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Senators Hackett, Hottinger

Cosponsors: Senators Beagle, Balderson, Brown, Burke, Dolan, Eklund, Gardner, Hoagland, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Terhar, Uecker, Wilson Representatives Gavarone, Antani, Butler, Duffey, Edwards, Ginter, Johnson, Lepore-Hagan

A BILL

To amend sections 4723.52, 4729.01, 4729.44, 1
4729.75, 4729.79, 4729.85, 4730.56, 4731.83, and 2
5119.363, to amend, for the purpose of adopting 3
a new section number as indicated in 4
parentheses, section 3715.08 (3719.064), and to 5
enact sections 3719.063, 4729.283, and 4765.45 6
of the Revised Code regarding naloxone, 7
naltrexone, and medication-assisted treatment. 8

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

Section 1. That sections 4723.52, 4729.01, 4729.44, 9
4729.75, 4729.79, 4729.85, 4730.56, 4731.83, and 5119.363 be 10
amended, section 3715.08 (3719.064) be amended for the purpose 11
of adopting a new section number as indicated in parentheses, 12
and sections 3719.063, 4729.283, and 4765.45 of the Revised Code 13
be enacted to read as follows: 14

Sec. 3719.063. In the absence of gross negligence or 15
intentional misconduct, a person who administers the drug 16

naltrexone by injection, the person's employer, and the facility 17
at which the drug is administered are not liable in any civil 18
action or subject to criminal prosecution or professional 19
discipline for any injury or damage caused by the injection or 20
drug if all of the following conditions are met: 21

(A) The individual to whom the drug is administered is 22
unable to have it administered as follows: 23

(1) By a person who routinely administers the drug to the 24
individual; 25

(2) At the facility at which the drug is routinely 26
administered to the individual; 27

(3) Under the direction of the drug's prescriber. 28

(B) The person who administers the drug under this section 29
is legally authorized to administer it by injection but is not 30
the prescriber of the drug or one who routinely administers it 31
to the individual. 32

(C) The drug is provided to the person who administers it 33
under this section in either of the following ways: 34

(1) By the individual to whom it is administered; 35

(2) By the pharmacy that has a record of a prescription 36
for the drug in the name of the individual to whom it is 37
administered. 38

(D) The person who administers the drug under this section 39
is authorized to do so by that person's employer or the facility 40
at which the drug is administered. 41

Sec. ~~3715.08~~ 3719.064. (A) As used in this section: 42

(1) "Medication-assisted treatment" has the same meaning 43

as in section 340.01 of the Revised Code. 44

(2) "Prescriber" means any of the following: 45

(a) An advanced practice registered nurse who holds a 46
current, valid license issued under Chapter 4723. of the Revised 47
Code and is designated as a clinical nurse specialist, certified 48
nurse-midwife, or certified nurse practitioner; 49

(b) A physician authorized under Chapter 4731. of the 50
Revised Code to practice medicine and surgery or osteopathic 51
medicine and surgery; 52

(c) A physician assistant who is licensed under Chapter 53
4730. of the Revised Code, holds a valid prescriber number 54
issued by the state medical board, and has been granted 55
physician-delegated prescriptive authority. 56

(3) "Qualifying practitioner" has the same meaning as in 57
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 58
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 59

(B) Before initiating medication-assisted treatment, a 60
prescriber shall give the patient or the patient's 61
representative information about all drugs approved by the 62
United States food and drug administration for use in 63
medication-assisted treatment. The information must be provided 64
both orally and in writing. The prescriber or the prescriber's 65
delegate shall note in the patient's medical record when this 66
information was provided and make the record available to 67
employees of the board of nursing or state medical board on 68
their request. 69

If the prescriber is not a qualifying practitioner and the 70
patient's choice is treatment with a controlled substance 71
containing buprenorphine and the prescriber determines that such 72

treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to a qualifying practitioner. If the patient's choice is methadone treatment and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to a community addiction services provider licensed under section 5119.391 of the Revised Code. In either case, the prescriber or the prescriber's delegate shall make a notation in the patient's medical record naming the practitioner or provider to whom the patient was referred and specifying when the referral was made.

Sec. 4723.52. (A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) An advanced practice registered nurse shall comply with section ~~3715.08~~3719.064 of the Revised Code and rules adopted under section 4723.51 of the Revised Code when treating a patient for addiction with medication-assisted treatment or proposing to initiate such treatment.

