

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 511**

**Representatives Rogers, Richardson**

**Cosponsors: Representatives Becker, Blair, Boyd, Brown, Butler, Callender, Carruthers, Cera, Clites, Crawley, Crossman, Cupp, Denson, Galonski, Ginter, Hambley, Hicks-Hudson, Miller, J., Smith, K., Kelly, Lepore-Hagan, Lightbody, Liston, Manning, G., Miranda, O'Brien, Patterson, Perales, Reineke, Riedel, Robinson, Russo, Scherer, Seitz, Sheehy, Sobecki, Strahorn, Sweeney, Upchurch, West, Wilkin**

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**A BILL**

To amend sections 3313.713, 4723.50, 4729.01, 1  
4729.51, 4729.513, 4729.541, 4729.60, and 2  
4729.88 and to enact sections 3313.7115, 3  
3313.7116, 3314.147, 3326.60, 3328.38, 4723.484, 4  
4730.434, 4731.92, and 5101.78 of the Revised 5  
Code to permit schools and camps to procure and 6  
use injectable or nasally administered glucagon 7  
in accordance with prescribed policies and to 8  
exempt them from licensing requirements related 9  
to the possession of glucagon. 10

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

**Section 1.** That sections 3313.713, 4723.50, 4729.01, 11  
4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 be amended and 12  
sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 13  
4723.484, 4730.434, 4731.92, and 5101.78 of the Revised Code be 14  
enacted to read as follows: 15

**Sec. 3313.713.** (A) As used in this section: 16

(1) "Drug" means a drug, as defined in section 4729.01 of 17  
the Revised Code, that is to be administered pursuant to the 18  
instructions of the prescriber, whether or not required by law 19  
to be sold only upon a prescription. 20

(2) "Federal law" means the "Individuals with Disabilities 21  
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as 22  
amended. 23

(3) "Prescriber" has the same meaning as in section 24  
4729.01 of the Revised Code. 25

(B) The board of education of each city, local, exempted 26  
village, and joint vocational school district shall adopt a 27  
policy on the authority of its employees, when acting in 28  
situations other than those governed by sections 2305.23, 29  
2305.231, 3313.712, 3313.7110, 3313.7112, ~~and~~ 3313.7113, and 30  
3313.7115 of the Revised Code, to administer drugs prescribed to 31  
students enrolled in the schools of the district. The policy 32  
shall provide either that: 33

(1) Except as otherwise required by federal law, no person 34  
employed by the board shall, in the course of such employment, 35  
administer any drug prescribed to any student enrolled in the 36  
schools of the district. 37

(2) Designated persons employed by the board are 38  
authorized to administer to a student a drug prescribed for the 39  
student. Effective July 1, 2011, only employees of the board who 40  
are licensed health professionals, or who have completed a drug 41  
administration training program conducted by a licensed health 42  
professional and considered appropriate by the board, may 43  
administer to a student a drug prescribed for the student. 44

Except as otherwise provided by federal law, the board's policy 45  
may provide that certain drugs or types of drugs shall not be 46  
administered or that no employee shall use certain procedures, 47  
such as injection, to administer a drug to a student. 48

(C) No drug prescribed for a student shall be administered 49  
pursuant to federal law or a policy adopted under division (B) 50  
of this section until the following occur: 51

(1) The board, or a person designated by the board, 52  
receives a written request, signed by the parent, guardian, or 53  
other person having care or charge of the student, that the drug 54  
be administered to the student. 55

(2) The board, or a person designated by the board, 56  
receives a statement, signed by the prescriber, that includes 57  
all of the following information: 58

(a) The name and address of the student; 59

(b) The school and class in which the student is enrolled; 60

(c) The name of the drug and the dosage to be 61  
administered; 62

(d) The times or intervals at which each dosage of the 63  
drug is to be administered; 64

(e) The date the administration of the drug is to begin; 65

(f) The date the administration of the drug is to cease; 66

(g) Any severe adverse reactions that should be reported 67  
to the prescriber and one or more phone numbers at which the 68  
prescriber can be reached in an emergency; 69

(h) Special instructions for administration of the drug, 70  
including sterile conditions and storage. 71

(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.

(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.

(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.

(6) Any other procedures required by the board are followed.

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

(E) No person who has been authorized by a board of education to administer a drug and has a copy of the most recent

statement required by division (C) (2) or (3) of this section 101  
given to the person in accordance with division (D) of this 102  
section prior to administering the drug is liable in civil 103  
damages for administering or failing to administer the drug, 104  
unless such person acts in a manner that constitutes gross 105  
negligence or wanton or reckless misconduct. 106

(F) A board of education may designate a person or persons 107  
to perform any function or functions in connection with a drug 108  
policy adopted under this section either by name or by position, 109  
training, qualifications, or similar distinguishing factors. 110

(G) A policy adopted by a board of education pursuant to 111  
this section may be changed, modified, or revised by action of 112  
the board. 113

(H) Nothing in this section shall be construed to require 114  
a person employed by a board of education to administer a drug 115  
to a student unless the board's policy adopted in compliance 116  
with this section establishes such a requirement. A board shall 117  
not require an employee to administer a drug to a student if the 118  
employee objects, on the basis of religious convictions, to 119  
administering the drug. 120

Nothing in this section affects the application of section 121  
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, ~~or~~ 3313.7113, 122  
or 3313.7115 of the Revised Code to the administration of 123  
emergency care or treatment to a student. 124

Nothing in this section affects the ability of a public or 125  
nonpublic school to participate in a school-based fluoride mouth 126  
rinse program established by the director of health pursuant to 127  
section 3701.136 of the Revised Code. Nothing in this section 128  
affects the ability of a person who is employed by, or who 129

volunteers for, a school that participates in such a program to 130  
administer fluoride mouth rinse to a student in accordance with 131  
section 3701.136 of the Revised Code and any rules adopted by 132  
the director under that section. 133

(I) Nothing in this section shall be construed to require 134  
a school district to obtain written authorization or 135  
instructions from a health care provider to apply 136  
nonprescription topical ointments designed to prevent sunburn. 137  
Furthermore, nothing in this section shall be construed to 138  
prohibit a student to possess and self-apply nonprescription 139  
topical ointment designed to prevent sunburn while on school 140  
property or at a school-sponsored event without written 141  
authorization or instructions from a healthcare provider. The 142  
policy adopted by a school district pursuant to this section 143  
shall not require written authorization from a health care 144  
provider, but may require parental authorization, for the 145  
possession or application of such sunscreen. A designated person 146  
employed by the board of education of a school district shall 147  
apply sunscreen to a student in accordance with the school 148  
district's policy upon request. 149

