

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 558

Representatives Roemer, Jordan

Cosponsors: Representatives Brinkman, Click, Gross, Hall, Lanese, Richardson, Seitz, Wiggam, Bird, Ginter, West, Abrams, Boyd, Carruthers, Creech, Crossman, Cutrona, Davis, Denson, Fraizer, Galonski, Ghanbari, Grendell, Hicks-Hudson, Holmes, John, Jones, Kick, Lampton, Leland, Lepore-Hagan, Lightbody, Lipps, Liston, Manning, McClain, Miller, A., Miller, J., O'Brien, Oelslager, Patton, Plummer, Ray, Riedel, Russo, Smith, K., Smith, M., Stein, Stephens, Stewart, Sweeney, Upchurch, White, Wilkin, Young, T., Speaker Cupp
Senators Johnson, Huffman, S., Antonio, Cirino, Craig, Dolan, Gavarone, Hackett, Hicks-Hudson, Hoagland, Kunze, Manning, Reineke, Romanchuk, Rulli, Sykes, Wilson, Yuko

A BILL

To amend sections 149.43, 2317.54, 3712.01, 1
3712.031, 3712.061, 3715.87, 3715.871, 3715.872, 2
3715.873, 3719.061, 3721.01, 3722.02, 3740.01, 3
4729.01, 4729.16, 4729.28, 4729.29, 4729.51, 4
4729.54, 4729.541, 4729.60, 4752.02, and 5
5123.19; to amend, for the purpose of adopting 6
new section numbers as indicated in parentheses, 7
sections 4729.44 (3715.502) and 4765.44 8
(3715.505); to enact sections 5.2532, 5.2533, 9
3712.032, 3712.042, 3712.063, 3715.50, 3715.501, 10
3715.503, 3715.504, and 4729.391; and to repeal 11
sections 2925.61, 3707.56, 3707.561, 3707.562, 12
4723.484, 4723.485, 4723.486, 4729.514, 13
4729.515, 4730.434, 4730.435, 4730.436, 4731.94, 14
4731.941, 4731.942, and 4731.943 of the Revised 15
Code to modify the laws governing the drug 16
repository program for donated prescription 17

drugs and the laws governing access to overdose 18
reversal drugs, to authorize a pharmacist to 19
modify a prescription to include a drug delivery 20
device, to register pediatric transition care 21
programs, to designate March as "Bleeding 22
Disorders Awareness Month," and to designate the 23
fourth Wednesday of February as "Hypertrophic 24
Cardiomyopathy Awareness Day." 25

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

Section 1. That sections 149.43, 2317.54, 3712.01, 26
3712.031, 3712.061, 3715.87, 3715.871, 3715.872, 3715.873, 27
3719.061, 3721.01, 3722.02, 3740.01, 4729.01, 4729.16, 4729.28, 28
4729.29, 4729.51, 4729.54, 4729.541, 4729.60, 4752.02, and 29
5123.19 be amended; sections 4729.44 (3715.502) and 4765.44 30
(3715.505) be amended for the purpose of adopting new section 31
numbers as indicated in parentheses; and sections 5.2532, 32
5.2533, 3712.032, 3712.042, 3712.063, 3715.50, 3715.501, 33
3715.503, 3715.504, and 4729.391 of the Revised Code be enacted 34
to read as follows: 35

Sec. 5.2532. The fourth Wednesday of February is 36
designated as "Hypertrophic Cardiomyopathy Awareness Day." 37

Sec. 5.2533. The month of March is designated as "Bleeding 38
Disorders Awareness Month" to increase public awareness of 39
bleeding disorders, which are rare genetic disorders that 40
prevent the blood from clotting properly, and to encourage the 41
enhancement of care and treatment options available for patients 42
living with a bleeding disorder. 43

Sec. 149.43. (A) As used in this section:	44
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	45 46 47 48 49 50 51 52
(a) Medical records;	53
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	54 55 56 57 58 59
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	60 61 62
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	63 64 65
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	66 67 68 69 70 71
(f) Records specified in division (A) of section 3107.52	72

of the Revised Code;	73
(g) Trial preparation records;	74
(h) Confidential law enforcement investigatory records;	75
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	76 77
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	78 79
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	80 81 82 83
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	84 85 86 87
(m) Intellectual property records;	88
(n) Donor profile records;	89
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	90 91
(p) Designated public service worker residential and familial information;	92 93
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	94 95 96 97 98
(r) Information pertaining to the recreational activities	99

of a person under the age of eighteen;	100
(s) In the case of a child fatality review board acting	101
under sections 307.621 to 307.629 of the Revised Code or a	102
review conducted pursuant to guidelines established by the	103
director of health under section 3701.70 of the Revised Code,	104
records provided to the board or director, statements made by	105
board members during meetings of the board or by persons	106
participating in the director's review, and all work products of	107
the board or director, and in the case of a child fatality	108
review board, child fatality review data submitted by the board	109
to the department of health or a national child death review	110
database, other than the report prepared pursuant to division	111
(A) of section 307.626 of the Revised Code;	112
(t) Records provided to and statements made by the	113
executive director of a public children services agency or a	114
prosecuting attorney acting pursuant to section 5153.171 of the	115
Revised Code other than the information released under that	116
section;	117
(u) Test materials, examinations, or evaluation tools used	118
in an examination for licensure as a nursing home administrator	119
that the board of executives of long-term services and supports	120
administers under section 4751.15 of the Revised Code or	121
contracts under that section with a private or government entity	122
to administer;	123
(v) Records the release of which is prohibited by state or	124
federal law;	125
(w) Proprietary information of or relating to any person	126
that is submitted to or compiled by the Ohio venture capital	127
authority created under section 150.01 of the Revised Code;	128

