

As Reported by the Senate Education Committee

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Representative Greenspan

Cosponsors: Representatives Jones, Miller, J., Patterson, Abrams, Carruthers, Crawley, Crossman, Ghanbari, Hicks-Hudson, Liston, Patton, Perales, Richardson, Robinson, Rogers, Russo, Scherer, Seitz, Sobecki, Sweeney, Sykes, Upchurch, West

Senators Brenner, Fedor

A BILL

To amend sections 3313.713, 3313.719, 4723.50, 1
4729.01, 4729.51, 4729.513, 4729.541, 4729.60, 2
and 4729.88 and to enact sections 3301.135, 3
3313.7115, 3313.7116, 3314.147, 3326.60, 4
3328.38, 4723.484, 4730.434, 4731.92, and 5
5101.78 of the Revised Code to require the 6
Department of Education to notify public and 7
private schools of free and reduced cost 8
epinephrine autoinjector programs, to enact the 9
"Allison Rose Act" with regard to food allergy 10
training for public schools, and to permit 11
schools and camps to procure and use glucagon in 12
certain circumstances. 13

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

Section 1. That section 3313.719 be amended and section 14
3301.135 of the Revised Code be enacted to read as follows: 15

Sec. 3301.135. The department of education annually shall 16

compile a list of organizations and companies that offer free 17
and reduced cost epinephrine autoinjectors to qualifying school 18
districts, other public schools, and chartered nonpublic 19
schools. The department shall make this information readily 20
available on their web site and send a copy of the list by mail 21
or electronically to each school district, other public school, 22
and chartered nonpublic school. 23

As used in this section, "other public school" has the 24
same meaning as in section 3301.0711 of the Revised Code. 25

Sec. 3313.719. (A) The board of education of each city, 26
local, exempted village, and joint vocational school district 27
and the governing authority of each chartered nonpublic school 28
shall establish a written policy with respect to protecting 29
students with ~~peanut or other~~ food allergies. The policy shall 30
be developed in consultation with parents, school nurses and 31
other school employees, school volunteers, students, and 32
community members. 33

(B) Each school district board may create training for all 34
staff members and age-appropriate instruction for students in 35
grades kindergarten through twelve on food allergies and ways in 36
which to assist an individual experiencing an allergic reaction. 37

(C) Training completed under division (B) of this section 38
may include instruction in food allergies, signs and symptoms of 39
anaphylaxis, prevention of allergic reactions, management and 40
administration of epinephrine, and follow-up and reporting 41
procedures. 42

(D) Training completed under division (B) of this section 43
shall qualify as a professional development activity for the 44
renewal of educator licenses, in addition to activities approved 45

by local professional development committees under division (F) 46
of section 3319.22 of the Revised Code. 47

(E)(1) The following are not liable in damages in a civil 48
action for injury, death, or loss to person or property that 49
allegedly arise from an act or omission associated with any 50
training under divisions (B) and (C) of this section, unless the 51
act or omission constitutes willful or wanton misconduct: 52

(a) A school or school district; 53

(b) A member of a district board of education; 54

(c) A district or school employee or contractor; 55

(d) A licensed health professional authorized to prescribe 56
drugs who personally furnishes or prescribes epinephrine 57
autoinjectors, consults with a superintendent, or issues a 58
protocol pursuant to section 3313.7110 of the Revised Code; 59

(e) An anaphylaxis training organization and its personnel 60
where leadership includes a physician authorized under Chapter 61
4731. of the Revised Code to practice medicine and surgery or 62
osteopathic medicine and surgery who is board-certified in 63
allergy and immunology as that designation is issued by a 64
medical specialty certifying board recognized by the American 65
board of medical specialties or American osteopathic 66
association. 67

(2) This section does not eliminate, limit, or reduce any 68
other immunity or defense that a school or school district, 69
member of a district board of education, district or school 70
employee or contractor, or licensed health professional may be 71
entitled to under Chapter 2744. or any other provision of the 72
Revised Code or under the common law of this state. 73

Section 2. That existing section 3313.719 of the Revised Code is hereby repealed. 74
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Section 3. Sections 1 and 2 of this act shall be known as the "Allison Rose Act" in honor of Allison Rose Suhy. 76
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Section 4. That sections 3313.713, 4723.50, 4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 be amended and sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.484, 4730.434, 4731.92, and 5101.78 of the Revised Code be enacted to read as follows: 78
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Sec. 3313.713. (A) As used in this section: 83

(1) "Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription. 84
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(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 88
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(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 91
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(B) The board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, ~~and 3313.7113,~~ and 3313.7115 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district. The policy shall provide either that: 93
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(1) Except as otherwise required by federal law, no person 101

employed by the board shall, in the course of such employment, 102
administer any drug prescribed to any student enrolled in the 103
schools of the district. 104

(2) Designated persons employed by the board are 105
authorized to administer to a student a drug prescribed for the 106
student. Effective July 1, 2011, only employees of the board who 107
are licensed health professionals, or who have completed a drug 108
administration training program conducted by a licensed health 109
professional and considered appropriate by the board, may 110
administer to a student a drug prescribed for the student. 111
Except as otherwise provided by federal law, the board's policy 112
may provide that certain drugs or types of drugs shall not be 113
administered or that no employee shall use certain procedures, 114
such as injection, to administer a drug to a student. 115

(C) No drug prescribed for a student shall be administered 116
pursuant to federal law or a policy adopted under division (B) 117
of this section until the following occur: 118

(1) The board, or a person designated by the board, 119
receives a written request, signed by the parent, guardian, or 120
other person having care or charge of the student, that the drug 121
be administered to the student. 122

(2) The board, or a person designated by the board, 123
receives a statement, signed by the prescriber, that includes 124
all of the following information: 125

(a) The name and address of the student; 126

(b) The school and class in which the student is enrolled; 127

(c) The name of the drug and the dosage to be 128
administered; 129

(d) The times or intervals at which each dosage of the drug is to be administered;	130 131
(e) The date the administration of the drug is to begin;	132
(f) The date the administration of the drug is to cease;	133
(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;	134 135 136
(h) Special instructions for administration of the drug, including sterile conditions and storage.	137 138
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or a person designated by the board if any of the information provided by the prescriber pursuant to division (C) (2) of this section changes.	139 140 141 142 143
(4) The person authorized by the board to administer the drug receives a copy of the statement required by division (C) (2) or (3) of this section.	144 145 146
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.	147 148 149 150
(6) Any other procedures required by the board are followed.	151 152
(D) If a drug is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C) (1) and the statements required by divisions (C) (2) and (3) of this section and shall ensure that by the next school day following the receipt of any such	153 154 155 156 157

statement a copy is given to the person authorized to administer 158
drugs to the student for whom the statement has been received. 159
The board, or a person designated by the board, shall establish 160
a location in each school building for the storage of drugs to 161
be administered under this section and federal law. All such 162
drugs shall be stored in that location in a locked storage 163
place, except that drugs that require refrigeration may be kept 164
in a refrigerator in a place not commonly used by students. 165