Sec. 3313.7115. (A) As used in this section, "licensed 150  
health professional authorized to prescribe drugs" and 151  
"prescriber" have the same meanings as in section 4729.01 of the 152  
Revised Code. 153

(B) The board of education of each city, local, exempted 154  
village, or joint vocational school district may procure 155  
injectable or nasally administered glucagon for each school 156  
operated by the district to have on the school premises for use 157  
in emergency situations identified under division (D) (5) of this 158  
section by doing one of the following: 159

(1) Having a licensed health professional authorized to 160  
prescribe drugs, acting in accordance with section 4723.484, 161  
4730.434, or 4731.92 of the Revised Code, personally furnish the 162  
injectable or nasally administered glucagon to the school or 163  
school district or issue a prescription for the drug in the name 164  
of the school or district; 165

(2) Having the district's superintendent obtain a 166  
prescriber-issued protocol that includes definitive orders for 167  
injectable or nasally administered glucagon and the dosages to 168  
be administered. 169

A district board that elects to procure injectable or 170  
nasally administered glucagon under this section is encouraged 171  
to maintain, at all times, at least two doses of the drug at 172  
each school operated by the district. 173

(C) A district board that elects to procure injectable or 174  
nasally administered glucagon under this section shall require 175  
the district's superintendent to adopt a policy governing 176  
maintenance and use of the drug. Before adopting the policy, the 177  
superintendent shall consult with a licensed health professional 178  
authorized to prescribe drugs. 179

(D) The policy adopted under division (C) of this section 180  
shall do all of the following: 181

(1) Identify the one or more locations in each school 182  
operated by the district in which injectable or nasally 183  
administered glucagon must be stored; 184

(2) Specify the conditions under which injectable or 185  
nasally administered glucagon must be stored, replaced, and 186  
disposed; 187

(3) Specify the individuals employed by or under contract 188

with the district board, in addition to a school nurse licensed 189  
under section 3319.221 of the Revised Code or an athletic 190  
trainer licensed under Chapter 4755. of the Revised Code, who 191  
may access and use injectable or nasally administered glucagon 192  
in an emergency situation identified under division (D) (5) of 193  
this section; 194

(4) Specify any training that employees or contractors 195  
specified under division (D) (3) of this section, other than a 196  
school nurse or athletic trainer, must complete before being 197  
authorized to access and use injectable or nasally administered 198  
glucagon; 199

(5) Identify the emergency situations in which a school 200  
nurse, athletic trainer, or other employees or contractors 201  
specified under division (D) (3) of this section may access and 202  
use injectable or nasally administered glucagon; 203

(6) Specify that assistance from an emergency medical 204  
service provider must be requested immediately after a dose of 205  
glucagon is administered; 206

(7) Specify the individuals, if any, in addition to 207  
students, to whom a dose of glucagon may be administered in an 208  
emergency situation specified under division (D) (5) of this 209  
section. 210

(E) (1) The following are not liable in damages in a civil 211  
action for injury, death, or loss to person or property that 212  
allegedly arises from an act or omission associated with 213  
procuring, maintaining, accessing, or using injectable or 214  
nasally administered glucagon under this section, unless the act 215  
or omission constitutes willful or wanton misconduct: 216

(a) A school or school district; 217



<u>(b) A member of a district board of education;</u>	218
<u>(c) A district or school employee or contractor;</u>	219
<u>(d) A licensed health professional authorized to prescribe</u>	220
<u>drugs who personally furnishes or prescribes injectable or</u>	221
<u>nasally administered glucagon, consults with a superintendent,</u>	222
<u>or issues a protocol pursuant to this section.</u>	223
<u>(2) This section does not eliminate, limit, or reduce any</u>	224
<u>other immunity or defense that a school or school district,</u>	225
<u>member of a district board of education, district or school</u>	226
<u>employee or contractor, or licensed health professional may be</u>	227
<u>entitled to under Chapter 2744. or any other provision of the</u>	228
<u>Revised Code or under the common law of this state.</u>	229
<u>(F) A school district board of education may accept</u>	230
<u>donations of injectable or nasally administered glucagon from a</u>	231
<u>wholesale distributor of dangerous drugs or manufacturer of</u>	232
<u>dangerous drugs, as defined in section 4729.01 of the Revised</u>	233
<u>Code, and may accept donations of money from any person to</u>	234
<u>purchase the drug.</u>	235
<u>(G) A district board that elects to procure injectable or</u>	236
<u>nasally administered glucagon under this section shall report to</u>	237
<u>the department of education each procurement and each occurrence</u>	238
<u>in which a dose of the drug is used from a school's supply.</u>	239
<b><u>Sec. 3313.7116. (A) With the approval of its governing</u></b>	240
<b><u>authority, a chartered or nonchartered nonpublic school may</u></b>	241
<b><u>procure injectable or nasally administered glucagon in the</u></b>	242
<b><u>manner prescribed by section 3313.7115 of the Revised Code. A</u></b>	243
<b><u>chartered or nonchartered nonpublic school that elects to do so</u></b>	244
<b><u>shall comply with all provisions of that section as if it were a</u></b>	245
<b><u>school district.</u></b>	246

(B) (1) The following are not liable in damages in a civil 247  
action for injury, death, or loss to person or property that 248  
allegedly arises from an act or omission associated with 249  
procuring, maintaining, accessing, or using injectable or 250  
nasally administered glucagon under this section, unless the act 251  
or omission constitutes willful or wanton misconduct: 252

(a) A chartered or nonchartered nonpublic school; 253

(b) A member of a chartered or nonchartered nonpublic 254  
school governing authority; 255

(c) An employee or contractor of the school; 256

(d) A licensed health professional authorized to prescribe 257  
drugs who personally furnishes or prescribes injectable or 258  
nasally administered glucagon, provides a consultation, or 259  
issues a protocol pursuant to this section. 260

(2) This division does not eliminate, limit, or reduce any 261  
other immunity or defense that a chartered or nonchartered 262  
nonpublic school or governing authority, member of a chartered 263  
or nonchartered nonpublic school governing authority, chartered 264  
or nonchartered nonpublic school employee or contractor, or 265  
licensed health professional may be entitled to under any other 266  
provision of the Revised Code or the common law of this state. 267