(C) An advanced practice registered nurse who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:

(1) Exempted by divisions (B) (2) (a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license

with an office-based opioid treatment classification;	102
(2) A community addiction services provider that provides	103
alcohol and drug addiction services that are certified by the	104
department of mental health and addiction services under section	105
5119.36 of the Revised Code.	106
Sec. 4729.01. As used in this chapter:	107
(A) "Pharmacy," except when used in a context that refers	108
to the practice of pharmacy, means any area, room, rooms, place	109
of business, department, or portion of any of the foregoing	110
where the practice of pharmacy is conducted.	111
(B) "Practice of pharmacy" means providing pharmacist care	112
requiring specialized knowledge, judgment, and skill derived	113
from the principles of biological, chemical, behavioral, social,	114
pharmaceutical, and clinical sciences. As used in this division,	115
"pharmacist care" includes the following:	116
(1) Interpreting prescriptions;	117
(2) Dispensing drugs and drug therapy related devices;	118
(3) Compounding drugs;	119
(4) Counseling individuals with regard to their drug	120
therapy, recommending drug therapy related devices, and	121
assisting in the selection of drugs and appliances for treatment	122
of common diseases and injuries and providing instruction in the	123
proper use of the drugs and appliances;	124
(5) Performing drug regimen reviews with individuals by	125
discussing all of the drugs that the individual is taking and	126
explaining the interactions of the drugs;	127
(6) Performing drug utilization reviews with licensed	128

health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	129 130 131 132
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	133 134 135
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	136 137 138 139
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	140 141
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	142 143
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	144 145 146
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	147 148
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	149 150
(3) As an incident to research, teaching activities, or chemical analysis;	151 152
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	153 154 155

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:

(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.

(b) A limited quantity of the drug is compounded and provided to the professional.

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any

article specified in division (E) (1), (2), or (3) of this 184
section; but does not include devices or their components, 185
parts, or accessories. 186

(F) "Dangerous drug" means any of the following: 187

(1) Any drug to which either of the following applies: 188

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 189
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 190
required to bear a label containing the legend "Caution: Federal 191
law prohibits dispensing without prescription" or "Caution: 192
Federal law restricts this drug to use by or on the order of a 193
licensed veterinarian" or any similar restrictive statement, or 194
the drug may be dispensed only upon a prescription; 195

(b) Under Chapter 3715. or 3719. of the Revised Code, the 196
drug may be dispensed only upon a prescription. 197

(2) Any drug that contains a schedule V controlled 198
substance and that is exempt from Chapter 3719. of the Revised 199
Code or to which that chapter does not apply; 200

(3) Any drug intended for administration by injection into 201
the human body other than through a natural orifice of the human 202
body; 203

(4) Any drug that is a biological product, as defined in 204
section 3715.01 of the Revised Code. 205

(G) "Federal drug abuse control laws" has the same meaning 206
as in section 3719.01 of the Revised Code. 207

(H) "Prescription" means all of the following: 208

(1) A written, electronic, or oral order for drugs or 209
combinations or mixtures of drugs to be used by a particular 210

individual or for treating a particular animal, issued by a 211
licensed health professional authorized to prescribe drugs; 212

(2) For purposes of sections 2925.61, 4723.488, ~~4729.44,~~ 213
4730.431, and 4731.94 of the Revised Code, a written, 214
electronic, or oral order for naloxone issued to and in the name 215
of a family member, friend, or other individual in a position to 216
assist an individual who there is reason to believe is at risk 217
of experiencing an opioid-related overdose. 218

(3) For purposes of section 4729.44 of the Revised Code, a 219
written, electronic, or oral order for naloxone issued to and in 220
the name of either of the following: 221

(a) An individual who there is reason to believe is at 222
risk of experiencing an opioid-related overdose; 223

(b) A family member, friend, or other individual in a 224
position to assist an individual who there is reason to believe 225
is at risk of experiencing an opioid-related overdose. 226

(4) For purposes of sections 4723.4810, 4729.282, 227
4730.432, and 4731.93 of the Revised Code, a written, 228
electronic, or oral order for a drug to treat chlamydia, 229
gonorrhea, or trichomoniasis issued to and in the name of a 230
patient who is not the intended user of the drug but is the 231
sexual partner of the intended user; 232