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	129 130 131 132 133 134
(y) Records listed in section 5101.29 of the Revised Code;	135
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	136 137 138
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	139 140 141
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	142 143 144
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	145 146 147
(dd) Personal information, as defined in section 149.45 of the Revised Code;	148 149
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of	150 151 152 153 154 155 156 157

records pertaining to that program that identify the number of 158
program participants that reside within a precinct, ward, 159
township, municipal corporation, county, or any other geographic 160
area smaller than the state; and any real property 161
confidentiality notice filed under section 111.431 of the 162
Revised Code and the information described in division (C) of 163
that section. As used in this division, "confidential address" 164
and "program participant" have the meaning defined in section 165
111.41 of the Revised Code. 166

(ff) Orders for active military service of an individual 167
serving or with previous service in the armed forces of the 168
United States, including a reserve component, or the Ohio 169
organized militia, except that, such order becomes a public 170
record on the day that is fifteen years after the published date 171
or effective date of the call to order; 172

(gg) The name, address, contact information, or other 173
personal information of an individual who is less than eighteen 174
years of age that is included in any record related to a traffic 175
accident involving a school vehicle in which the individual was 176
an occupant at the time of the accident; 177

(hh) Protected health information, as defined in 45 C.F.R. 178
160.103, that is in a claim for payment for a health care 179
product, service, or procedure, as well as any other health 180
claims data in another document that reveals the identity of an 181
individual who is the subject of the data or could be used to 182
reveal that individual's identity; 183

(ii) Any depiction by photograph, film, videotape, or 184
printed or digital image under either of the following 185
circumstances: 186

(i) The depiction is that of a victim of an offense the	187
release of which would be, to a reasonable person of ordinary	188
sensibilities, an offensive and objectionable intrusion into the	189
victim's expectation of bodily privacy and integrity.	190
(ii) The depiction captures or depicts the victim of a	191
sexually oriented offense, as defined in section 2950.01 of the	192
Revised Code, at the actual occurrence of that offense.	193
(jj) Restricted portions of a body-worn camera or	194
dashboard camera recording;	195
(kk) In the case of a fetal-infant mortality review board	196
acting under sections 3707.70 to 3707.77 of the Revised Code,	197
records, documents, reports, or other information presented to	198
the board or a person abstracting such materials on the board's	199
behalf, statements made by review board members during board	200
meetings, all work products of the board, and data submitted by	201
the board to the department of health or a national infant death	202
review database, other than the report prepared pursuant to	203
section 3707.77 of the Revised Code.	204
(ll) Records, documents, reports, or other information	205
presented to the pregnancy-associated mortality review board	206
established under section 3738.01 of the Revised Code,	207
statements made by board members during board meetings, all work	208
products of the board, and data submitted by the board to the	209
department of health, other than the biennial reports prepared	210
under section 3738.08 of the Revised Code;	211
(mm) Except as otherwise provided in division (A) (1) (oo)	212
of this section, telephone numbers for a victim, as defined in	213
section 2930.01 of the Revised Code or a witness to a crime that	214
are listed on any law enforcement record or report.	215

(nn) A preneed funeral contract, as defined in section 216
4717.01 of the Revised Code, and contract terms and personally 217
identifying information of a preneed funeral contract, that is 218
contained in a report submitted by or for a funeral home to the 219
board of embalmers and funeral directors under division (C) of 220
section 4717.13, division (J) of section 4717.31, or section 221
4717.41 of the Revised Code. 222

(oo) Telephone numbers for a party to a motor vehicle 223
accident subject to the requirements of section 5502.11 of the 224
Revised Code that are listed on any law enforcement record or 225
report, except that the telephone numbers described in this 226
division are not excluded from the definition of "public record" 227
under this division on and after the thirtieth day after the 228
occurrence of the motor vehicle accident. 229

(pp) Records pertaining to individuals who complete 230
training under section 5502.703 of the Revised Code to be 231
permitted by a school district board of education or governing 232
body of a community school established under Chapter 3314. of 233
the Revised Code, a STEM school established under Chapter 3326. 234
of the Revised Code, or a chartered nonpublic school to convey 235
deadly weapons or dangerous ordnance into a school safety zone. 236