(C) A chartered or nonchartered nonpublic school may 268  
accept donations of injectable or nasally administered glucagon 269  
from a wholesale distributor of dangerous drugs or manufacturer 270  
of dangerous drugs, as defined in section 4729.01 of the Revised 271  
Code, and may accept donations of money from any person to 272  
purchase the drug. 273

(D) A chartered or nonchartered nonpublic school that 274  
elects to procure injectable or nasally administered glucagon 275

under this section shall report to the department of education 276  
each procurement and each occurrence in which a dose of the drug 277  
is used from the school's supply. 278

**Sec. 3314.147.** (A) With the approval of its governing 279  
authority, a community school established under this chapter may 280  
procure injectable or nasally administered glucagon in the 281  
manner prescribed by section 3313.7115 of the Revised Code. A 282  
community school that elects to do so shall comply with all 283  
provisions of that section as if it were a school district. 284

(B) (1) The following are not liable in damages in a civil 285  
action for injury, death, or loss to person or property that 286  
allegedly arises from an act or omission associated with 287  
procuring, maintaining, accessing, or using injectable or 288  
nasally administered glucagon under this section, unless the act 289  
or omission constitutes willful or wanton misconduct: 290

(a) A community school; 291

(b) A member of a community school governing authority; 292

(c) A community school employee or contractor; 293

(d) A licensed health professional authorized to prescribe 294  
drugs who personally furnishes or prescribes injectable or 295  
nasally administered glucagon, provides a consultation, or 296  
issues a protocol pursuant to this section. 297

(2) This division does not eliminate, limit, or reduce any 298  
other immunity or defense that a community school or governing 299  
authority, member of a community school governing authority, 300  
community school employee or contractor, or licensed health 301  
professional may be entitled to under Chapter 2744. or any other 302  
provision of the Revised Code or under the common law of this 303  
state. 304

(C) A community school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug. 305  
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(D) A community school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education each procurement and each occurrence in which a dose of the drug is used from the school's supply. 310  
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**Sec. 3326.60.** (A) With the approval of its governing body, a STEM school established under this chapter may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 of the Revised Code. A STEM school that elects to do so shall comply with all provisions of that section as if it were a school district. 315  
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(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 321  
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(a) A STEM school; 327

(b) A member of a STEM school governing body; 328

(c) A STEM school employee or contractor; 329

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section. 330  
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(2) This division does not eliminate, limit, or reduce any 334  
other immunity or defense that a STEM school or governing body, 335  
member of a STEM school governing body, STEM school employee or 336  
contractor, or licensed health professional may be entitled to 337  
under Chapter 2744. or any other provision of the Revised Code 338  
or under the common law of this state. 339

(C) A STEM school may accept donations of injectable or 340  
nasally administered glucagon from a wholesale distributor of 341  
dangerous drugs or a manufacturer of dangerous drugs, as defined 342  
in section 4729.01 of the Revised Code, and may accept donations 343  
of money from any person to purchase the drug. 344

(D) A STEM school that elects to procure injectable or 345  
nasally administered glucagon under this section shall report to 346  
the department of education each procurement and each occurrence 347  
in which a dose of the drug is used from the school's supply. 348

**Sec. 3328.38.** (A) With the approval of its board of 349  
trustees, a college-preparatory boarding school established 350  
under this chapter may procure injectable or nasally 351  
administered glucagon in the manner prescribed by section 352  
3313.7115 of the Revised Code. A college-preparatory boarding 353  
school that elects to do so shall comply with all provisions of 354  
that section as if it were a school district. 355

(B) (1) The following are not liable in damages in a civil 356  
action for injury, death, or loss to person or property that 357  
allegedly arises from an act or omission associated with 358  
procuring, maintaining, accessing, or using injectable or 359  
nasally administered glucagon under this section, unless the act 360  
or omission constitutes willful or wanton misconduct: 361

(a) A college-preparatory boarding school; 362

(b) A member of a college-preparatory boarding school 363  
board of trustees; 364

(c) A college-preparatory boarding school employee or 365  
contractor; 366

(d) A licensed health professional authorized to prescribe 367  
drugs who personally furnishes or prescribes injectable or 368  
nasally administered glucagon, provides a consultation, or 369  
issues a protocol pursuant to this section. 370

(2) This division does not eliminate, limit, or reduce any 371  
other immunity or defense that a college-preparatory boarding 372  
school or board of trustees, member of a college-preparatory 373  
boarding school board of trustees, college-preparatory boarding 374  
school employee or contractor, or licensed health professional 375  
may be entitled to under Chapter 2744. or any other provision of 376  
the Revised Code or under the common law of this state. 377

(C) A college-preparatory boarding school may accept 378  
donations of injectable or nasally administered glucagon from a 379  
wholesale distributor of dangerous drugs or a manufacturer of 380  
dangerous drugs, as defined in section 4729.01 of the Revised 381  
Code, and may accept donations of money from any person to 382  
purchase the drug. 383

(D) A college-preparatory boarding school that elects to 384  
procure injectable or nasally administered glucagon under this 385  
section shall report to the department of education each 386  
procurement and each occurrence in which a dose of the drug is 387  
used from the school's supply. 388

**Sec. 4723.484.** (A) (1) Subject to division (A) (2) of this 389  
section, and notwithstanding any provision of this chapter or 390  
rule adopted by the board of nursing, a clinical nurse 391

specialist, certified nurse-midwife, or certified nurse 392  
practitioner licensed as an advanced practice registered nurse 393  
under Chapter 4723. of the Revised Code may do either of the 394  
following without having examined an individual to whom glucagon 395  
may be administered: 396

(a) Personally furnish a supply of injectable or nasally 397  
administered glucagon for use in accordance with sections 398  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of 399  
the Revised Code; 400

(b) Issue a prescription for injectable or nasally 401  
administered glucagon for use in accordance with sections 402  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of 403  
the Revised Code. 404

(2) Injectable or nasally administered glucagon personally 405  
furnished or prescribed under division (A)(1) of this section 406  
must be furnished or prescribed in such a manner that it may be 407  
administered only in a manufactured dosage form. 408

(B) A nurse who acts in good faith in accordance with this 409  
section is not liable for or subject to any of the following for 410  
any action or omission of an entity to which injectable or 411  
nasally administered glucagon is furnished or a prescription is 412  
issued: damages in any civil action, prosecution in any criminal 413  
proceeding, or professional disciplinary action. 414

**Sec. 4723.50.** (A) As used in this section: 415

(1) "Controlled substance" has the same meaning as in 416  
section 3719.01 of the Revised Code. 417