~~(4)~~(5) For purposes of sections 3313.7110, 3313.7111, 233
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 234
4731.96, and 5101.76 of the Revised Code, a written, electronic, 235
or oral order for an epinephrine autoinjector issued to and in 236
the name of a school, school district, or camp; 237

~~(5)~~(6) For purposes of Chapter 3728. and sections 238
4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a 239

written, electronic, or oral order for an epinephrine	240
autoinjector issued to and in the name of a qualified entity, as	241
defined in section 3728.01 of the Revised Code.	242
(I) "Licensed health professional authorized to prescribe	243
drugs" or "prescriber" means an individual who is authorized by	244
law to prescribe drugs or dangerous drugs or drug therapy	245
related devices in the course of the individual's professional	246
practice, including only the following:	247
(1) A dentist licensed under Chapter 4715. of the Revised	248
Code;	249
(2) A clinical nurse specialist, certified nurse-midwife,	250
or certified nurse practitioner who holds a current, valid	251
license to practice nursing as an advanced practice registered	252
nurse issued under Chapter 4723. of the Revised Code;	253
(3) An optometrist licensed under Chapter 4725. of the	254
Revised Code to practice optometry under a therapeutic	255
pharmaceutical agents certificate;	256
(4) A physician authorized under Chapter 4731. of the	257
Revised Code to practice medicine and surgery, osteopathic	258
medicine and surgery, or podiatric medicine and surgery;	259
(5) A physician assistant who holds a license to practice	260
as a physician assistant issued under Chapter 4730. of the	261
Revised Code, holds a valid prescriber number issued by the	262
state medical board, and has been granted physician-delegated	263
prescriptive authority;	264
(6) A veterinarian licensed under Chapter 4741. of the	265
Revised Code.	266
(J) "Sale" or "sell" includes any transaction made by any	267

person, whether as principal proprietor, agent, or employee, to 268
do or offer to do any of the following: deliver, distribute, 269
broker, exchange, gift or otherwise give away, or transfer, 270
whether the transfer is by passage of title, physical movement, 271
or both. 272

(K) "Wholesale sale" and "sale at wholesale" mean any sale 273
in which the purpose of the purchaser is to resell the article 274
purchased or received by the purchaser. 275

(L) "Retail sale" and "sale at retail" mean any sale other 276
than a wholesale sale or sale at wholesale. 277

(M) "Retail seller" means any person that sells any 278
dangerous drug to consumers without assuming control over and 279
responsibility for its administration. Mere advice or 280
instructions regarding administration do not constitute control 281
or establish responsibility. 282

(N) "Price information" means the price charged for a 283
prescription for a particular drug product and, in an easily 284
understandable manner, all of the following: 285

(1) The proprietary name of the drug product; 286

(2) The established (generic) name of the drug product; 287

(3) The strength of the drug product if the product 288
contains a single active ingredient or if the drug product 289
contains more than one active ingredient and a relevant strength 290
can be associated with the product without indicating each 291
active ingredient. The established name and quantity of each 292
active ingredient are required if such a relevant strength 293
cannot be so associated with a drug product containing more than 294
one ingredient. 295

(4) The dosage form;	296
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	297 298 299 300 301 302 303 304
(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	305 306 307 308 309
(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.	310 311 312 313
(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.	314 315 316 317 318 319 320 321 322 323 324 325

(R) "Promote to the public" means disseminating a 326
representation to the public in any manner or by any means, 327
other than by labeling, for the purpose of inducing, or that is 328
likely to induce, directly or indirectly, the purchase of a 329
dangerous drug at retail. 330

(S) "Person" includes any individual, partnership, 331
association, limited liability company, or corporation, the 332
state, any political subdivision of the state, and any district, 333
department, or agency of the state or its political 334
subdivisions. 335

(T) "Animal shelter" means a facility operated by a humane 336
society or any society organized under Chapter 1717. of the 337
Revised Code or a dog pound operated pursuant to Chapter 955. of 338
the Revised Code. 339

(U) "Food" has the same meaning as in section 3715.01 of 340
the Revised Code. 341

(V) "Pain management clinic" has the same meaning as in 342
section 4731.054 of the Revised Code. 343

(W) "Investigational drug or product" means a drug or 344
product that has successfully completed phase one of the United 345
States food and drug administration clinical trials and remains 346
under clinical trial, but has not been approved for general use 347
by the United States food and drug administration. 348
"Investigational drug or product" does not include controlled 349
substances in schedule I, as established pursuant to section 350
3719.41 of the Revised Code, and as amended. 351