(E) No person who has been authorized by a board of 166
education to administer a drug and has a copy of the most recent 167
statement required by division (C) (2) or (3) of this section 168
given to the person in accordance with division (D) of this 169
section prior to administering the drug is liable in civil 170
damages for administering or failing to administer the drug, 171
unless such person acts in a manner that constitutes gross 172
negligence or wanton or reckless misconduct. 173

(F) A board of education may designate a person or persons 174
to perform any function or functions in connection with a drug 175
policy adopted under this section either by name or by position, 176
training, qualifications, or similar distinguishing factors. 177

(G) A policy adopted by a board of education pursuant to 178
this section may be changed, modified, or revised by action of 179
the board. 180

(H) Nothing in this section shall be construed to require 181
a person employed by a board of education to administer a drug 182
to a student unless the board's policy adopted in compliance 183
with this section establishes such a requirement. A board shall 184
not require an employee to administer a drug to a student if the 185
employee objects, on the basis of religious convictions, to 186
administering the drug. 187

Nothing in this section affects the application of section 188
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, ~~or~~ 3313.7113, 189
or 3313.7115 of the Revised Code to the administration of 190
emergency care or treatment to a student. 191

Nothing in this section affects the ability of a public or 192
nonpublic school to participate in a school-based fluoride mouth 193
rinse program established by the director of health pursuant to 194
section 3701.136 of the Revised Code. Nothing in this section 195
affects the ability of a person who is employed by, or who 196
volunteers for, a school that participates in such a program to 197
administer fluoride mouth rinse to a student in accordance with 198
section 3701.136 of the Revised Code and any rules adopted by 199
the director under that section. 200

(I) Nothing in this section shall be construed to require 201
a school district to obtain written authorization or 202
instructions from a health care provider to apply 203
nonprescription topical ointments designed to prevent sunburn. 204
Furthermore, nothing in this section shall be construed to 205
prohibit a student to possess and self-apply nonprescription 206
topical ointment designed to prevent sunburn while on school 207
property or at a school-sponsored event without written 208
authorization or instructions from a healthcare provider. The 209
policy adopted by a school district pursuant to this section 210
shall not require written authorization from a health care 211
provider, but may require parental authorization, for the 212
possession or application of such sunscreen. A designated person 213
employed by the board of education of a school district shall 214
apply sunscreen to a student in accordance with the school 215
district's policy upon request. 216

Sec. 3313.7115. (A) As used in this section, "licensed 217

health professional authorized to prescribe drugs" and 218
"prescriber" have the same meanings as in section 4729.01 of the 219
Revised Code. 220

(B) The board of education of each city, local, exempted 221
village, or joint vocational school district may procure 222
injectable or nasally administered glucagon for each school 223
operated by the district to have on the school premises for use 224
in emergency situations identified under division (D) (5) of this 225
section by doing one of the following: 226

(1) Having a licensed health professional authorized to 227
prescribe drugs, acting in accordance with section 4723.484, 228
4730.434, or 4731.92 of the Revised Code, personally furnish the 229
injectable or nasally administered glucagon to the school or 230
school district or issue a prescription for the drug in the name 231
of the school or district; 232

(2) Having the district's superintendent obtain a 233
prescriber-issued protocol that includes definitive orders for 234
injectable or nasally administered glucagon and the dosages to 235
be administered. 236

A district board that elects to procure injectable or 237
nasally administered glucagon under this section is encouraged 238
to maintain, at all times, at least two doses of the drug at 239
each school operated by the district. 240

(C) A district board that elects to procure injectable or 241
nasally administered glucagon under this section shall require 242
the district's superintendent to adopt a policy governing 243
maintenance and use of the drug. Before adopting the policy, the 244
superintendent shall consult with a licensed health professional 245
authorized to prescribe drugs. 246

<u>(D) The policy adopted under division (C) of this section</u>	247
<u>shall do all of the following:</u>	248
<u>(1) Identify the one or more locations in each school</u>	249
<u>operated by the district in which injectable or nasally</u>	250
<u>administered glucagon must be stored;</u>	251
<u>(2) Specify the conditions under which injectable or</u>	252
<u>nasally administered glucagon must be stored, replaced, and</u>	253
<u>disposed;</u>	254
<u>(3) Specify the individuals employed by or under contract</u>	255
<u>with the district board, in addition to a school nurse licensed</u>	256
<u>under section 3319.221 of the Revised Code or an athletic</u>	257
<u>trainer licensed under Chapter 4755. of the Revised Code, who</u>	258
<u>may access and use injectable or nasally administered glucagon</u>	259
<u>in an emergency situation identified under division (D) (5) of</u>	260
<u>this section;</u>	261
<u>(4) Specify any training that employees or contractors</u>	262
<u>specified under division (D) (3) of this section, other than a</u>	263
<u>school nurse or athletic trainer, must complete before being</u>	264
<u>authorized to access and use injectable or nasally administered</u>	265
<u>glucagon;</u>	266
<u>(5) Identify the emergency situations in which a school</u>	267
<u>nurse, athletic trainer, or other employees or contractors</u>	268
<u>specified under division (D) (3) of this section may access and</u>	269
<u>use injectable or nasally administered glucagon;</u>	270
<u>(6) Specify that assistance from an emergency medical</u>	271
<u>service provider must be requested immediately after a dose of</u>	272
<u>glucagon is administered;</u>	273
<u>(7) Specify the individuals, if any, in addition to</u>	274
<u>students, to whom a dose of glucagon may be administered in an</u>	275

<u>emergency situation specified under division (D) (5) of this</u>	276
<u>section.</u>	277
<u>(E) (1) The following are not liable in damages in a civil</u>	278
<u>action for injury, death, or loss to person or property that</u>	279
<u>allegedly arises from an act or omission associated with</u>	280
<u>procuring, maintaining, accessing, or using injectable or</u>	281
<u>nasally administered glucagon under this section, unless the act</u>	282
<u>or omission constitutes willful or wanton misconduct:</u>	283
<u>(a) A school or school district;</u>	284
<u>(b) A member of a district board of education;</u>	285
<u>(c) A district or school employee or contractor;</u>	286
<u>(d) A licensed health professional authorized to prescribe</u>	287
<u>drugs who personally furnishes or prescribes injectable or</u>	288
<u>nasally administered glucagon, consults with a superintendent,</u>	289
<u>or issues a protocol pursuant to this section.</u>	290
<u>(2) This section does not eliminate, limit, or reduce any</u>	291
<u>other immunity or defense that a school or school district,</u>	292
<u>member of a district board of education, district or school</u>	293
<u>employee or contractor, or licensed health professional may be</u>	294
<u>entitled to under Chapter 2744. or any other provision of the</u>	295
<u>Revised Code or under the common law of this state.</u>	296
<u>(F) A school district board of education may accept</u>	297
<u>donations of injectable or nasally administered glucagon from a</u>	298
<u>wholesale distributor of dangerous drugs or manufacturer of</u>	299
<u>dangerous drugs, as defined in section 4729.01 of the Revised</u>	300
<u>Code, and may accept donations of money from any person to</u>	301
<u>purchase the drug.</u>	302
<u>(G) A district board that elects to procure injectable or</u>	303

nasally administered glucagon under this section shall report to 304
the department of education each procurement and each occurrence 305
in which a dose of the drug is used from a school's supply. 306