(2) "Medication-assisted treatment" has the same meaning 418  
as in section 340.01 of the Revised Code. 419

(B) In accordance with Chapter 119. of the Revised Code, 420  
the board of nursing shall adopt rules as necessary to implement 421  
the provisions of this chapter pertaining to the authority of 422  
advanced practice registered nurses who are designated as 423  
clinical nurse specialists, certified nurse-midwives, and 424  
certified nurse practitioners to prescribe and furnish drugs and 425  
therapeutic devices. 426

The board shall adopt rules that are consistent with a 427  
recommended exclusionary formulary the board receives from the 428  
committee on prescriptive governance pursuant to section 429  
4723.492 of the Revised Code. After reviewing a formulary 430  
submitted by the committee, the board may either adopt the 431  
formulary as a rule or ask the committee to reconsider and 432  
resubmit the formulary. The board shall not adopt any rule that 433  
does not conform to a formulary developed by the committee. 434

The exclusionary formulary shall permit, in a manner 435  
consistent with section 4723.481 of the Revised Code, the 436  
prescribing of controlled substances, including drugs that 437  
contain buprenorphine used in medication-assisted treatment and 438  
both oral and long-acting opioid antagonists. The formulary 439  
shall not permit the prescribing or furnishing of any of the 440  
following: 441

(1) A drug or device to perform or induce an abortion; 442

(2) A drug or device prohibited by federal or state law. 443

(C) In addition to the rules described in division (B) of 444  
this section, the board shall adopt rules under this section 445  
that do the following: 446

(1) Establish standards for board approval of the course 447  
of study in advanced pharmacology and related topics required by 448



section 4723.482 of the Revised Code;	449
(2) Establish requirements for board approval of the two-	450
hour course of instruction in the laws of this state as required	451
under division (C) (1) of section 4723.482 of the Revised Code	452
<del>and division (B) (2) of section 4723.484 of the Revised Code;</del>	453
(3) Establish criteria for the components of the standard	454
care arrangements described in section 4723.431 of the Revised	455
Code that apply to the authority to prescribe, including the	456
components that apply to the authority to prescribe schedule II	457
controlled substances. The rules shall be consistent with that	458
section and include all of the following:	459
(a) Quality assurance standards;	460
(b) Standards for periodic review by a collaborating	461
physician or podiatrist of the records of patients treated by	462
the clinical nurse specialist, certified nurse-midwife, or	463
certified nurse practitioner;	464
(c) Acceptable travel time between the location at which	465
the clinical nurse specialist, certified nurse-midwife, or	466
certified nurse practitioner is engaging in the prescribing	467
components of the nurse's practice and the location of the	468
nurse's collaborating physician or podiatrist;	469
(d) Any other criteria recommended by the committee on	470
prescriptive governance.	471
<b>Sec. 4729.01.</b> As used in this chapter:	472
(A) "Pharmacy," except when used in a context that refers	473
to the practice of pharmacy, means any area, room, rooms, place	474
of business, department, or portion of any of the foregoing	475
where the practice of pharmacy is conducted.	476

(B) "Practice of pharmacy" means providing pharmacist care	477
requiring specialized knowledge, judgment, and skill derived	478
from the principles of biological, chemical, behavioral, social,	479
pharmaceutical, and clinical sciences. As used in this division,	480
"pharmacist care" includes the following:	481
(1) Interpreting prescriptions;	482
(2) Dispensing drugs and drug therapy related devices;	483
(3) Compounding drugs;	484
(4) Counseling individuals with regard to their drug	485
therapy, recommending drug therapy related devices, and	486
assisting in the selection of drugs and appliances for treatment	487
of common diseases and injuries and providing instruction in the	488
proper use of the drugs and appliances;	489
(5) Performing drug regimen reviews with individuals by	490
discussing all of the drugs that the individual is taking and	491
explaining the interactions of the drugs;	492
(6) Performing drug utilization reviews with licensed	493
health professionals authorized to prescribe drugs when the	494
pharmacist determines that an individual with a prescription has	495
a drug regimen that warrants additional discussion with the	496
prescriber;	497
(7) Advising an individual and the health care	498
professionals treating an individual with regard to the	499
individual's drug therapy;	500
(8) Acting pursuant to a consult agreement with one or	501
more physicians authorized under Chapter 4731. of the Revised	502
Code to practice medicine and surgery or osteopathic medicine	503
and surgery, if an agreement has been established;	504

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	505 506
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	507 508
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	509 510 511
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	512 513
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	514 515
(3) As an incident to research, teaching activities, or chemical analysis;	516 517
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	518 519 520
(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:	521 522 523 524 525
(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.	526 527 528 529 530
(b) A limited quantity of the drug is compounded and provided to the professional.	531 532

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

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

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

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

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	561 562
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	563 564 565
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	566 567 568
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	569 570
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	571 572
(H) "Prescription" means all of the following:	573
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	574 575 576 577
(2) For purposes of sections 2925.61, 4723.488, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	578 579 580 581 582 583
(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of either of the following:	584 585 586
(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;	587 588

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

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

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

(6) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code;

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

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

(1) A dentist licensed under Chapter 4715. of the Revised Code;	618 619
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;	620 621 622 623
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	624 625 626
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	627 628 629
(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	630 631 632 633 634
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	635 636
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	637 638 639 640 641 642
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	643 644 645

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

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

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

(1) The proprietary name of the drug product;

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

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

(4) The dosage form;

(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.



(O) "Wholesale distributor of dangerous drugs" or 675  
"wholesale distributor" means a person engaged in the sale of 676  
dangerous drugs at wholesale and includes any agent or employee 677  
of such a person authorized by the person to engage in the sale 678  
of dangerous drugs at wholesale. 679

(P) "Manufacturer of dangerous drugs" or "manufacturer" 680  
means a person, other than a pharmacist or prescriber, who 681  
manufactures dangerous drugs and who is engaged in the sale of 682  
those dangerous drugs. 683

(Q) "Terminal distributor of dangerous drugs" or "terminal 684  
distributor" means a person who is engaged in the sale of 685  
dangerous drugs at retail, or any person, other than a 686  
manufacturer, repackager, outsourcing facility, third-party 687  
logistics provider, wholesale distributor, or pharmacist, who 688  
has possession, custody, or control of dangerous drugs for any 689  
purpose other than for that person's own use and consumption. 690  
"Terminal distributor" includes pharmacies, hospitals, nursing 691  
homes, and laboratories and all other persons who procure 692  
dangerous drugs for sale or other distribution by or under the 693  
supervision of a pharmacist, licensed health professional 694  
authorized to prescribe drugs, or other person authorized by the 695  
state board of pharmacy. 696