(X) "Product," when used in reference to an 352
investigational drug or product, means a biological product, 353
other than a drug, that is made from a natural human, animal, or 354

microorganism source and is intended to treat a disease or 355
medical condition. 356

(Y) "Third-party logistics provider" means a person that 357
provides or coordinates warehousing or other logistics services 358
pertaining to dangerous drugs including distribution, on behalf 359
of a manufacturer, wholesale distributor, or terminal 360
distributor of dangerous drugs, but does not take ownership of 361
the drugs or have responsibility to direct the sale or 362
disposition of the drugs. 363

(Z) "Repackager of dangerous drugs" or "repackager" means 364
a person that repacks and relabels dangerous drugs for sale or 365
distribution. 366

(AA) "Outsourcing facility" means a facility that is 367
engaged in the compounding and sale of sterile drugs and is 368
registered as an outsourcing facility with the United States 369
food and drug administration. 370

Sec. 4729.283. (A) A pharmacist may dispense naltrexone 371
without a written or oral prescription from a licensed health 372
professional authorized to prescribe drugs if all of the 373
following conditions are met: 374

(1) The pharmacist is able to verify a record of a 375
prescription for the injectable long-acting or extended-release 376
form of naltrexone in the name of the patient who is requesting 377
the drug, but the prescription does not provide for a refill or 378
the time permitted by rules adopted by the state board of 379
pharmacy for providing refills has elapsed. 380

(2) The pharmacist is unable to obtain authorization to 381
refill the prescription from the prescriber who issued it or 382
another prescriber responsible for the patient's care. 383

<u>(3) In the exercise of the pharmacist's professional</u>	384
<u>judgment:</u>	385
<u>(a) The drug is necessary to continue the patient's</u>	386
<u>therapy for substance use disorder.</u>	387
<u>(b) Failure to dispense the drug to the patient could</u>	388
<u>result in harm to the health of the patient.</u>	389
<u>(B) Before dispensing naltrexone under this section, the</u>	390
<u>pharmacist shall offer the patient the choice of receiving</u>	391
<u>either the oral form or injectable long-acting or extended-</u>	392
<u>release form, but only if both forms of the drug are available</u>	393
<u>for dispensing at the time of the patient's request or within</u>	394
<u>one day after the request.</u>	395
<u>(C) (1) With respect to naltrexone dispensed in an oral</u>	396
<u>form under this section, the pharmacist shall not dispense an</u>	397
<u>amount that exceeds a five-day supply.</u>	398
<u>(2) With respect to naltrexone dispensed in an injectable</u>	399
<u>long-acting or extended-release form under this section, both of</u>	400
<u>the following apply:</u>	401
<u>(a) The pharmacist shall exercise professional judgment in</u>	402
<u>determining the amount of the drug dispensed.</u>	403
<u>(b) The pharmacist may administer the drug by injection to</u>	404
<u>the patient but only in accordance with section 4729.45 of the</u>	405
<u>Revised Code.</u>	406
<u>(D) A pharmacist who dispenses naltrexone under this</u>	407
<u>section shall do all of the following:</u>	408
<u>(1) For one year after the date of dispensing, maintain a</u>	409
<u>record in accordance with this chapter of the drug dispensed,</u>	410
<u>including the amount and form dispensed, the original</u>	411

prescription number, the name and address of the patient and, if 412
the individual receiving the drug is not the patient, the name 413
and address of that individual; 414

(2) Notify the prescriber who issued the prescription 415
described in division (A)(1) of this section or another 416
prescriber responsible for the patient's care not later than 417
five days after the drug is dispensed; 418

(3) If applicable, obtain authorization for additional 419
dispensing from one of the prescribers described in division (D) 420
(2) of this section. 421

(E) A pharmacist shall exercise professional judgment in 422
determining the number of times naltrexone may be dispensed 423
under this section to the same patient. 424

(F) This section does not limit the authority of a 425
pharmacist to dispense a dangerous drug under section 4729.281 426
of the Revised Code. 427

Sec. 4729.44. (A) As used in this section: 428

(1) "Board of health" means a board of health of a city or 429
general health district or an authority having the duties of a 430
board of health under section 3709.05 of the Revised Code. 431

(2) "Physician" means an individual authorized under 432
Chapter 4731. of the Revised Code to practice medicine and 433
surgery, osteopathic medicine and surgery, or podiatric medicine 434
and surgery. 435