Sec. 3313.7116. (A) With the approval of its governing 307
authority, a chartered or nonchartered nonpublic school may 308
procure injectable or nasally administered glucagon in the 309
manner prescribed by section 3313.7115 of the Revised Code. A 310
chartered or nonchartered nonpublic school that elects to do so 311
shall comply with all provisions of that section as if it were a 312
school district. 313

(B) (1) The following are not liable in damages in a civil 314
action for injury, death, or loss to person or property that 315
allegedly arises from an act or omission associated with 316
procuring, maintaining, accessing, or using injectable or 317
nasally administered glucagon under this section, unless the act 318
or omission constitutes willful or wanton misconduct: 319

(a) A chartered or nonchartered nonpublic school; 320

(b) A member of a chartered or nonchartered nonpublic 321
school governing authority; 322

(c) An employee or contractor of the school; 323

(d) A licensed health professional authorized to prescribe 324
drugs who personally furnishes or prescribes injectable or 325
nasally administered glucagon, provides a consultation, or 326
issues a protocol pursuant to this section. 327

(2) This division does not eliminate, limit, or reduce any 328
other immunity or defense that a chartered or nonchartered 329
nonpublic school or governing authority, member of a chartered 330
or nonchartered nonpublic school governing authority, chartered 331
or nonchartered nonpublic school employee or contractor, or 332

licensed health professional may be entitled to under any other 333
provision of the Revised Code or the common law of this state. 334

(C) A chartered or nonchartered nonpublic school may 335
accept donations of injectable or nasally administered glucagon 336
from a wholesale distributor of dangerous drugs or manufacturer 337
of dangerous drugs, as defined in section 4729.01 of the Revised 338
Code, and may accept donations of money from any person to 339
purchase the drug. 340

(D) A chartered or nonchartered nonpublic school that 341
elects to procure injectable or nasally administered glucagon 342
under this section shall report to the department of education 343
each procurement and each occurrence in which a dose of the drug 344
is used from the school's supply. 345

Sec. 3314.147. (A) With the approval of its governing 346
authority, a community school established under this chapter may 347
procure injectable or nasally administered glucagon in the 348
manner prescribed by section 3313.7115 of the Revised Code. A 349
community school that elects to do so shall comply with all 350
provisions of that section as if it were a school district. 351

(B)(1) The following are not liable in damages in a civil 352
action for injury, death, or loss to person or property that 353
allegedly arises from an act or omission associated with 354
procuring, maintaining, accessing, or using injectable or 355
nasally administered glucagon under this section, unless the act 356
or omission constitutes willful or wanton misconduct: 357

(a) A community school; 358

(b) A member of a community school governing authority; 359

(c) A community school employee or contractor; 360

(d) A licensed health professional authorized to prescribe 361
drugs who personally furnishes or prescribes injectable or 362
nasally administered glucagon, provides a consultation, or 363
issues a protocol pursuant to this section. 364

(2) This division does not eliminate, limit, or reduce any 365
other immunity or defense that a community school or governing 366
authority, member of a community school governing authority, 367
community school employee or contractor, or licensed health 368
professional may be entitled to under Chapter 2744. or any other 369
provision of the Revised Code or under the common law of this 370
state. 371

(C) A community school may accept donations of injectable 372
or nasally administered glucagon from a wholesale distributor of 373
dangerous drugs or a manufacturer of dangerous drugs, as defined 374
in section 4729.01 of the Revised Code, and may accept donations 375
of money from any person to purchase the drug. 376

(D) A community school that elects to procure injectable 377
or nasally administered glucagon under this section shall report 378
to the department of education each procurement and each 379
occurrence in which a dose of the drug is used from the school's 380
supply. 381

Sec. 3326.60. (A) With the approval of its governing body, 382
a STEM school established under this chapter may procure 383
injectable or nasally administered glucagon in the manner 384
prescribed by section 3313.7115 of the Revised Code. A STEM 385
school that elects to do so shall comply with all provisions of 386
that section as if it were a school district. 387

(B) (1) The following are not liable in damages in a civil 388
action for injury, death, or loss to person or property that 389

allegedly arises from an act or omission associated with 390
procuring, maintaining, accessing, or using injectable or 391
nasally administered glucagon under this section, unless the act 392
or omission constitutes willful or wanton misconduct: 393

(a) A STEM school; 394

(b) A member of a STEM school governing body; 395

(c) A STEM school employee or contractor; 396

(d) A licensed health professional authorized to prescribe 397
drugs who personally furnishes or prescribes injectable or 398
nasally administered glucagon, provides a consultation, or 399
issues a protocol pursuant to this section. 400

(2) This division does not eliminate, limit, or reduce any 401
other immunity or defense that a STEM school or governing body, 402
member of a STEM school governing body, STEM school employee or 403
contractor, or licensed health professional may be entitled to 404
under Chapter 2744. or any other provision of the Revised Code 405
or under the common law of this state. 406

(C) A STEM school may accept donations of injectable or 407
nasally administered glucagon from a wholesale distributor of 408
dangerous drugs or a manufacturer of dangerous drugs, as defined 409
in section 4729.01 of the Revised Code, and may accept donations 410
of money from any person to purchase the drug. 411

(D) A STEM school that elects to procure injectable or 412
nasally administered glucagon under this section shall report to 413
the department of education each procurement and each occurrence 414
in which a dose of the drug is used from the school's supply. 415

Sec. 3328.38. (A) With the approval of its board of 416
trustees, a college-preparatory boarding school established 417

under this chapter may procure injectable or nasally 418
administered glucagon in the manner prescribed by section 419
3313.7115 of the Revised Code. A college-preparatory boarding 420
school that elects to do so shall comply with all provisions of 421
that section as if it were a school district. 422

(B) (1) The following are not liable in damages in a civil 423
action for injury, death, or loss to person or property that 424
allegedly arises from an act or omission associated with 425
procuring, maintaining, accessing, or using injectable or 426
nasally administered glucagon under this section, unless the act 427
or omission constitutes willful or wanton misconduct: 428

(a) A college-preparatory boarding school; 429

(b) A member of a college-preparatory boarding school 430
board of trustees; 431

(c) A college-preparatory boarding school employee or 432
contractor; 433

(d) A licensed health professional authorized to prescribe 434
drugs who personally furnishes or prescribes injectable or 435
nasally administered glucagon, provides a consultation, or 436
issues a protocol pursuant to this section. 437

(2) This division does not eliminate, limit, or reduce any 438
other immunity or defense that a college-preparatory boarding 439
school or board of trustees, member of a college-preparatory 440
boarding school board of trustees, college-preparatory boarding 441
school employee or contractor, or licensed health professional 442
may be entitled to under Chapter 2744. or any other provision of 443
the Revised Code or under the common law of this state. 444

(C) A college-preparatory boarding school may accept 445
donations of injectable or nasally administered glucagon from a 446

wholesale distributor of dangerous drugs or a manufacturer of 447
dangerous drugs, as defined in section 4729.01 of the Revised 448
Code, and may accept donations of money from any person to 449
purchase the drug. 450

(D) A college-preparatory boarding school that elects to 451
procure injectable or nasally administered glucagon under this 452
section shall report to the department of education each 453
procurement and each occurrence in which a dose of the drug is 454
used from the school's supply. 455