A record that is not a public record under division (A) (1) 237
of this section and that, under law, is permanently retained 238
becomes a public record on the day that is seventy-five years 239
after the day on which the record was created, except for any 240
record protected by the attorney-client privilege, a trial 241
preparation record as defined in this section, a statement 242
prohibiting the release of identifying information signed under 243
section 3107.083 of the Revised Code, a denial of release form 244
filed pursuant to section 3107.46 of the Revised Code, or any 245

record that is exempt from release or disclosure under section 246
149.433 of the Revised Code. If the record is a birth 247
certificate and a biological parent's name redaction request 248
form has been accepted under section 3107.391 of the Revised 249
Code, the name of that parent shall be redacted from the birth 250
certificate before it is released under this paragraph. If any 251
other section of the Revised Code establishes a time period for 252
disclosure of a record that conflicts with the time period 253
specified in this section, the time period in the other section 254
prevails. 255

(2) "Confidential law enforcement investigatory record" 256
means any record that pertains to a law enforcement matter of a 257
criminal, quasi-criminal, civil, or administrative nature, but 258
only to the extent that the release of the record would create a 259
high probability of disclosure of any of the following: 260

(a) The identity of a suspect who has not been charged 261
with the offense to which the record pertains, or of an 262
information source or witness to whom confidentiality has been 263
reasonably promised; 264

(b) Information provided by an information source or 265
witness to whom confidentiality has been reasonably promised, 266
which information would reasonably tend to disclose the source's 267
or witness's identity; 268

(c) Specific confidential investigatory techniques or 269
procedures or specific investigatory work product; 270

(d) Information that would endanger the life or physical 271
safety of law enforcement personnel, a crime victim, a witness, 272
or a confidential information source. 273

(3) "Medical record" means any document or combination of 274

documents, except births, deaths, and the fact of admission to 275
or discharge from a hospital, that pertains to the medical 276
history, diagnosis, prognosis, or medical condition of a patient 277
and that is generated and maintained in the process of medical 278
treatment. 279

(4) "Trial preparation record" means any record that 280
contains information that is specifically compiled in reasonable 281
anticipation of, or in defense of, a civil or criminal action or 282
proceeding, including the independent thought processes and 283
personal trial preparation of an attorney. 284

(5) "Intellectual property record" means a record, other 285
than a financial or administrative record, that is produced or 286
collected by or for faculty or staff of a state institution of 287
higher learning in the conduct of or as a result of study or 288
research on an educational, commercial, scientific, artistic, 289
technical, or scholarly issue, regardless of whether the study 290
or research was sponsored by the institution alone or in 291
conjunction with a governmental body or private concern, and 292
that has not been publicly released, published, or patented. 293

(6) "Donor profile record" means all records about donors 294
or potential donors to a public institution of higher education 295
except the names and reported addresses of the actual donors and 296
the date, amount, and conditions of the actual donation. 297

(7) "Designated public service worker" means a peace 298
officer, parole officer, probation officer, bailiff, prosecuting 299
attorney, assistant prosecuting attorney, correctional employee, 300
county or multicounty corrections officer, community-based 301
correctional facility employee, designated Ohio national guard 302
member, protective services worker, youth services employee, 303
firefighter, EMT, medical director or member of a cooperating 304

physician advisory board of an emergency medical service 305
organization, state board of pharmacy employee, investigator of 306
the bureau of criminal identification and investigation, 307
emergency service telecommunicator, forensic mental health 308
provider, mental health evaluation provider, regional 309
psychiatric hospital employee, judge, magistrate, or federal law 310
enforcement officer. 311

(8) "Designated public service worker residential and 312
familial information" means any information that discloses any 313
of the following about a designated public service worker: 314

(a) The address of the actual personal residence of a 315
designated public service worker, except for the following 316
information: 317

(i) The address of the actual personal residence of a 318
prosecuting attorney or judge; and 319

(ii) The state or political subdivision in which a 320
designated public service worker resides. 321

(b) Information compiled from referral to or participation 322
in an employee assistance program; 323

(c) The social security number, the residential telephone 324
number, any bank account, debit card, charge card, or credit 325
card number, or the emergency telephone number of, or any 326
medical information pertaining to, a designated public service 327
worker; 328

(d) The name of any beneficiary of employment benefits, 329
including, but not limited to, life insurance benefits, provided 330
to a designated public service worker by the designated public 331
service worker's employer; 332

(e) The identity and amount of any charitable or 333
employment benefit deduction made by the designated public 334
service worker's employer from the designated public service 335
worker's compensation, unless the amount of the deduction is 336
required by state or federal law; 337

(f) The name, the residential address, the name of the 338
employer, the address of the employer, the social security 339
number, the residential telephone number, any bank account, 340
debit card, charge card, or credit card number, or the emergency 341
telephone number of the spouse, a former spouse, or any child of 342
a designated public service worker; 343

(g) A photograph of a peace officer who holds a position 344
or has an assignment that may include undercover or plain 345
clothes positions or assignments as determined by the peace 346
officer's appointing authority. 347

(9) As used in divisions (A) (7) and (15) to (17) of this 348
section: 349

"Peace officer" has the meaning defined in section 109.71 350
of the Revised Code and also includes the superintendent and 351
troopers of the state highway patrol; it does not include the 352
sheriff of a county or a supervisory employee who, in the 353
absence of the sheriff, is authorized to stand in for, exercise 354
the authority of, and perform the duties of the sheriff. 355