(B) If use of the protocol developed pursuant to rules 436
adopted under division (G) of this section has been authorized 437
under section 3707.56 or 4731.942 of the Revised Code, a 438
pharmacist or pharmacy intern may dispense naloxone without a 439

prescription to either of the following in accordance with that 440
protocol: 441

(1) An individual who there is reason to believe is 442
experiencing or at risk of experiencing an opioid-related 443
overdose; 444

(2) A family member, friend, or other ~~person~~ individual in 445
a position to assist an individual who there is reason to 446
believe is at risk of experiencing an opioid-related overdose. 447

(C) A pharmacist or pharmacy intern who dispenses naloxone 448
under this section shall instruct the individual to whom 449
naloxone is dispensed to summon emergency services as soon as 450
practicable either before or after administering naloxone. 451

(D) A pharmacist may document on a prescription form the 452
dispensing of naloxone by the pharmacist or a pharmacy intern 453
supervised by the pharmacist ~~on a prescription form~~. The form 454
may be assigned a number for record-keeping purposes. 455

(E) This section does not affect the authority of a 456
pharmacist or pharmacy intern to fill or refill a prescription 457
for naloxone. 458

(F) A board of health that in good faith authorizes a 459
pharmacist or pharmacy intern to dispense naloxone without a 460
prescription in accordance with a protocol developed pursuant to 461
rules adopted under division (G) of this section is not liable 462
for or subject to any of the following for any action or 463
omission of the individual to whom the naloxone is dispensed: 464
damages in any civil action, prosecution in any criminal 465
proceeding, or professional disciplinary action. 466

A physician who in good faith authorizes a pharmacist or 467
pharmacy intern to dispense naloxone without a prescription in 468

accordance with a protocol developed pursuant to rules adopted 469
under division (G) of this section is not liable for or subject 470
to any of the following for any action or omission of the 471
individual to whom the naloxone is dispensed: damages in any 472
civil action, prosecution in any criminal proceeding, or 473
professional disciplinary action. 474

A pharmacist or pharmacy intern authorized under this 475
section to dispense naloxone without a prescription who does so 476
in good faith is not liable for or subject to any of the 477
following for any action or omission of the individual to whom 478
the naloxone is dispensed: damages in any civil action, 479
prosecution in any criminal proceeding, or professional 480
disciplinary action. 481

(G) The state board of pharmacy shall, after consulting 482
with the department of health and state medical board, adopt 483
rules to implement this section. The rules shall specify a 484
protocol under which pharmacists or pharmacy interns may 485
dispense naloxone without a prescription. 486

All rules adopted under this section shall be adopted in 487
accordance with Chapter 119. of the Revised Code. 488

Sec. 4729.75. The state board of pharmacy may establish 489
and maintain a drug database. The board shall use the drug 490
database to monitor the misuse and diversion of the following: 491
controlled substances, as defined in section 3719.01 of the 492
Revised Code; medical marijuana, as authorized under Chapter 493
3796. of the Revised Code; and other dangerous drugs the board 494
includes in the database pursuant to rules adopted under section 495
4729.84 of the Revised Code. ~~In~~ 496

The board also shall use the drug database to monitor 497

naltrexone. 498

In establishing and maintaining the database, the board 499
shall electronically collect information pursuant to sections 500
4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the Revised 501
Code and shall disseminate information as authorized or required 502
by sections 4729.80 and 4729.81 of the Revised Code. The board's 503
collection and dissemination of information shall be conducted 504
in accordance with rules adopted under section 4729.84 of the 505
Revised Code. 506

Sec. 4729.79. (A) If the state board of pharmacy 507
establishes and maintains a drug database pursuant to section 508
4729.75 of the Revised Code, each licensed health professional 509
authorized to prescribe drugs, except as provided in division 510
(C) of this section, who personally furnishes to a patient a 511
controlled substance, naltrexone, or other dangerous drug the 512
board includes in the database pursuant to rules adopted under 513
section 4729.84 of the Revised Code shall submit to the board 514
the following information: 515

- (1) Prescriber identification; 516
- (2) Patient identification; 517
- (3) Date drug was furnished by the prescriber; 518
- (4) Indication of whether the drug furnished is new or a 519
refill; 520
- (5) Name, strength, and national drug code of drug 521
furnished; 522
- (6) Quantity of drug furnished; 523
- (7) Number of days' supply of drug furnished; 524