Sec. 4723.484. (A) (1) Subject to division (A) (2) of this 456
section, and notwithstanding any provision of this chapter or 457
rule adopted by the board of nursing, a clinical nurse 458
specialist, certified nurse-midwife, or certified nurse 459
practitioner licensed as an advanced practice registered nurse 460
under Chapter 4723. of the Revised Code may do either of the 461
following without having examined an individual to whom glucagon 462
may be administered: 463

(a) Personally furnish a supply of injectable or nasally 464
administered glucagon for use in accordance with sections 465
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of 466
the Revised Code; 467

(b) Issue a prescription for injectable or nasally 468
administered glucagon for use in accordance with sections 469
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of 470
the Revised Code. 471

(2) Injectable or nasally administered glucagon personally 472
furnished or prescribed under division (A) (1) of this section 473
must be furnished or prescribed in such a manner that it may be 474
administered only in a manufactured dosage form. 475

(B) A nurse who acts in good faith in accordance with this 476
section is not liable for or subject to any of the following for 477
any action or omission of an entity to which injectable or 478
nasally administered glucagon is furnished or a prescription is 479
issued: damages in any civil action, prosecution in any criminal 480
proceeding, or professional disciplinary action. 481

Sec. 4723.50. (A) As used in this section: 482

(1) "Controlled substance" has the same meaning as in 483
section 3719.01 of the Revised Code. 484

(2) "Medication-assisted treatment" has the same meaning 485
as in section 340.01 of the Revised Code. 486

(B) In accordance with Chapter 119. of the Revised Code, 487
the board of nursing shall adopt rules as necessary to implement 488
the provisions of this chapter pertaining to the authority of 489
advanced practice registered nurses who are designated as 490
clinical nurse specialists, certified nurse-midwives, and 491
certified nurse practitioners to prescribe and furnish drugs and 492
therapeutic devices. 493

The board shall adopt rules that are consistent with a 494
recommended exclusionary formulary the board receives from the 495
committee on prescriptive governance pursuant to section 496
4723.492 of the Revised Code. After reviewing a formulary 497
submitted by the committee, the board may either adopt the 498
formulary as a rule or ask the committee to reconsider and 499
resubmit the formulary. The board shall not adopt any rule that 500
does not conform to a formulary developed by the committee. 501

The exclusionary formulary shall permit, in a manner 502
consistent with section 4723.481 of the Revised Code, the 503
prescribing of controlled substances, including drugs that 504

contain buprenorphine used in medication-assisted treatment and 505
both oral and long-acting opioid antagonists. The formulary 506
shall not permit the prescribing or furnishing of any of the 507
following: 508

(1) A drug or device to perform or induce an abortion; 509

(2) A drug or device prohibited by federal or state law. 510

(C) In addition to the rules described in division (B) of 511
this section, the board shall adopt rules under this section 512
that do the following: 513

(1) Establish standards for board approval of the course 514
of study in advanced pharmacology and related topics required by 515
section 4723.482 of the Revised Code; 516

(2) Establish requirements for board approval of the two- 517
hour course of instruction in the laws of this state as required 518
under division (C) (1) of section 4723.482 of the Revised Code 519
~~and division (B) (2) of section 4723.484 of the Revised Code;~~ 520

(3) Establish criteria for the components of the standard 521
care arrangements described in section 4723.431 of the Revised 522
Code that apply to the authority to prescribe, including the 523
components that apply to the authority to prescribe schedule II 524
controlled substances. The rules shall be consistent with that 525
section and include all of the following: 526

(a) Quality assurance standards; 527

(b) Standards for periodic review by a collaborating 528
physician or podiatrist of the records of patients treated by 529
the clinical nurse specialist, certified nurse-midwife, or 530
certified nurse practitioner; 531

(c) Acceptable travel time between the location at which 532

the clinical nurse specialist, certified nurse-midwife, or 533
certified nurse practitioner is engaging in the prescribing 534
components of the nurse's practice and the location of the 535
nurse's collaborating physician or podiatrist; 536

(d) Any other criteria recommended by the committee on 537
prescriptive governance. 538

Sec. 4729.01. As used in this chapter: 539

(A) "Pharmacy," except when used in a context that refers 540
to the practice of pharmacy, means any area, room, rooms, place 541
of business, department, or portion of any of the foregoing 542
where the practice of pharmacy is conducted. 543

(B) "Practice of pharmacy" means providing pharmacist care 544
requiring specialized knowledge, judgment, and skill derived 545
from the principles of biological, chemical, behavioral, social, 546
pharmaceutical, and clinical sciences. As used in this division, 547
"pharmacist care" includes the following: 548

(1) Interpreting prescriptions; 549

(2) Dispensing drugs and drug therapy related devices; 550

(3) Compounding drugs; 551

(4) Counseling individuals with regard to their drug 552
therapy, recommending drug therapy related devices, and 553
assisting in the selection of drugs and appliances for treatment 554
of common diseases and injuries and providing instruction in the 555
proper use of the drugs and appliances; 556

(5) Performing drug regimen reviews with individuals by 557
discussing all of the drugs that the individual is taking and 558
explaining the interactions of the drugs; 559

(6) Performing drug utilization reviews with licensed 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;

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

(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;

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;

(3) As an incident to research, teaching activities, or chemical analysis;

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;

(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 616
section; but does not include devices or their components, 617
parts, or accessories. 618

(F) "Dangerous drug" means any of the following: 619

(1) Any drug to which either of the following applies: 620

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 621
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 622
required to bear a label containing the legend "Caution: Federal 623
law prohibits dispensing without prescription" or "Caution: 624
Federal law restricts this drug to use by or on the order of a 625
licensed veterinarian" or any similar restrictive statement, or 626
the drug may be dispensed only upon a prescription; 627

(b) Under Chapter 3715. or 3719. of the Revised Code, the 628
drug may be dispensed only upon a prescription. 629

(2) Any drug that contains a schedule V controlled 630
substance and that is exempt from Chapter 3719. of the Revised 631
Code or to which that chapter does not apply; 632

(3) Any drug intended for administration by injection into 633
the human body other than through a natural orifice of the human 634
body; 635

(4) Any drug that is a biological product, as defined in 636
section 3715.01 of the Revised Code. 637

(G) "Federal drug abuse control laws" has the same meaning 638
as in section 3719.01 of the Revised Code. 639

(H) "Prescription" means all of the following: 640

(1) A written, electronic, or oral order for drugs or 641
combinations or mixtures of drugs to be used by a particular 642

individual or for treating a particular animal, issued by a 643
licensed health professional authorized to prescribe drugs; 644

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 645
and 4731.94 of the Revised Code, a written, electronic, or oral 646
order for naloxone issued to and in the name of a family member, 647
friend, or other individual in a position to assist an 648
individual who there is reason to believe is at risk of 649
experiencing an opioid-related overdose. 650

(3) For purposes of section 4729.44 of the Revised Code, a 651
written, electronic, or oral order for naloxone issued to and in 652
the name of either of the following: 653

(a) An individual who there is reason to believe is at 654
risk of experiencing an opioid-related overdose; 655