"Correctional employee" means any employee of the 356
department of rehabilitation and correction who in the course of 357
performing the employee's job duties has or has had contact with 358
inmates and persons under supervision. 359

"County or multicounty corrections officer" means any 360
corrections officer employed by any county or multicounty 361

correctional facility. 362

"Designated Ohio national guard member" means a member of 363
the Ohio national guard who is participating in duties related 364
to remotely piloted aircraft, including, but not limited to, 365
pilots, sensor operators, and mission intelligence personnel, 366
duties related to special forces operations, or duties related 367
to cybersecurity, and is designated by the adjutant general as a 368
designated public service worker for those purposes. 369

"Protective services worker" means any employee of a 370
county agency who is responsible for child protective services, 371
child support services, or adult protective services. 372

"Youth services employee" means any employee of the 373
department of youth services who in the course of performing the 374
employee's job duties has or has had contact with children 375
committed to the custody of the department of youth services. 376

"Firefighter" means any regular, paid or volunteer, member 377
of a lawfully constituted fire department of a municipal 378
corporation, township, fire district, or village. 379

"EMT" means EMTs-basic, EMTs-I, and paramedics that 380
provide emergency medical services for a public emergency 381
medical service organization. "Emergency medical service 382
organization," "EMT-basic," "EMT-I," and "paramedic" have the 383
meanings defined in section 4765.01 of the Revised Code. 384

"Investigator of the bureau of criminal identification and 385
investigation" has the meaning defined in section 2903.11 of the 386
Revised Code. 387

"Emergency service telecommunicator" has the meaning 388
defined in section 4742.01 of the Revised Code. 389

"Forensic mental health provider" means any employee of a 390
community mental health service provider or local alcohol, drug 391
addiction, and mental health services board who, in the course 392
of the employee's duties, has contact with persons committed to 393
a local alcohol, drug addiction, and mental health services 394
board by a court order pursuant to section 2945.38, 2945.39, 395
2945.40, or 2945.402 of the Revised Code. 396

"Mental health evaluation provider" means an individual 397
who, under Chapter 5122. of the Revised Code, examines a 398
respondent who is alleged to be a mentally ill person subject to 399
court order, as defined in section 5122.01 of the Revised Code, 400
and reports to the probate court the respondent's mental 401
condition. 402

"Regional psychiatric hospital employee" means any 403
employee of the department of mental health and addiction 404
services who, in the course of performing the employee's duties, 405
has contact with patients committed to the department of mental 406
health and addiction services by a court order pursuant to 407
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 408
Code. 409

"Federal law enforcement officer" has the meaning defined 410
in section 9.88 of the Revised Code. 411

(10) "Information pertaining to the recreational 412
activities of a person under the age of eighteen" means 413
information that is kept in the ordinary course of business by a 414
public office, that pertains to the recreational activities of a 415
person under the age of eighteen years, and that discloses any 416
of the following: 417

(a) The address or telephone number of a person under the 418

age of eighteen or the address or telephone number of that 419
person's parent, guardian, custodian, or emergency contact 420
person; 421

(b) The social security number, birth date, or 422
photographic image of a person under the age of eighteen; 423

(c) Any medical record, history, or information pertaining 424
to a person under the age of eighteen; 425

(d) Any additional information sought or required about a 426
person under the age of eighteen for the purpose of allowing 427
that person to participate in any recreational activity 428
conducted or sponsored by a public office or to use or obtain 429
admission privileges to any recreational facility owned or 430
operated by a public office. 431

(11) "Community control sanction" has the meaning defined 432
in section 2929.01 of the Revised Code. 433

(12) "Post-release control sanction" has the meaning 434
defined in section 2967.01 of the Revised Code. 435

(13) "Redaction" means obscuring or deleting any 436
information that is exempt from the duty to permit public 437
inspection or copying from an item that otherwise meets the 438
definition of a "record" in section 149.011 of the Revised Code. 439

(14) "Designee," "elected official," and "future official" 440
have the meanings defined in section 109.43 of the Revised Code. 441

(15) "Body-worn camera" means a visual and audio recording 442
device worn on the person of a peace officer while the peace 443
officer is engaged in the performance of the peace officer's 444
duties. 445

(16) "Dashboard camera" means a visual and audio recording 446

device mounted on a peace officer's vehicle or vessel that is 447
used while the peace officer is engaged in the performance of 448
the peace officer's duties. 449

(17) "Restricted portions of a body-worn camera or 450
dashboard camera recording" means any visual or audio portion of 451
a body-worn camera or dashboard camera recording that shows, 452
communicates, or discloses any of the following: 453

(a) The image or identity of a child or information that 454
could lead to the identification of a child who is a primary 455
subject of the recording when the law enforcement agency knows 456
or has reason to know the person is a child based on the law 457
enforcement agency's records or the content of the recording; 458

(b) The death of a person or a deceased person's body, 459
unless the death was caused by a peace officer or, subject to 460
division (H) (1) of this section, the consent of the decedent's 461
executor or administrator has been obtained; 462

(c) The death of a peace officer, firefighter, paramedic, 463
or other first responder, occurring while the decedent was 464
engaged in the performance of official duties, unless, subject 465
to division (H) (1) of this section, the consent of the 466
decedent's executor or administrator has been obtained; 467