(8) Source of payment for the drug furnished;	525
(9) Identification of the owner of the drug furnished.	526
(B) (1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	527 528 529
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the prescriber to submit the information in another format.	530 531 532 533
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	534 535 536
(a) The prescriber's transmission system suffers a mechanical or electronic failure, or the prescriber cannot meet the deadline for other reasons beyond the prescriber's control.	537 538 539
(b) The board is unable to receive electronic submissions.	540
(C) (1) The information required to be submitted under division (A) of this section may be submitted on behalf of the prescriber by the owner of the drug being personally furnished or by a delegate approved by that owner.	541 542 543 544
(2) The requirements of this section to submit information to the board do not apply to a prescriber who is a veterinarian.	545 546
(D) If the board becomes aware of a prescriber's failure to comply with this section, the board shall notify the government entity responsible for licensing the prescriber.	547 548 549
Sec. 4729.85. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the	550 551

Revised Code, the board shall prepare reports regarding the 552
database and present or submit them in accordance with both of 553
the following: 554

(A) The board shall present a biennial report to the 555
standing committees of the house of representatives and the 556
senate that are primarily responsible for considering health and 557
human services issues. Each report shall include all of the 558
following: 559

(1) The cost to the state of establishing and maintaining 560
the database; 561

(2) Information from the board, terminal distributors of 562
dangerous drugs, prescribers, and retail dispensaries licensed 563
under Chapter 3796. of the Revised Code regarding the board's 564
effectiveness in providing information from the database; 565

(3) The board's timeliness in transmitting information 566
from the database. 567

(B) The board shall submit a semiannual report to the 568
governor, the president of the senate, the speaker of the house 569
of representatives, the attorney general, the chairpersons of 570
the standing committees of the house of representatives and the 571
senate that are primarily responsible for considering health and 572
human services issues, the department of public safety, the 573
state dental board, the board of nursing, the state vision 574
professionals board, the state medical board, and the state 575
veterinary medical licensing board. The state board of pharmacy 576
shall make the report available to the public on its internet 577
web site. Each report submitted shall include all of the 578
following for the period covered by the report: 579

(1) An aggregate of the information submitted to the board 580

under section 4729.77 of the Revised Code regarding	581
prescriptions for controlled substances containing opioids,	582
including all of the following:	583
(a) The number of prescribers who issued the	584
prescriptions;	585
(b) The number of patients to whom the controlled	586
substances were dispensed;	587
(c) The average quantity of the controlled substances	588
dispensed per prescription;	589
(d) The average daily morphine equivalent dose of the	590
controlled substances dispensed per prescription.	591
(2) An aggregate of the information submitted to the board	592
under section 4729.79 of the Revised Code regarding controlled	593
substances containing opioids that have been personally	594
furnished to a patient by a prescriber, other than a prescriber	595
who is a veterinarian, including all of the following:	596
(a) The number of prescribers who personally furnished the	597
controlled substances;	598
(b) The number of patients to whom the controlled	599
substances were personally furnished;	600
(c) The average quantity of the controlled substances that	601
were furnished at one time;	602
(d) The average daily morphine equivalent dose of the	603
controlled substances that were furnished at one time.	604
(3) An aggregate of the information submitted to the board	605
under section 4729.771 of the Revised Code regarding medical	606
marijuana;	607

(4) An aggregate of the information submitted to the board 608
under sections 4729.77 and 4729.79 of the Revised Code regarding 609
naltrexone, including all of the following: 610

(a) The number of prescribers who issued the prescriptions 611
for or personally furnished the drug; 612

(b) The number of patients to whom the drug was dispensed 613
or personally furnished; 614

(c) The average quantity of the drug dispensed per 615
prescription or furnished at one time. 616

Sec. 4730.56. (A) As used in this section: 617

(1) "Community addiction services provider" has the same 618
meaning as in section 5119.01 of the Revised Code. 619

(2) "Medication-assisted treatment" has the same meaning 620
as in section 340.01 of the Revised Code. 621

(B) A physician assistant shall comply with section 622
~~3715.08~~3719.064 of the Revised Code and rules adopted under 623
section 4730.55 of the Revised Code when treating a patient with 624
medication-assisted treatment or proposing to initiate such 625
treatment. 626