(b) A family member, friend, or other individual in a 656
position to assist an individual who there is reason to believe 657
is at risk of experiencing an opioid-related overdose. 658

(4) For purposes of sections 4723.4810, 4729.282, 659
4730.432, and 4731.93 of the Revised Code, a written, 660
electronic, or oral order for a drug to treat chlamydia, 661
gonorrhea, or trichomoniasis issued to and in the name of a 662
patient who is not the intended user of the drug but is the 663
sexual partner of the intended user; 664

(5) For purposes of sections 3313.7110, 3313.7111, 665
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 666
4731.96, and 5101.76 of the Revised Code, a written, electronic, 667
or oral order for an epinephrine autoinjector issued to and in 668
the name of a school, school district, or camp; 669

(6) For purposes of Chapter 3728. and sections 4723.483, 670
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 671

electronic, or oral order for an epinephrine autoinjector issued 672
to and in the name of a qualified entity, as defined in section 673
3728.01 of the Revised Code; 674

(7) For purposes of sections 3313.7115, 3313.7116, 675
3314.147, 3326.60, 3328.38, 4723.484, 4730.434, 4731.92, and 676
5101.78 of the Revised Code, a written, electronic, or oral 677
order for injectable or nasally administered glucagon in the 678
name of a school, school district, or camp. 679

(I) "Licensed health professional authorized to prescribe 680
drugs" or "prescriber" means an individual who is authorized by 681
law to prescribe drugs or dangerous drugs or drug therapy 682
related devices in the course of the individual's professional 683
practice, including only the following: 684

(1) A dentist licensed under Chapter 4715. of the Revised 685
Code; 686

(2) A clinical nurse specialist, certified nurse-midwife, 687
or certified nurse practitioner who holds a current, valid 688
license to practice nursing as an advanced practice registered 689
nurse issued under Chapter 4723. of the Revised Code; 690

(3) An optometrist licensed under Chapter 4725. of the 691
Revised Code to practice optometry under a therapeutic 692
pharmaceutical agents certificate; 693

(4) A physician authorized under Chapter 4731. of the 694
Revised Code to practice medicine and surgery, osteopathic 695
medicine and surgery, or podiatric medicine and surgery; 696

(5) A physician assistant who holds a license to practice 697
as a physician assistant issued under Chapter 4730. of the 698
Revised Code, holds a valid prescriber number issued by the 699
state medical board, and has been granted physician-delegated 700

prescriptive authority; 701

(6) A veterinarian licensed under Chapter 4741. of the 702
Revised Code. 703

(J) "Sale" or "sell" includes any transaction made by any 704
person, whether as principal proprietor, agent, or employee, to 705
do or offer to do any of the following: deliver, distribute, 706
broker, exchange, gift or otherwise give away, or transfer, 707
whether the transfer is by passage of title, physical movement, 708
or both. 709

(K) "Wholesale sale" and "sale at wholesale" mean any sale 710
in which the purpose of the purchaser is to resell the article 711
purchased or received by the purchaser. 712

(L) "Retail sale" and "sale at retail" mean any sale other 713
than a wholesale sale or sale at wholesale. 714

(M) "Retail seller" means any person that sells any 715
dangerous drug to consumers without assuming control over and 716
responsibility for its administration. Mere advice or 717
instructions regarding administration do not constitute control 718
or establish responsibility. 719

(N) "Price information" means the price charged for a 720
prescription for a particular drug product and, in an easily 721
understandable manner, all of the following: 722

(1) The proprietary name of the drug product; 723

(2) The established (generic) name of the drug product; 724

(3) The strength of the drug product if the product 725
contains a single active ingredient or if the drug product 726
contains more than one active ingredient and a relevant strength 727
can be associated with the product without indicating each 728

active ingredient. The established name and quantity of each 729
active ingredient are required if such a relevant strength 730
cannot be so associated with a drug product containing more than 731
one ingredient. 732

(4) The dosage form; 733

(5) The price charged for a specific quantity of the drug 734
product. The stated price shall include all charges to the 735
consumer, including, but not limited to, the cost of the drug 736
product, professional fees, handling fees, if any, and a 737
statement identifying professional services routinely furnished 738
by the pharmacy. Any mailing fees and delivery fees may be 739
stated separately without repetition. The information shall not 740
be false or misleading. 741

(O) "Wholesale distributor of dangerous drugs" or 742
"wholesale distributor" means a person engaged in the sale of 743
dangerous drugs at wholesale and includes any agent or employee 744
of such a person authorized by the person to engage in the sale 745
of dangerous drugs at wholesale. 746

(P) "Manufacturer of dangerous drugs" or "manufacturer" 747
means a person, other than a pharmacist or prescriber, who 748
manufactures dangerous drugs and who is engaged in the sale of 749
those dangerous drugs. 750

(Q) "Terminal distributor of dangerous drugs" or "terminal 751
distributor" means a person who is engaged in the sale of 752
dangerous drugs at retail, or any person, other than a 753
manufacturer, repackager, outsourcing facility, third-party 754
logistics provider, wholesale distributor, or pharmacist, who 755
has possession, custody, or control of dangerous drugs for any 756
purpose other than for that person's own use and consumption. 757

"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, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

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

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

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

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

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

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration.

"Investigational drug or product" does not include controlled 787
substances in schedule I, as defined in section 3719.01 of the 788
Revised Code. 789

(X) "Product," when used in reference to an 790
investigational drug or product, means a biological product, 791
other than a drug, that is made from a natural human, animal, or 792
microorganism source and is intended to treat a disease or 793
medical condition. 794

(Y) "Third-party logistics provider" means a person that 795
provides or coordinates warehousing or other logistics services 796
pertaining to dangerous drugs including distribution, on behalf 797
of a manufacturer, wholesale distributor, or terminal 798
distributor of dangerous drugs, but does not take ownership of 799
the drugs or have responsibility to direct the sale or 800
disposition of the drugs. 801

(Z) "Repackager of dangerous drugs" or "repackager" means 802
a person that repacks and relabels dangerous drugs for sale or 803
distribution. 804

(AA) "Outsourcing facility" means a facility that is 805
engaged in the compounding and sale of sterile drugs and is 806
registered as an outsourcing facility with the United States 807
food and drug administration. 808

(BB) "Laboratory" means a laboratory licensed under this 809
chapter as a terminal distributor of dangerous drugs and 810
entrusted to have custody of any of the following drugs and to 811
use the drugs for scientific and clinical purposes and for 812
purposes of instruction: dangerous drugs that are not controlled 813
substances, as defined in section 3719.01 of the Revised Code; 814
dangerous drugs that are controlled substances, as defined in 815

that section; and controlled substances in schedule I, as 816
defined in that section. 817

Sec. 4729.51. (A) No person other than a licensed 818
manufacturer of dangerous drugs, outsourcing facility, third- 819
party logistics provider, repackager of dangerous drugs, or 820
wholesale distributor of dangerous drugs shall possess for sale, 821
sell, distribute, or deliver, at wholesale, dangerous drugs or 822
investigational drugs or products, except as follows: 823

(1) A licensed terminal distributor of dangerous drugs 824
that is a pharmacy may make occasional sales of dangerous drugs 825
or investigational drugs or products at wholesale. 826