(R) "Promote to the public" means disseminating a 697  
representation to the public in any manner or by any means, 698  
other than by labeling, for the purpose of inducing, or that is 699  
likely to induce, directly or indirectly, the purchase of a 700  
dangerous drug at retail. 701

(S) "Person" includes any individual, partnership, 702  
association, limited liability company, or corporation, the 703  
state, any political subdivision of the state, and any district, 704

department, or agency of the state or its political 705  
subdivisions. 706

(T) "Animal shelter" means a facility operated by a humane 707  
society or any society organized under Chapter 1717. of the 708  
Revised Code or a dog pound operated pursuant to Chapter 955. of 709  
the Revised Code. 710

(U) "Food" has the same meaning as in section 3715.01 of 711  
the Revised Code. 712

(V) "Pain management clinic" has the same meaning as in 713  
section 4731.054 of the Revised Code. 714

(W) "Investigational drug or product" means a drug or 715  
product that has successfully completed phase one of the United 716  
States food and drug administration clinical trials and remains 717  
under clinical trial, but has not been approved for general use 718  
by the United States food and drug administration. 719  
"Investigational drug or product" does not include controlled 720  
substances in schedule I, as defined in section 3719.01 of the 721  
Revised Code. 722

(X) "Product," when used in reference to an 723  
investigational drug or product, means a biological product, 724  
other than a drug, that is made from a natural human, animal, or 725  
microorganism source and is intended to treat a disease or 726  
medical condition. 727

(Y) "Third-party logistics provider" means a person that 728  
provides or coordinates warehousing or other logistics services 729  
pertaining to dangerous drugs including distribution, on behalf 730  
of a manufacturer, wholesale distributor, or terminal 731  
distributor of dangerous drugs, but does not take ownership of 732  
the drugs or have responsibility to direct the sale or 733

disposition of the drugs. 734

(Z) "Repackager of dangerous drugs" or "repackager" means 735  
a person that repacks and relabels dangerous drugs for sale or 736  
distribution. 737

(AA) "Outsourcing facility" means a facility that is 738  
engaged in the compounding and sale of sterile drugs and is 739  
registered as an outsourcing facility with the United States 740  
food and drug administration. 741

(BB) "Laboratory" means a laboratory licensed under this 742  
chapter as a terminal distributor of dangerous drugs and 743  
entrusted to have custody of any of the following drugs and to 744  
use the drugs for scientific and clinical purposes and for 745  
purposes of instruction: dangerous drugs that are not controlled 746  
substances, as defined in section 3719.01 of the Revised Code; 747  
dangerous drugs that are controlled substances, as defined in 748  
that section; and controlled substances in schedule I, as 749  
defined in that section. 750

**Sec. 4729.51.** (A) No person other than a licensed 751  
manufacturer of dangerous drugs, outsourcing facility, third- 752  
party logistics provider, repackager of dangerous drugs, or 753  
wholesale distributor of dangerous drugs shall possess for sale, 754  
sell, distribute, or deliver, at wholesale, dangerous drugs or 755  
investigational drugs or products, except as follows: 756

(1) A licensed terminal distributor of dangerous drugs 757  
that is a pharmacy may make occasional sales of dangerous drugs 758  
or investigational drugs or products at wholesale. 759

(2) A licensed terminal distributor of dangerous drugs 760  
having more than one licensed location may transfer or deliver 761  
dangerous drugs from one licensed location to another licensed 762

location owned by the terminal distributor if the license issued 763  
for each location is in effect at the time of the transfer or 764  
delivery. 765

(3) A licensed terminal distributor of dangerous drugs 766  
that is not a pharmacy may make occasional sales of naloxone at 767  
wholesale. 768

(4) A licensed terminal distributor of dangerous drugs 769  
that is not a pharmacy may make occasional sales of dangerous 770  
drugs at wholesale if the drugs being sold are in shortage, as 771  
defined in rules adopted by the state board of pharmacy under 772  
section 4729.26 of the Revised Code. 773

(B) No licensed manufacturer, outsourcing facility, third- 774  
party logistics provider, repackager, or wholesale distributor 775  
shall possess for sale, sell, or distribute, at wholesale, 776  
dangerous drugs or investigational drugs or products to any 777  
person other than the following: 778

(1) Subject to division (D) of this section, a licensed 779  
terminal distributor of dangerous drugs; 780

(2) Subject to division (C) of this section, any person 781  
exempt from licensure as a terminal distributor of dangerous 782  
drugs under section 4729.541 of the Revised Code; 783

(3) A licensed manufacturer, outsourcing facility, third- 784  
party logistics provider, repackager, or wholesale distributor; 785

(4) A terminal distributor, manufacturer, outsourcing 786  
facility, third-party logistics provider, repackager, or 787  
wholesale distributor that is located in another state, is not 788  
engaged in the sale of dangerous drugs within this state, and is 789  
actively licensed to engage in the sale of dangerous drugs by 790  
the state in which the distributor conducts business. 791

(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:

(1) A prescriber who is employed by either of the following:

(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;

(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 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 821  
shall possess dangerous drugs or investigational drugs or 822  
products for sale at wholesale, or sell or distribute such drugs 823  
at wholesale, to a licensed terminal distributor of dangerous 824  
drugs, except as follows: 825

(1) In the case of a terminal distributor with a category 826  
II license, only dangerous drugs in category II, as defined in 827  
division (A) (1) of section 4729.54 of the Revised Code; 828

(2) In the case of a terminal distributor with a category 829  
III license, dangerous drugs in category II and category III, as 830  
defined in divisions (A) (1) and (2) of section 4729.54 of the 831  
Revised Code; 832

(3) In the case of a terminal distributor with a limited 833  
category II or III license, only the dangerous drugs specified 834  
in the license. 835

(E) (1) Except as provided in division (E) (2) of this 836  
section, no person shall do any of the following: 837

(a) Sell or distribute, at retail, dangerous drugs; 838

(b) Possess for sale, at retail, dangerous drugs; 839

(c) Possess dangerous drugs. 840

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 841  
do not apply to any of the following: 842

(i) A licensed terminal distributor of dangerous drugs; 843

(ii) A person who possesses, or possesses for sale or 844  
sells, at retail, a dangerous drug in accordance with Chapters 845  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 846  
the Revised Code; 847

