amended by Am. Sub. H.B. 4 4318
of the 131st General Assembly and Am. Sub. H.B. 394 and Am. Sub. 4319
S.B. 276, both of the 130th General Assembly. The General 4320
Assembly, applying the principle stated in division (B) of 4321
section 1.52 of the Revised Code that amendments are to be 4322
harmonized if reasonably capable of simultaneous operation, 4323
finds that the composite is the resulting version of the section 4324
in effect prior to the effective date of the section as 4325
presented in this act. 4326