(2) A licensed terminal distributor of dangerous drugs 827
having more than one licensed location may transfer or deliver 828
dangerous drugs from one licensed location to another licensed 829
location owned by the terminal distributor if the license issued 830
for each location is in effect at the time of the transfer or 831
delivery. 832

(3) A licensed terminal distributor of dangerous drugs 833
that is not a pharmacy may make occasional sales of naloxone at 834
wholesale. 835

(4) A licensed terminal distributor of dangerous drugs 836
that is not a pharmacy may make occasional sales of dangerous 837
drugs at wholesale if the drugs being sold are in shortage, as 838
defined in rules adopted by the state board of pharmacy under 839
section 4729.26 of the Revised Code. 840

(B) No licensed manufacturer, outsourcing facility, third- 841
party logistics provider, repackager, or wholesale distributor 842
shall possess for sale, sell, or distribute, at wholesale, 843
dangerous drugs or investigational drugs or products to any 844

person other than the following:	845
(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;	846 847
(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;	848 849 850
(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	851 852
(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.	853 854 855 856 857 858
(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:	859 860 861 862 863
(1) A prescriber who is employed by either of the following:	864 865
(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;	866 867 868 869
(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid	870 871 872

treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following:

(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified

in the license.	902
(E) (1) Except as provided in division (E) (2) of this section, no person shall do any of the following:	903 904
(a) Sell or distribute, at retail, dangerous drugs;	905
(b) Possess for sale, at retail, dangerous drugs;	906
(c) Possess dangerous drugs.	907
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section do not apply to any of the following:	908 909
(i) A licensed terminal distributor of dangerous drugs;	910
(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;	911 912 913 914
(iii) Any of the persons identified in divisions (A) (1) to (5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	915 916 917
(b) Division (E) (1) (c) of this section does not apply to any of the following:	918 919
(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	920 921
(ii) Any of the persons identified in divisions (A) (6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	922 923 924
(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a	925 926 927 928

licensed manufacturer, outsourcing facility, third-party 929
logistics provider, repackager, or wholesale distributor, except 930
as follows: 931

(1) A licensed terminal distributor of dangerous drugs or 932
person that is exempt from licensure under section 4729.541 of 933
the Revised Code may make occasional purchases of dangerous 934
drugs or investigational drugs or products that are sold in 935
accordance with division (A) (1) or (3) of this section. 936

(2) A licensed terminal distributor of dangerous drugs 937
having more than one licensed location may transfer or deliver 938
dangerous drugs or investigational drugs or products from one 939
licensed location to another licensed location if the license 940
issued for each location is in effect at the time of the 941
transfer or delivery. 942

(G) No licensed terminal distributor of dangerous drugs 943
shall engage in the retail sale or other distribution of 944
dangerous drugs or investigational drugs or products or maintain 945
possession, custody, or control of dangerous drugs or 946
investigational drugs or products for any purpose other than the 947
distributor's personal use or consumption, at any establishment 948
or place other than that or those described in the license 949
issued by the board to such terminal distributor. 950

(H) Nothing in this section shall be construed to 951
interfere with the performance of official duties by any law 952
enforcement official authorized by municipal, county, state, or 953
federal law to collect samples of any drug, regardless of its 954
nature or in whose possession it may be. 955

(I) Notwithstanding anything to the contrary in this 956
section, the board of education of a city, local, exempted 957

village, or joint vocational school district may distribute 958
epinephrine autoinjectors for use in accordance with section 959
3313.7110 of the Revised Code ~~and,~~ may distribute inhalers for 960
use in accordance with section 3313.7113 of the Revised Code, 961
and may distribute injectable or nasally administered glucagon 962
for use in accordance with section 3313.7115 of the Revised 963
Code. 964

Sec. 4729.513. A manufacturer of dangerous drugs may 965
donate inhalers, as defined in section 3313.7113 of the Revised 966
Code, ~~and epinephrine autoinjectors,~~ or injectable or nasally 967
administered glucagon to any of the following: 968

(A) The board of education of a city, local, exempted 969
village, or joint vocational school district; 970

(B) A community school established under Chapter 3314. of 971
the Revised Code; 972

(C) A STEM school established under Chapter 3326. of the 973
Revised Code; 974

(D) A college-preparatory boarding school established 975
under Chapter 3328. of the Revised Code; 976

(E) A chartered or nonchartered nonpublic school; 977

(F) A residential camp, as defined in section 2151.011 of 978
the Revised Code; 979

(G) A child day camp, as defined in section 5104.01 of the 980
Revised Code; 981

(H) A child day camp operated by any county, township, 982
municipal corporation, township park district created under 983
section 511.18 of the Revised Code, park district created under 984
section 1545.04 of the Revised Code, or joint recreation 985

<u>district established under section 755.14 of the Revised Code.</u>	986
Sec. 4729.541. (A) Except as provided in divisions (B) to	987
(D) of this section, all of the following are exempt from	988
licensure as a terminal distributor of dangerous drugs:	989
(1) A licensed health professional authorized to prescribe	990
drugs;	991
(2) A business entity that is a corporation formed under	992
division (B) of section 1701.03 of the Revised Code, a limited	993
liability company formed under Chapter 1705. of the Revised	994
Code, or a professional association formed under Chapter 1785.	995
of the Revised Code if the entity has a sole shareholder who is	996
a prescriber and is authorized to provide the professional	997
services being offered by the entity;	998
(3) A business entity that is a corporation formed under	999
division (B) of section 1701.03 of the Revised Code, a limited	1000
liability company formed under Chapter 1705. of the Revised	1001
Code, a partnership or a limited liability partnership formed	1002
under Chapter 1775. of the Revised Code, or a professional	1003
association formed under Chapter 1785. of the Revised Code, if,	1004
to be a shareholder, member, or partner, an individual is	1005
required to be licensed, certified, or otherwise legally	1006
authorized under Title XLVII of the Revised Code to perform the	1007
professional service provided by the entity and each such	1008
individual is a prescriber;	1009
(4) An individual who holds a current license,	1010
certificate, or registration issued under Title XLVII of the	1011
Revised Code and has been certified to conduct diabetes	1012
education by a national certifying body specified in rules	1013
adopted by the state board of pharmacy under section 4729.68 of	1014

the Revised Code, but only with respect to insulin that will be 1015
used for the purpose of diabetes education and only if diabetes 1016
education is within the individual's scope of practice under 1017
statutes and rules regulating the individual's profession; 1018

(5) An individual who holds a valid certificate issued by 1019
a nationally recognized S.C.U.B.A. diving certifying 1020
organization approved by the state board of pharmacy under rules 1021
adopted by the board, but only with respect to medical oxygen 1022
that will be used for the purpose of emergency care or treatment 1023
at the scene of a diving emergency; 1024

(6) With respect to epinephrine autoinjectors that may be 1025
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 1026
or 3328.29 of the Revised Code, any of the following: the board 1027
of education of a city, local, exempted village, or joint 1028
vocational school district; a chartered or nonchartered 1029
nonpublic school; a community school established under Chapter 1030
3314. of the Revised Code; a STEM school established under 1031
Chapter 3326. of the Revised Code; or a college-preparatory 1032
boarding school established under Chapter 3328. of the Revised 1033
Code; 1034