(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.	848 849 850
(b) Division (E) (1) (c) of this section does not apply to any of the following:	851 852
(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	853 854
(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.	855 856 857
(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 licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:	858 859 860 861 862 863 864
(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section.	865 866 867 868 869
(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.	870 871 872 873 874 875
(G) No licensed terminal distributor of dangerous drugs	876

shall engage in the retail sale or other distribution of 877  
dangerous drugs or investigational drugs or products or maintain 878  
possession, custody, or control of dangerous drugs or 879  
investigational drugs or products for any purpose other than the 880  
distributor's personal use or consumption, at any establishment 881  
or place other than that or those described in the license 882  
issued by the board to such terminal distributor. 883

(H) Nothing in this section shall be construed to 884  
interfere with the performance of official duties by any law 885  
enforcement official authorized by municipal, county, state, or 886  
federal law to collect samples of any drug, regardless of its 887  
nature or in whose possession it may be. 888

(I) Notwithstanding anything to the contrary in this 889  
section, the board of education of a city, local, exempted 890  
village, or joint vocational school district may distribute 891  
epinephrine autoinjectors for use in accordance with section 892  
3313.7110 of the Revised Code ~~and,~~ may distribute inhalers for 893  
use in accordance with section 3313.7113 of the Revised Code, 894  
and may distribute injectable or nasally administered glucagon 895  
for use in accordance with section 3313.7115 of the Revised 896  
Code. 897

**Sec. 4729.513.** A manufacturer of dangerous drugs may 898  
donate inhalers, as defined in section 3313.7113 of the Revised 899  
Code, ~~and epinephrine autoinjectors,~~ or injectable or nasally 900  
administered glucagon to any of the following: 901

(A) The board of education of a city, local, exempted 902  
village, or joint vocational school district; 903

(B) A community school established under Chapter 3314. of 904  
the Revised Code; 905



(C) A STEM school established under Chapter 3326. of the Revised Code;	906 907
(D) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	908 909
(E) A chartered or nonchartered nonpublic school;	910
<u>(F) A residential camp, as defined in section 2151.011 of the Revised Code;</u>	911 912
<u>(G) A child day camp, as defined in section 5104.01 of the Revised Code;</u>	913 914
<u>(H) 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.</u>	915 916 917 918 919
<b>Sec. 4729.541.</b> (A) Except as provided in divisions (B) to (D) of this section, all of the following are exempt from licensure as a terminal distributor of dangerous drugs:	920 921 922
(1) A licensed health professional authorized to prescribe drugs;	923 924
(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a prescriber and is authorized to provide the professional services being offered by the entity;	925 926 927 928 929 930 931
(3) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited	932 933

liability company formed under Chapter 1705. of the Revised 934  
Code, a partnership or a limited liability partnership formed 935  
under Chapter 1775. of the Revised Code, or a professional 936  
association formed under Chapter 1785. of the Revised Code, if, 937  
to be a shareholder, member, or partner, an individual is 938  
required to be licensed, certified, or otherwise legally 939  
authorized under Title XLVII of the Revised Code to perform the 940  
professional service provided by the entity and each such 941  
individual is a prescriber; 942

(4) An individual who holds a current license, 943  
certificate, or registration issued under Title XLVII of the 944  
Revised Code and has been certified to conduct diabetes 945  
education by a national certifying body specified in rules 946  
adopted by the state board of pharmacy under section 4729.68 of 947  
the Revised Code, but only with respect to insulin that will be 948  
used for the purpose of diabetes education and only if diabetes 949  
education is within the individual's scope of practice under 950  
statutes and rules regulating the individual's profession; 951

(5) An individual who holds a valid certificate issued by 952  
a nationally recognized S.C.U.B.A. diving certifying 953  
organization approved by the state board of pharmacy under rules 954  
adopted by the board, but only with respect to medical oxygen 955  
that will be used for the purpose of emergency care or treatment 956  
at the scene of a diving emergency; 957

(6) With respect to epinephrine autoinjectors that may be 958  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 959  
or 3328.29 of the Revised Code, any of the following: the board 960  
of education of a city, local, exempted village, or joint 961  
vocational school district; a chartered or nonchartered 962  
nonpublic school; a community school established under Chapter 963

3314. of the Revised Code; a STEM school established under 964  
Chapter 3326. of the Revised Code; or a college-preparatory 965  
boarding school established under Chapter 3328. of the Revised 966  
Code; 967

(7) With respect to epinephrine autoinjectors that may be 968  
possessed under section 5101.76 of the Revised Code, any of the 969  
following: a residential camp, as defined in section 2151.011 of 970  
the Revised Code; a child day camp, as defined in section 971  
5104.01 of the Revised Code; or a child day camp operated by any 972  
county, township, municipal corporation, township park district 973  
created under section 511.18 of the Revised Code, park district 974  
created under section 1545.04 of the Revised Code, or joint 975  
recreation district established under section 755.14 of the 976  
Revised Code; 977

(8) With respect to epinephrine autoinjectors that may be 978  
possessed under Chapter 3728. of the Revised Code, a qualified 979  
entity, as defined in section 3728.01 of the Revised Code; 980

(9) With respect to inhalers that may be possessed under 981  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 982  
the Revised Code, any of the following: the board of education 983  
of a city, local, exempted village, or joint vocational school 984  
district; a chartered or nonchartered nonpublic school; a 985  
community school established under Chapter 3314. of the Revised 986  
Code; a STEM school established under Chapter 3326. of the 987  
Revised Code; or a college-preparatory boarding school 988  
established under Chapter 3328. of the Revised Code; 989

(10) With respect to inhalers that may be possessed under 990  
section 5101.77 of the Revised Code, any of the following: a 991  
residential camp, as defined in section 2151.011 of the Revised 992  
Code; a child day camp, as defined in section 5104.01 of the 993