(d) Grievous bodily harm, unless the injury was effected 468
by a peace officer or, subject to division (H) (1) of this 469
section, the consent of the injured person or the injured 470
person's guardian has been obtained; 471

(e) An act of severe violence against a person that 472
results in serious physical harm to the person, unless the act 473
and injury was effected by a peace officer or, subject to 474
division (H) (1) of this section, the consent of the injured 475

person or the injured person's guardian has been obtained; 476

(f) Grievous bodily harm to a peace officer, firefighter, 477
paramedic, or other first responder, occurring while the injured 478
person was engaged in the performance of official duties, 479
unless, subject to division (H)(1) of this section, the consent 480
of the injured person or the injured person's guardian has been 481
obtained; 482

(g) An act of severe violence resulting in serious 483
physical harm against a peace officer, firefighter, paramedic, 484
or other first responder, occurring while the injured person was 485
engaged in the performance of official duties, unless, subject 486
to division (H)(1) of this section, the consent of the injured 487
person or the injured person's guardian has been obtained; 488

(h) A person's nude body, unless, subject to division (H) 489
(1) of this section, the person's consent has been obtained; 490

(i) Protected health information, the identity of a person 491
in a health care facility who is not the subject of a law 492
enforcement encounter, or any other information in a health care 493
facility that could identify a person who is not the subject of 494
a law enforcement encounter; 495

(j) Information that could identify the alleged victim of 496
a sex offense, menacing by stalking, or domestic violence; 497

(k) Information, that does not constitute a confidential 498
law enforcement investigatory record, that could identify a 499
person who provides sensitive or confidential information to a 500
law enforcement agency when the disclosure of the person's 501
identity or the information provided could reasonably be 502
expected to threaten or endanger the safety or property of the 503
person or another person; 504

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	505 506
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	507 508 509
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	510 511 512
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	513 514
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	515 516 517
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	518 519 520
As used in division (A) (17) of this section:	521
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	522 523
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	524 525
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	526 527
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code <u>means a government entity</u> <u>that employs peace officers to perform law enforcement duties.</u>	528 529 530
"Personal information" means any government-issued	531

identification number, date of birth, address, financial 532
information, or criminal justice information from the law 533
enforcement automated data system or similar databases. 534

"Sex offense" has the same meaning as in section 2907.10 535
of the Revised Code. 536

"Firefighter," "paramedic," and "first responder" have the 537
same meanings as in section 4765.01 of the Revised Code. 538

(B) (1) Upon request by any person and subject to division 539
(B) (8) of this section, all public records responsive to the 540
request shall be promptly prepared and made available for 541
inspection to the requester at all reasonable times during 542
regular business hours. Subject to division (B) (8) of this 543
section, upon request by any person, a public office or person 544
responsible for public records shall make copies of the 545
requested public record available to the requester at cost and 546
within a reasonable period of time. If a public record contains 547
information that is exempt from the duty to permit public 548
inspection or to copy the public record, the public office or 549
the person responsible for the public record shall make 550
available all of the information within the public record that 551
is not exempt. When making that public record available for 552
public inspection or copying that public record, the public 553
office or the person responsible for the public record shall 554
notify the requester of any redaction or make the redaction 555
plainly visible. A redaction shall be deemed a denial of a 556
request to inspect or copy the redacted information, except if 557
federal or state law authorizes or requires a public office to 558
make the redaction. 559

(2) To facilitate broader access to public records, a 560
public office or the person responsible for public records shall 561

organize and maintain public records in a manner that they can 562
be made available for inspection or copying in accordance with 563
division (B) of this section. A public office also shall have 564
available a copy of its current records retention schedule at a 565
location readily available to the public. If a requester makes 566
an ambiguous or overly broad request or has difficulty in making 567
a request for copies or inspection of public records under this 568
section such that the public office or the person responsible 569
for the requested public record cannot reasonably identify what 570
public records are being requested, the public office or the 571
person responsible for the requested public record may deny the 572
request but shall provide the requester with an opportunity to 573
revise the request by informing the requester of the manner in 574
which records are maintained by the public office and accessed 575
in the ordinary course of the public office's or person's 576
duties. 577

(3) If a request is ultimately denied, in part or in 578
whole, the public office or the person responsible for the 579
requested public record shall provide the requester with an 580
explanation, including legal authority, setting forth why the 581
request was denied. If the initial request was provided in 582
writing, the explanation also shall be provided to the requester 583
in writing. The explanation shall not preclude the public office 584
or the person responsible for the requested public record from 585
relying upon additional reasons or legal authority in defending 586
an action commenced under division (C) of this section. 587

(4) Unless specifically required or authorized by state or 588
federal law or in accordance with division (B) of this section, 589
no public office or person responsible for public records may 590
limit or condition the availability of public records by 591
requiring disclosure of the requester's identity or the intended 592

use of the requested public record. Any requirement that the 593
requester disclose the requester's identity or the intended use 594
of the requested public record constitutes a denial of the 595
request. 596