(7) With respect to epinephrine autoinjectors that may be 1035
possessed under section 5101.76 of the Revised Code, any of the 1036
following: a residential camp, as defined in section 2151.011 of 1037
the Revised Code; a child day camp, as defined in section 1038
5104.01 of the Revised Code; or a child day camp operated by any 1039
county, township, municipal corporation, township park district 1040
created under section 511.18 of the Revised Code, park district 1041
created under section 1545.04 of the Revised Code, or joint 1042
recreation district established under section 755.14 of the 1043
Revised Code; 1044

(8) With respect to epinephrine autoinjectors that may be 1045
possessed under Chapter 3728. of the Revised Code, a qualified 1046
entity, as defined in section 3728.01 of the Revised Code; 1047

(9) With respect to inhalers that may be possessed under 1048
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 1049
the Revised Code, any of the following: the board of education 1050
of a city, local, exempted village, or joint vocational school 1051
district; a chartered or nonchartered nonpublic school; a 1052
community school established under Chapter 3314. of the Revised 1053
Code; a STEM school established under Chapter 3326. of the 1054
Revised Code; or a college-preparatory boarding school 1055
established under Chapter 3328. of the Revised Code; 1056

(10) With respect to inhalers that may be possessed under 1057
section 5101.77 of the Revised Code, any of the following: a 1058
residential camp, as defined in section 2151.011 of the Revised 1059
Code; a child day camp, as defined in section 5104.01 of the 1060
Revised Code; or a child day camp operated by any county, 1061
township, municipal corporation, township park district created 1062
under section 511.18 of the Revised Code, park district created 1063
under section 1545.04 of the Revised Code, or joint recreation 1064
district established under section 755.14 of the Revised Code; 1065

(11) With respect to naloxone that may be possessed under 1066
section 2925.61 of the Revised Code, a law enforcement agency 1067
and its peace officers; 1068

(12) With respect to naloxone that may be possessed under 1069
section 4729.514 of the Revised Code, a service entity, as 1070
defined in that section; 1071

(13) A facility that is owned and operated by the United 1072
States department of defense, the United States department of 1073

veterans affairs, or any other federal agency; 1074

(14) With respect to injectable or nasally administered 1075
glucagon that may be possessed under sections 3313.7115, 1076
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 1077
any of the following: the board of education of a city, local, 1078
exempted village, or joint vocational school district; a 1079
chartered or nonchartered nonpublic school; a community school 1080
established under Chapter 3314. of the Revised Code; a STEM 1081
school established under Chapter 3326. of the Revised Code; or a 1082
college-preparatory boarding school established under Chapter 1083
3328. of the Revised Code; 1084

(15) With respect to injectable or nasally administered 1085
glucagon that may be possessed under section 5101.78 of the 1086
Revised Code, any of the following: a residential camp, as 1087
defined in section 2151.011 of the Revised Code; a child day 1088
camp, as defined in section 5104.01 of the Revised Code; or a 1089
child day camp operated by any county, township, municipal 1090
corporation, township park district created under section 511.18 1091
of the Revised Code, park district created under section 1545.04 1092
of the Revised Code, or joint recreation district established 1093
under section 755.14 of the Revised Code. 1094

(B) If a person described in division (A) of this section 1095
is a pain management clinic or is operating a pain management 1096
clinic, the person shall hold a license as a terminal 1097
distributor of dangerous drugs with a pain management clinic 1098
classification issued under section 4729.552 of the Revised 1099
Code. 1100

(C) If a person described in division (A) of this section 1101
is operating a facility, clinic, or other location described in 1102
division (B) of section 4729.553 of the Revised Code that must 1103

hold a category III terminal distributor of dangerous drugs 1104
license with an office-based opioid treatment classification, 1105
the person shall hold a license with that classification. 1106

(D) Any of the persons described in divisions (A) (1) to 1107
(12) of this section shall hold a license as a terminal 1108
distributor of dangerous drugs in order to possess, have custody 1109
or control of, and distribute any of the following: 1110

(1) Dangerous drugs that are compounded or used for the 1111
purpose of compounding; 1112

(2) A schedule I, II, III, IV, or V controlled substance, 1113
as defined in section 3719.01 of the Revised Code. 1114

Sec. 4729.60. (A) (1) Before a licensee identified in 1115
division (B) (1) (a) of section 4729.52 of the Revised Code may 1116
sell or distribute dangerous drugs at wholesale to any person, 1117
except as provided in division (A) (2) of this section, the 1118
licensee shall query the roster established pursuant to section 1119
4729.59 of the Revised Code to determine whether the purchaser 1120
is a licensed terminal distributor of dangerous drugs. 1121

If no documented query is conducted before a sale is made, 1122
it shall be presumed that the sale of dangerous drugs by the 1123
licensee is in violation of division (B) of section 4729.51 of 1124
the Revised Code and the purchase of dangerous drugs by the 1125
purchaser is in violation of division (E) of section 4729.51 of 1126
the Revised Code. If a licensee conducts a documented query and 1127
relies on the results of the query in selling or distributing 1128
dangerous drugs at wholesale to the terminal distributor of 1129
dangerous drugs, the licensee shall be deemed not to have 1130
violated division (B) of section 4729.51 of the Revised Code in 1131
making the sale. 1132

(2) Division (A) (1) of this section does not apply when a
licensee identified in division (B) (1) (a) of section 4729.52 of
the Revised Code sells or distributes dangerous drugs at
wholesale to any of the following:

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

(b) Any of the persons described in divisions (A) (1) to
~~(13)~~ (15) of section 4729.541 of the Revised Code, but only if
the purchaser is not required to obtain licensure as provided in
divisions (B) to (D) of that section.

(B) Before a licensed terminal distributor of dangerous
drugs may purchase dangerous drugs at wholesale, the terminal
distributor shall query the roster established pursuant to
section 4729.59 of the Revised Code to confirm the seller is
licensed to engage in the sale or distribution of dangerous
drugs at wholesale.

If no documented query is conducted before a purchase is
made, it shall be presumed that the purchase of dangerous drugs
by the terminal distributor is in violation of division (F) of
section 4729.51 of the Revised Code and the sale of dangerous
drugs by the seller is in violation of division (A) of section
4729.51 of the Revised Code. If a licensed terminal distributor
of dangerous drugs conducts a documented query at least annually
and relies on the results of the query in purchasing dangerous
drugs at wholesale, the terminal distributor shall be deemed not
to have violated division (F) of section 4729.51 of the Revised
Code in making the purchase.