Revised Code; or a child day camp operated by any county,	994
township, municipal corporation, township park district created	995
under section 511.18 of the Revised Code, park district created	996
under section 1545.04 of the Revised Code, or joint recreation	997
district established under section 755.14 of the Revised Code;	998
(11) With respect to naloxone that may be possessed under	999
section 2925.61 of the Revised Code, a law enforcement agency	1000
and its peace officers;	1001
(12) With respect to naloxone that may be possessed under	1002
section 4729.514 of the Revised Code, a service entity, as	1003
defined in that section;	1004
(13) A facility that is owned and operated by the United	1005
States department of defense, the United States department of	1006
veterans affairs, or any other federal agency;	1007
<u>(14) With respect to injectable or nasally administered</u>	1008
<u>glucagon that may be possessed under sections 3313.7115,</u>	1009
<u>3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code,</u>	1010
<u>any of the following: the board of education of a city, local,</u>	1011
<u>exempted village, or joint vocational school district; a</u>	1012
<u>chartered or nonchartered nonpublic school; a community school</u>	1013
<u>established under Chapter 3314. of the Revised Code; a STEM</u>	1014
<u>school established under Chapter 3326. of the Revised Code; or a</u>	1015
<u>college-preparatory boarding school established under Chapter</u>	1016
<u>3328. of the Revised Code;</u>	1017
<u>(15) With respect to injectable or nasally administered</u>	1018
<u>glucagon that may be possessed under section 5101.78 of the</u>	1019
<u>Revised Code, any of the following: a residential camp, as</u>	1020
<u>defined in section 2151.011 of the Revised Code; a child day</u>	1021
<u>camp, as defined in section 5104.01 of the Revised Code; or a</u>	1022

child day camp operated by any county, township, municipal 1023  
corporation, township park district created under section 511.18 1024  
of the Revised Code, park district created under section 1545.04 1025  
of the Revised Code, or joint recreation district established 1026  
under section 755.14 of the Revised Code. 1027

(B) If a person described in division (A) of this section 1028  
is a pain management clinic or is operating a pain management 1029  
clinic, the person shall hold a license as a terminal 1030  
distributor of dangerous drugs with a pain management clinic 1031  
classification issued under section 4729.552 of the Revised 1032  
Code. 1033

(C) If a person described in division (A) of this section 1034  
is operating a facility, clinic, or other location described in 1035  
division (B) of section 4729.553 of the Revised Code that must 1036  
hold a category III terminal distributor of dangerous drugs 1037  
license with an office-based opioid treatment classification, 1038  
the person shall hold a license with that classification. 1039

(D) Any of the persons described in divisions (A) (1) to 1040  
(12) of this section shall hold a license as a terminal 1041  
distributor of dangerous drugs in order to possess, have custody 1042  
or control of, and distribute any of the following: 1043

(1) Dangerous drugs that are compounded or used for the 1044  
purpose of compounding; 1045

(2) A schedule I, II, III, IV, or V controlled substance, 1046  
as defined in section 3719.01 of the Revised Code. 1047

**Sec. 4729.60.** (A) (1) Before a licensee identified in 1048  
division (B) (1) (a) of section 4729.52 of the Revised Code may 1049  
sell or distribute dangerous drugs at wholesale to any person, 1050  
except as provided in division (A) (2) of this section, the 1051

licensee shall query the roster established pursuant to section 1052  
4729.59 of the Revised Code to determine whether the purchaser 1053  
is a licensed terminal distributor of dangerous drugs. 1054

If no documented query is conducted before a sale is made, 1055  
it shall be presumed that the sale of dangerous drugs by the 1056  
licensee is in violation of division (B) of section 4729.51 of 1057  
the Revised Code and the purchase of dangerous drugs by the 1058  
purchaser is in violation of division (E) of section 4729.51 of 1059  
the Revised Code. If a licensee conducts a documented query and 1060  
relies on the results of the query in selling or distributing 1061  
dangerous drugs at wholesale to the terminal distributor of 1062  
dangerous drugs, the licensee shall be deemed not to have 1063  
violated division (B) of section 4729.51 of the Revised Code in 1064  
making the sale. 1065

(2) Division (A) (1) of this section does not apply when a 1066  
licensee identified in division (B) (1) (a) of section 4729.52 of 1067  
the Revised Code sells or distributes dangerous drugs at 1068  
wholesale to any of the following: 1069

(a) A person specified in division (B) (4) of section 1070  
4729.51 of the Revised Code; 1071

(b) Any of the persons described in divisions (A) (1) to 1072  
~~(13)~~ (15) of section 4729.541 of the Revised Code, but only if 1073  
the purchaser is not required to obtain licensure as provided in 1074  
divisions (B) to (D) of that section. 1075

(B) Before a licensed terminal distributor of dangerous 1076  
drugs may purchase dangerous drugs at wholesale, the terminal 1077  
distributor shall query the roster established pursuant to 1078  
section 4729.59 of the Revised Code to confirm the seller is 1079  
licensed to engage in the sale or distribution of dangerous 1080

drugs at wholesale. 1081

If no documented query is conducted before a purchase is 1082  
made, it shall be presumed that the purchase of dangerous drugs 1083  
by the terminal distributor is in violation of division (F) of 1084  
section 4729.51 of the Revised Code and the sale of dangerous 1085  
drugs by the seller is in violation of division (A) of section 1086  
4729.51 of the Revised Code. If a licensed terminal distributor 1087  
of dangerous drugs conducts a documented query at least annually 1088  
and relies on the results of the query in purchasing dangerous 1089  
drugs at wholesale, the terminal distributor shall be deemed not 1090  
to have violated division (F) of section 4729.51 of the Revised 1091  
Code in making the purchase. 1092

**Sec. 4729.88.** (A) Notwithstanding any provision of this 1093  
chapter or rule adopted by the state board of pharmacy, a 1094  
pharmacist may dispense epinephrine autoinjectors pursuant to a 1095  
prescription issued under section 4723.483, 4730.433, or 4731.96 1096  
of the Revised Code. 1097

A pharmacist who in good faith dispenses epinephrine 1098  
autoinjectors under this ~~section~~ division is not liable for or 1099  
subject to any of the following for any action or omission of an 1100  
entity to which an epinephrine autoinjector is dispensed: 1101  
damages in any civil action, prosecution in any criminal 1102  
proceeding, or professional disciplinary action. 1103

(B) Notwithstanding any provision of this chapter or rule 1104  
adopted by the state board of pharmacy, a pharmacist may 1105  
dispense injectable or nasally administered glucagon pursuant to 1106  
a prescription issued under section 4723.484, 4730.434, or 1107  
4731.92 of the Revised Code. 1108

A pharmacist who in good faith dispenses injectable or 1109

nasally administered glucagon under this division is not liable 1110  
for or subject to any of the following for any action or 1111  
omission of an entity to which the drug is dispensed: damages in 1112  
any civil action, prosecution in any criminal proceeding, or 1113  
professional disciplinary action. 1114

**Sec. 4730.434.** (A) (1) Subject to division (A) (2) of this 1115  
section and notwithstanding any provision of this chapter or 1116  
rule adopted by the state medical board, a physician assistant 1117  
who holds a valid prescriber number issued by the board and has 1118  
been granted physician-delegated prescriptive authority may do 1119  
either of the following without having examined an individual to 1120  
whom glucagon may be administered: 1121