(5) A public office or person responsible for public 597
records may ask a requester to make the request in writing, may 598
ask for the requester's identity, and may inquire about the 599
intended use of the information requested, but may do so only 600
after disclosing to the requester that a written request is not 601
mandatory, that the requester may decline to reveal the 602
requester's identity or the intended use, and when a written 603
request or disclosure of the identity or intended use would 604
benefit the requester by enhancing the ability of the public 605
office or person responsible for public records to identify, 606
locate, or deliver the public records sought by the requester. 607

(6) If any person requests a copy of a public record in 608
accordance with division (B) of this section, the public office 609
or person responsible for the public record may require the 610
requester to pay in advance the cost involved in providing the 611
copy of the public record in accordance with the choice made by 612
the requester under this division. The public office or the 613
person responsible for the public record shall permit the 614
requester to choose to have the public record duplicated upon 615
paper, upon the same medium upon which the public office or 616
person responsible for the public record keeps it, or upon any 617
other medium upon which the public office or person responsible 618
for the public record determines that it reasonably can be 619
duplicated as an integral part of the normal operations of the 620
public office or person responsible for the public record. When 621
the requester makes a choice under this division, the public 622
office or person responsible for the public record shall provide 623

a copy of it in accordance with the choice made by the 624
requester. Nothing in this section requires a public office or 625
person responsible for the public record to allow the requester 626
of a copy of the public record to make the copies of the public 627
record. 628

(7) (a) Upon a request made in accordance with division (B) 629
of this section and subject to division (B) (6) of this section, 630
a public office or person responsible for public records shall 631
transmit a copy of a public record to any person by United 632
States mail or by any other means of delivery or transmission 633
within a reasonable period of time after receiving the request 634
for the copy. The public office or person responsible for the 635
public record may require the person making the request to pay 636
in advance the cost of postage if the copy is transmitted by 637
United States mail or the cost of delivery if the copy is 638
transmitted other than by United States mail, and to pay in 639
advance the costs incurred for other supplies used in the 640
mailing, delivery, or transmission. 641

(b) Any public office may adopt a policy and procedures 642
that it will follow in transmitting, within a reasonable period 643
of time after receiving a request, copies of public records by 644
United States mail or by any other means of delivery or 645
transmission pursuant to division (B) (7) of this section. A 646
public office that adopts a policy and procedures under division 647
(B) (7) of this section shall comply with them in performing its 648
duties under that division. 649

(c) In any policy and procedures adopted under division 650
(B) (7) of this section: 651

(i) A public office may limit the number of records 652
requested by a person that the office will physically deliver by 653

United States mail or by another delivery service to ten per 654
month, unless the person certifies to the office in writing that 655
the person does not intend to use or forward the requested 656
records, or the information contained in them, for commercial 657
purposes; 658

(ii) A public office that chooses to provide some or all 659
of its public records on a web site that is fully accessible to 660
and searchable by members of the public at all times, other than 661
during acts of God outside the public office's control or 662
maintenance, and that charges no fee to search, access, 663
download, or otherwise receive records provided on the web site, 664
may limit to ten per month the number of records requested by a 665
person that the office will deliver in a digital format, unless 666
the requested records are not provided on the web site and 667
unless the person certifies to the office in writing that the 668
person does not intend to use or forward the requested records, 669
or the information contained in them, for commercial purposes. 670

(iii) For purposes of division (B) (7) of this section, 671
"commercial" shall be narrowly construed and does not include 672
reporting or gathering news, reporting or gathering information 673
to assist citizen oversight or understanding of the operation or 674
activities of government, or nonprofit educational research. 675

(8) A public office or person responsible for public 676
records is not required to permit a person who is incarcerated 677
pursuant to a criminal conviction or a juvenile adjudication to 678
inspect or to obtain a copy of any public record concerning a 679
criminal investigation or prosecution or concerning what would 680
be a criminal investigation or prosecution if the subject of the 681
investigation or prosecution were an adult, unless the request 682
to inspect or to obtain a copy of the record is for the purpose 683

of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B) (9) of this section, 714
"journalist" means a person engaged in, connected with, or 715
employed by any news medium, including a newspaper, magazine, 716
press association, news agency, or wire service, a radio or 717
television station, or a similar medium, for the purpose of 718
gathering, processing, transmitting, compiling, editing, or 719
disseminating information for the general public. 720

(10) Upon a request made by a victim, victim's attorney, 721
or victim's representative, as that term is used in section 722
2930.02 of the Revised Code, a public office or person 723
responsible for public records shall transmit a copy of a 724
depiction of the victim as described in division (A) (1) (ii) of 725
this section to the victim, victim's attorney, or victim's 726
representative. 727

(C) (1) If a person allegedly is aggrieved by the failure 728
of a public office or the person responsible for public records 729
to promptly prepare a public record and to make it available to 730
the person for inspection in accordance with division (B) of 731
this section or by any other failure of a public office or the 732
person responsible for public records to comply with an 733
obligation in accordance with division (B) of this section, the 734
person allegedly aggrieved may do only one of the following, and 735
not both: 736

(a) File a complaint with the clerk of the court of claims 737
or the clerk of the court of common pleas under section 2743.75 738
of the Revised Code; 739