(C) A physician assistant who fails to comply with this 627
section shall treat not more than thirty patients at any one 628
time with medication-assisted treatment even if the facility or 629
location at which the treatment is provided is either of the 630
following: 631

(1) Exempted by divisions (B) (2) (a) to (d) of section 632
4729.553 of the Revised Code from being required to possess a 633
category III terminal distributor of dangerous drugs license 634
with an office-based opioid treatment classification; 635

(2) A community addiction services provider that provides 636
alcohol and drug addiction services that are certified by the 637
department of mental health and addiction services under section 638
5119.36 of the Revised Code. 639

Sec. 4731.83. (A) As used in this section: 640

(1) "Medication-assisted treatment" has the same meaning 641
as in section 340.01 of the Revised Code. 642

(2) "Physician" means an individual authorized by this 643
chapter to practice medicine and surgery or osteopathic medicine 644
and surgery. 645

(B) A physician shall comply with section ~~3715.08~~3719.064 646
of the Revised Code and rules adopted under section 4731.056 of 647
the Revised Code when treating a patient with medication- 648
assisted treatment or proposing to initiate such treatment. 649

(C) A physician who fails to comply with this section 650
shall treat not more than thirty patients at any one time with 651
medication-assisted treatment even if the facility or location 652
at which the treatment is provided is either of the following: 653

(1) Exempted by divisions (B) (2) (a) to (d) of section 654
4729.553 of the Revised Code from being required to possess a 655
category III terminal distributor of dangerous drugs license 656
with an office-based opioid treatment classification; 657

(2) A community addiction services provider that provides 658
alcohol and drug addiction services that are certified by the 659
department of mental health and addiction services under section 660
5119.36 of the Revised Code. 661

Sec. 4765.45. (A) If the department of public safety 662
collects any of the following information regarding the 663

administration of naloxone by emergency medical service 664
personnel or any firefighter or volunteer firefighter, the 665
department of public safety shall report the information for the 666
previous month to the department of health on a monthly basis 667
and in a manner prescribed by the department of health: 668

(1) The five-digit postal zip code plus four-digit add-on 669
where the naloxone was administered; 670

(2) The date on which the naloxone was administered; 671

(3) The number of doses administered; 672

(4) The name of the emergency medical service organization 673
or fire department that administered the naloxone; 674

(5) Whether or not an overdose was reversed; 675

(6) Whether the individual to whom naloxone was 676
administered was taken to a hospital; 677

(7) If known, the individual's age; 678

(8) If known, the United States postal zip code in which 679
the individual resides. 680

When reporting to the department of health, the department 681
of public safety shall not include any information that 682
identifies or tends to identify specific individuals to whom 683
naloxone was administered. 684

(B) Each month, the department of health shall compile the 685
information received under division (A) of this section, 686
organize it by county, and forward it to each board of alcohol, 687
drug addiction, and mental health services in this state. 688

(C) The department of health may adopt rules as necessary 689
to implement this section. The rules shall be adopted in 690

accordance with Chapter 119. of the Revised Code. 691

Sec. 5119.363. The director of mental health and addiction 692
services shall adopt rules governing the duties of boards of 693
alcohol, drug addiction, and mental health services under 694
section 340.20 of the Revised Code and the duties of community 695
addiction services providers under section 5119.362 of the 696
Revised Code. The rules shall be adopted in accordance with 697
Chapter 119. of the Revised Code. 698

The director shall adopt rules under this section that 699
authorize the department of mental health and addiction services 700
to determine an advanced practice registered nurse's, physician 701
assistant's, or physician's compliance with section ~~3715.08~~ 702
3719.064 of the Revised Code if such practitioner works for a 703
community addiction services provider. 704

Section 2. That existing section 3715.08, 4723.52, 705
4729.01, 4729.44, 4729.75, 4729.79, 4729.85, 4730.56, 4731.83, 706
and 5119.363 of the Revised Code are hereby repealed. 707

Section 3. Sections 3715.08, 3719.063, 3719.064, 4723.52, 708
4729.283, 4730.56, 4731.83, and 5119.63 of the Revised Code, as 709
amended or enacted by this act, shall be known as "Daniel's 710
Law." 711

Sections 4729.01, 4729.44, 4729.75, 4729.79, 4729.85, and 712
4765.45 of the Revised Code, as amended or enacted by this act, 713
shall be known as the "Opioid Data and Communication Expansion 714
Act." 715