(a) Personally furnish a supply of injectable or nasally 1122  
administered glucagon for use in accordance with section 1123  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of 1124  
the Revised Code; 1125

(b) Issue a prescription for injectable or nasally 1126  
administered glucagon in accordance with section 3313.7115, 1127  
3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of the Revised 1128  
Code. 1129

(2) Injectable or nasally administered glucagon personally 1130  
furnished or prescribed under division (A) (1) of this section 1131  
must be furnished or prescribed in such a manner that it may be 1132  
administered only in a manufactured dosage form. 1133

(B) A physician assistant who acts in good faith in 1134  
accordance with this section is not liable for or subject to any 1135  
of the following for any action or omission of an entity to 1136  
which injectable or nasally administered glucagon is furnished 1137  
or a prescription is issued: damages in any civil action, 1138



prosecution in any criminal proceeding, or professional 1139  
disciplinary action. 1140

Sec. 4731.92. (A) As used in this section, "physician" 1141  
means an individual authorized under this chapter to practice 1142  
medicine and surgery, osteopathic medicine and surgery, or 1143  
podiatric medicine and surgery. 1144

(B) (1) Subject to division (B) (2) of this section, and 1145  
notwithstanding any provision of this chapter or rule adopted by 1146  
the state medical board, a physician may do either of the 1147  
following without having examined an individual to whom glucagon 1148  
may be administered: 1149

(a) Personally furnish a supply of injectable or nasally 1150  
administered glucagon for use in accordance with section 1151  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of 1152  
Revised Code; 1153

(b) Issue a prescription for injectable or nasally 1154  
administered glucagon for use in accordance with section 1155  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of 1156  
the Revised Code. 1157

(2) Injectable or nasally administered glucagon personally 1158  
furnished or prescribed under division (B) (1) of this section 1159  
must be furnished or prescribed in such a manner that it may be 1160  
administered only in a manufactured dosage form. 1161

(C) A physician who acts in good faith in accordance with 1162  
this section is not liable for or subject to any of the 1163  
following for any action or omission of an entity to which 1164  
injectable or nasally administered glucagon is furnished or a 1165  
prescription is issued: damages in any civil action, prosecution 1166  
in any criminal proceeding, or professional disciplinary action. 1167

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. 1168  
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(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: 1172  
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(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.484, 4730.434, or 4731.92 of the Revised Code, personally furnish the injectable or nasally administered glucagon to the camp or issue a prescription for the drug in the name of the camp; 1182  
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(2) Obtaining a prescriber-issued protocol that includes definitive orders for injectable or nasally administered glucagon and the dosages to be administered; 1187  
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A camp that elects to procure injectable or nasally administered glucagon under this section is encouraged to maintain at least two doses of the drug at all times. 1190  
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(C) A camp that elects to procure injectable or nasally administered glucagon under this section shall adopt a policy governing maintenance and use of the drug. Before adopting the policy, the camp shall consult with a licensed health 1193  
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<u>professional authorized to prescribe drugs.</u>	1197
<u>(D) The policy adopted under division (C) of this section shall do all of the following:</u>	1198
<u>(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be stored;</u>	1199
<u>(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be stored;</u>	1200
<u>(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be stored;</u>	1201
<u>(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be stored;</u>	1202
<u>(2) Specify the conditions under which injectable or nasally administered glucagon must be stored, replaced, or disposed;</u>	1203
<u>(2) Specify the conditions under which injectable or nasally administered glucagon must be stored, replaced, or disposed;</u>	1204
<u>(2) Specify the conditions under which injectable or nasally administered glucagon must be stored, replaced, or disposed;</u>	1205
<u>(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;</u>	1206
<u>(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;</u>	1207
<u>(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;</u>	1208
<u>(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;</u>	1209
<u>(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;</u>	1210
<u>(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;</u>	1211
<u>(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;</u>	1212
<u>(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;</u>	1213
<u>(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;</u>	1214
<u>(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;</u>	1215
<u>(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;</u>	1216
<u>(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;</u>	1217
<u>(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;</u>	1218
<u>(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;</u>	1219
<u>(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;</u>	1220
<u>(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;</u>	1221
<u>(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.</u>	1222
<u>(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.</u>	1223
<u>(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.</u>	1224

(E) (1) The following are not liable in damages in a civil 1225  
action for injury, death, or loss to person or property that 1226  
allegedly arises from an act or omission associated with 1227  
procuring, maintaining, accessing, or using injectable or 1228  
nasally administered glucagon under this section, unless the act 1229  
or omission constitutes willful or wanton misconduct: 1230

(a) A camp; 1231

(b) A camp employee, contractor, or volunteer; 1232

(c) A licensed health professional authorized to prescribe 1233  
drugs who personally furnishes or prescribes injectable or 1234  
nasally administered glucagon, provides a consultation, or 1235  
issues a protocol pursuant to this section; 1236

(2) This section does not eliminate, limit, or reduce any 1237  
other immunity or defense that a camp; camp employee, 1238  
contractor, or volunteer; or licensed health professional may be 1239  
entitled to under Chapter 2744. or any other provision of the 1240  
Revised Code or under the common law of this state. 1241

(F) A camp may accept donations of injectable or nasally 1242  
administered glucagon from a wholesale distributor of dangerous 1243  
drugs or manufacturer of dangerous drugs, as defined in section 1244  
4729.01 of the Revised Code, and may accept donations of money 1245  
from any person to purchase the drug. 1246

(G) A camp that elects to procure injectable or nasally 1247  
administered glucagon under this section shall report to the 1248  
department of job and family services each procurement and each 1249  
occurrence in which a dose of the drug is used from the camp's 1250  
supply. 1251

**Section 2.** That existing sections 3313.713, 4723.50, 1252  
4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 of 1253

the Revised Code are hereby repealed. 1254

**Section 3.** Section 4729.01 of the Revised Code is 1255  
presented in this act as a composite of the section as amended 1256  
by both Sub. S.B. 119 and Sub. S.B. 229 of the 132nd General 1257  
Assembly. The General Assembly, applying the principle stated in 1258  
division (B) of section 1.52 of the Revised Code that amendments 1259  
are to be harmonized if reasonably capable of simultaneous 1260  
operation, finds that the composite is the resulting version of 1261  
the section in effect prior to the effective date of the section 1262  
as presented in this act. 1263