Sec. 4729.88. (A) Notwithstanding any provision of this
chapter or rule adopted by the state board of pharmacy, a

pharmacist may dispense epinephrine autoinjectors pursuant to a 1162
prescription issued under section 4723.483, 4730.433, or 4731.96 1163
of the Revised Code. 1164

A pharmacist who in good faith dispenses epinephrine 1165
autoinjectors under this ~~section~~ division is not liable for or 1166
subject to any of the following for any action or omission of an 1167
entity to which an epinephrine autoinjector is dispensed: 1168
damages in any civil action, prosecution in any criminal 1169
proceeding, or professional disciplinary action. 1170

(B) Notwithstanding any provision of this chapter or rule 1171
adopted by the state board of pharmacy, a pharmacist may 1172
dispense injectable or nasally administered glucagon pursuant to 1173
a prescription issued under section 4723.484, 4730.434, or 1174
4731.92 of the Revised Code. 1175

A pharmacist who in good faith dispenses injectable or 1176
nasally administered glucagon under this division is not liable 1177
for or subject to any of the following for any action or 1178
omission of an entity to which the drug is dispensed: damages in 1179
any civil action, prosecution in any criminal proceeding, or 1180
professional disciplinary action. 1181

Sec. 4730.434. (A) (1) Subject to division (A) (2) of this 1182
section and notwithstanding any provision of this chapter or 1183
rule adopted by the state medical board, a physician assistant 1184
who holds a valid prescriber number issued by the board and has 1185
been granted physician-delegated prescriptive authority may do 1186
either of the following without having examined an individual to 1187
whom glucagon may be administered: 1188

(a) Personally furnish a supply of injectable or nasally 1189
administered glucagon for use in accordance with section 1190

3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of 1191
the Revised Code; 1192

(b) Issue a prescription for injectable or nasally 1193
administered glucagon in accordance with section 3313.7115, 1194
3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of the Revised 1195
Code. 1196

(2) Injectable or nasally administered glucagon personally 1197
furnished or prescribed under division (A)(1) of this section 1198
must be furnished or prescribed in such a manner that it may be 1199
administered only in a manufactured dosage form. 1200

(B) A physician assistant who acts in good faith in 1201
accordance with this section is not liable for or subject to any 1202
of the following for any action or omission of an entity to 1203
which injectable or nasally administered glucagon is furnished 1204
or a prescription is issued: damages in any civil action, 1205
prosecution in any criminal proceeding, or professional 1206
disciplinary action. 1207

Sec. 4731.92. (A) As used in this section, "physician" 1208
means an individual authorized under this chapter to practice 1209
medicine and surgery, osteopathic medicine and surgery, or 1210
podiatric medicine and surgery. 1211

(B) (1) Subject to division (B) (2) of this section, and 1212
notwithstanding any provision of this chapter or rule adopted by 1213
the state medical board, a physician may do either of the 1214
following without having examined an individual to whom glucagon 1215
may be administered: 1216

(a) Personally furnish a supply of injectable or nasally 1217
administered glucagon for use in accordance with section 1218
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of 1219

<u>Revised Code;</u>	1220
<u>(b) Issue a prescription for injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of the Revised Code.</u>	1221 1222 1223 1224
<u>(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.</u>	1225 1226 1227 1228
<u>(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.</u>	1229 1230 1231 1232 1233 1234
<u>Sec. 5101.78. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.</u>	1235 1236 1237 1238
<u>(B) A residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure injectable or nasally administered glucagon for use in emergency situations identified under division (D)(5) of this section by doing one of the following:</u>	1239 1240 1241 1242 1243 1244 1245 1246 1247 1248

(1) Having a licensed health professional authorized to 1249
prescribe drugs, acting in accordance with section 4723.484, 1250
4730.434, or 4731.92 of the Revised Code, personally furnish the 1251
injectable or nasally administered glucagon to the camp or issue 1252
a prescription for the drug in the name of the camp; 1253

(2) Obtaining a prescriber-issued protocol that includes 1254
definitive orders for injectable or nasally administered 1255
glucagon and the dosages to be administered; 1256

A camp that elects to procure injectable or nasally 1257
administered glucagon under this section is encouraged to 1258
maintain at least two doses of the drug at all times. 1259

(C) A camp that elects to procure injectable or nasally 1260
administered glucagon under this section shall adopt a policy 1261
governing maintenance and use of the drug. Before adopting the 1262
policy, the camp shall consult with a licensed health 1263
professional authorized to prescribe drugs. 1264

(D) The policy adopted under division (C) of this section 1265
shall do all of the following: 1266

(1) Identify the one or more locations at the camp in 1267
which injectable or nasally administered glucagon must be 1268
stored; 1269

(2) Specify the conditions under which injectable or 1270
nasally administered glucagon must be stored, replaced, or 1271
disposed; 1272

(3) Specify the individuals employed by or under contract 1273
with the camp, or who volunteer at the camp, who may access and 1274
use injectable or nasally administered glucagon in an emergency 1275
situation identified under division (D) (5) of this section; 1276

(4) Specify any training that employees, contractors, or 1277
volunteers specified under division (D) (3) of this section must 1278
complete before being authorized to access and use injectable or 1279
nasally administered glucagon; 1280

(5) Identify the emergency situations, including when an 1281
individual exhibits signs and symptoms of severe hypoglycemia, 1282
in which employees, contractors, or volunteers specified under 1283
division (D) (3) of this section may access and use injectable or 1284
nasally administered glucagon; 1285

(6) Specify that assistance from an emergency medical 1286
service provider must be requested immediately after a dose of 1287
glucagon is administered; 1288

(7) Specify the individuals to whom a dose of glucagon may 1289
be administered in an emergency situation specified under 1290
division (D) (5) of this section. 1291

(E) (1) The following are not liable in damages in a civil 1292
action for injury, death, or loss to person or property that 1293
allegedly arises from an act or omission associated with 1294
procuring, maintaining, accessing, or using injectable or 1295
nasally administered glucagon under this section, unless the act 1296
or omission constitutes willful or wanton misconduct: 1297

(a) A camp; 1298

(b) A camp employee, contractor, or volunteer; 1299

(c) A licensed health professional authorized to prescribe 1300
drugs who personally furnishes or prescribes injectable or 1301
nasally administered glucagon, provides a consultation, or 1302
issues a protocol pursuant to this section; 1303

(2) This section does not eliminate, limit, or reduce any 1304

other immunity or defense that a camp; camp employee, 1305
contractor, or volunteer; or licensed health professional may be 1306
entitled to under Chapter 2744. or any other provision of the 1307
Revised Code or under the common law of this state. 1308

(F) A camp may accept donations of injectable or nasally 1309
administered glucagon from a wholesale distributor of dangerous 1310
drugs or manufacturer of dangerous drugs, as defined in section 1311
4729.01 of the Revised Code, and may accept donations of money 1312
from any person to purchase the drug. 1313

(G) A camp that elects to procure injectable or nasally 1314
administered glucagon under this section shall report to the 1315
department of job and family services each procurement and each 1316
occurrence in which a dose of the drug is used from the camp's 1317
supply. 1318

Section 5. That existing sections 3313.713, 4723.50, 1319
4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 of 1320
the Revised Code are hereby repealed. 1321

Section 6. Section 4729.01 of the Revised Code is 1322
presented in this act as a composite of the section as amended 1323
by both Sub. S.B. 119 and Sub. S.B. 229 of the 132nd General 1324
Assembly. The General Assembly, applying the principle stated in 1325
division (B) of section 1.52 of the Revised Code that amendments 1326
are to be harmonized if reasonably capable of simultaneous 1327
operation, finds that the composite is the resulting version of 1328
the section in effect prior to the effective date of the section 1329
as presented in this act. 1330