(b) Commence a mandamus action to obtain a judgment that 740
orders the public office or the person responsible for the 741
public record to comply with division (B) of this section, that 742
awards court costs and reasonable attorney's fees to the person 743

that instituted the mandamus action, and, if applicable, that 744
includes an order fixing statutory damages under division (C) (2) 745
of this section. The mandamus action may be commenced in the 746
court of common pleas of the county in which division (B) of 747
this section allegedly was not complied with, in the supreme 748
court pursuant to its original jurisdiction under Section 2 of 749
Article IV, Ohio Constitution, or in the court of appeals for 750
the appellate district in which division (B) of this section 751
allegedly was not complied with pursuant to its original 752
jurisdiction under Section 3 of Article IV, Ohio Constitution. 753

(2) If a requester transmits a written request by hand 754
delivery, electronic submission, or certified mail to inspect or 755
receive copies of any public record in a manner that fairly 756
describes the public record or class of public records to the 757
public office or person responsible for the requested public 758
records, except as otherwise provided in this section, the 759
requester shall be entitled to recover the amount of statutory 760
damages set forth in this division if a court determines that 761
the public office or the person responsible for public records 762
failed to comply with an obligation in accordance with division 763
(B) of this section. 764

The amount of statutory damages shall be fixed at one 765
hundred dollars for each business day during which the public 766
office or person responsible for the requested public records 767
failed to comply with an obligation in accordance with division 768
(B) of this section, beginning with the day on which the 769
requester files a mandamus action to recover statutory damages, 770
up to a maximum of one thousand dollars. The award of statutory 771
damages shall not be construed as a penalty, but as compensation 772
for injury arising from lost use of the requested information. 773
The existence of this injury shall be conclusively presumed. The 774

award of statutory damages shall be in addition to all other 775
remedies authorized by this section. 776

The court may reduce an award of statutory damages or not 777
award statutory damages if the court determines both of the 778
following: 779

(a) That, based on the ordinary application of statutory 780
law and case law as it existed at the time of the conduct or 781
threatened conduct of the public office or person responsible 782
for the requested public records that allegedly constitutes a 783
failure to comply with an obligation in accordance with division 784
(B) of this section and that was the basis of the mandamus 785
action, a well-informed public office or person responsible for 786
the requested public records reasonably would believe that the 787
conduct or threatened conduct of the public office or person 788
responsible for the requested public records did not constitute 789
a failure to comply with an obligation in accordance with 790
division (B) of this section; 791

(b) That a well-informed public office or person 792
responsible for the requested public records reasonably would 793
believe that the conduct or threatened conduct of the public 794
office or person responsible for the requested public records 795
would serve the public policy that underlies the authority that 796
is asserted as permitting that conduct or threatened conduct. 797

(3) In a mandamus action filed under division (C) (1) of 798
this section, the following apply: 799

(a) (i) If the court orders the public office or the person 800
responsible for the public record to comply with division (B) of 801
this section, the court shall determine and award to the relator 802
all court costs, which shall be construed as remedial and not 803

punitive. 804

(ii) If the court makes a determination described in 805
division (C) (3) (b) (iii) of this section, the court shall 806
determine and award to the relator all court costs, which shall 807
be construed as remedial and not punitive. 808

(b) If the court renders a judgment that orders the public 809
office or the person responsible for the public record to comply 810
with division (B) of this section or if the court determines any 811
of the following, the court may award reasonable attorney's fees 812
to the relator, subject to division (C) (4) of this section: 813

(i) The public office or the person responsible for the 814
public records failed to respond affirmatively or negatively to 815
the public records request in accordance with the time allowed 816
under division (B) of this section. 817

(ii) The public office or the person responsible for the 818
public records promised to permit the relator to inspect or 819
receive copies of the public records requested within a 820
specified period of time but failed to fulfill that promise 821
within that specified period of time. 822

(iii) The public office or the person responsible for the 823
public records acted in bad faith when the office or person 824
voluntarily made the public records available to the relator for 825
the first time after the relator commenced the mandamus action, 826
but before the court issued any order concluding whether or not 827
the public office or person was required to comply with division 828
(B) of this section. No discovery may be conducted on the issue 829
of the alleged bad faith of the public office or person 830
responsible for the public records. This division shall not be 831
construed as creating a presumption that the public office or 832

the person responsible for the public records acted in bad faith 833
when the office or person voluntarily made the public records 834
available to the relator for the first time after the relator 835
commenced the mandamus action, but before the court issued any 836
order described in this division. 837

(c) The court shall not award attorney's fees to the 838
relator if the court determines both of the following: 839

(i) That, based on the ordinary application of statutory 840
law and case law as it existed at the time of the conduct or 841
threatened conduct of the public office or person responsible 842
for the requested public records that allegedly constitutes a 843
failure to comply with an obligation in accordance with division 844
(B) of this section and that was the basis of the mandamus 845
action, a well-informed public office or person responsible for 846
the requested public records reasonably would believe that the 847
conduct or threatened conduct of the public office or person 848
responsible for the requested public records did not constitute 849
a failure to comply with an obligation in accordance with 850
division (B) of this section; 851

(ii) That a well-informed public office or person 852
responsible for the requested public records reasonably would 853
believe that the conduct or threatened conduct of the public 854
office or person responsible for the requested public records 855
would serve the public policy that underlies the authority that 856
is asserted as permitting that conduct or threatened conduct. 857

(4) All of the following apply to any award of reasonable 858
attorney's fees awarded under division (C) (3) (b) of this 859
section: 860

(a) The fees shall be construed as remedial and not 861

punitive. 862

(b) The fees awarded shall not exceed the total of the 863
reasonable attorney's fees incurred before the public record was 864
made available to the relator and the fees described in division 865
(C) (4) (c) of this section. 866

(c) Reasonable attorney's fees shall include reasonable 867
fees incurred to produce proof of the reasonableness and amount 868
of the fees and to otherwise litigate entitlement to the fees. 869

(d) The court may reduce the amount of fees awarded if the 870
court determines that, given the factual circumstances involved 871
with the specific public records request, an alternative means 872
should have been pursued to more effectively and efficiently 873
resolve the dispute that was subject to the mandamus action 874
filed under division (C) (1) of this section. 875

(5) If the court does not issue a writ of mandamus under 876
division (C) of this section and the court determines at that 877
time that the bringing of the mandamus action was frivolous 878
conduct as defined in division (A) of section 2323.51 of the 879
Revised Code, the court may award to the public office all court 880
costs, expenses, and reasonable attorney's fees, as determined 881
by the court. 882

(D) Chapter 1347. of the Revised Code does not limit the 883
provisions of this section. 884

(E) (1) To ensure that all employees of public offices are 885
appropriately educated about a public office's obligations under 886
division (B) of this section, all elected officials or their 887
appropriate designees shall attend training approved by the 888
attorney general as provided in section 109.43 of the Revised 889
Code. A future official may satisfy the requirements of this 890

division by attending the training before taking office, 891
provided that the future official may not send a designee in the 892
future official's place. 893

(2) All public offices shall adopt a public records policy 894
in compliance with this section for responding to public records 895
requests. In adopting a public records policy under this 896
division, a public office may obtain guidance from the model 897
public records policy developed and provided to the public 898
office by the attorney general under section 109.43 of the 899
Revised Code. Except as otherwise provided in this section, the 900
policy may not limit the number of public records that the 901
public office will make available to a single person, may not 902
limit the number of public records that it will make available 903
during a fixed period of time, and may not establish a fixed 904
period of time before it will respond to a request for 905
inspection or copying of public records, unless that period is 906
less than eight hours. 907

The public office shall distribute the public records 908
policy adopted by the public office under this division to the 909
employee of the public office who is the records custodian or 910
records manager or otherwise has custody of the records of that 911
office. The public office shall require that employee to 912
acknowledge receipt of the copy of the public records policy. 913
The public office shall create a poster that describes its 914
public records policy and shall post the poster in a conspicuous 915
place in the public office and in all locations where the public 916
office has branch offices. The public office may post its public 917
records policy on the internet web site of the public office if 918
the public office maintains an internet web site. A public 919
office that has established a manual or handbook of its general 920
policies and procedures for all employees of the public office 921

shall include the public records policy of the public office in 922
the manual or handbook. 923

(F) (1) The bureau of motor vehicles may adopt rules 924
pursuant to Chapter 119. of the Revised Code to reasonably limit 925
the number of bulk commercial special extraction requests made 926
by a person for the same records or for updated records during a 927
calendar year. The rules may include provisions for charges to 928
be made for bulk commercial special extraction requests for the 929
actual cost of the bureau, plus special extraction costs, plus 930
ten per cent. The bureau may charge for expenses for redacting 931
information, the release of which is prohibited by law. 932

(2) As used in division (F) (1) of this section: 933

(a) "Actual cost" means the cost of depleted supplies, 934
records storage media costs, actual mailing and alternative 935
delivery costs, or other transmitting costs, and any direct 936
equipment operating and maintenance costs, including actual 937
costs paid to private contractors for copying services. 938

(b) "Bulk commercial special extraction request" means a 939
request for copies of a record for information in a format other 940
than the format already available, or information that cannot be 941
extracted without examination of all items in a records series, 942
class of records, or database by a person who intends to use or 943
forward the copies for surveys, marketing, solicitation, or 944
resale for commercial purposes. "Bulk commercial special 945
extraction request" does not include a request by a person who 946
gives assurance to the bureau that the person making the request 947
does not intend to use or forward the requested copies for 948
surveys, marketing, solicitation, or resale for commercial 949
purposes. 950

(c) "Commercial" means profit-seeking production, buying, 951
or selling of any good, service, or other product. 952

(d) "Special extraction costs" means the cost of the time 953
spent by the lowest paid employee competent to perform the task, 954
the actual amount paid to outside private contractors employed 955
by the bureau, or the actual cost incurred to create computer 956
programs to make the special extraction. "Special extraction 957
costs" include any charges paid to a public agency for computer 958
or records services. 959

(3) For purposes of divisions (F) (1) and (2) of this 960
section, "surveys, marketing, solicitation, or resale for 961
commercial purposes" shall be narrowly construed and does not 962
include reporting or gathering news, reporting or gathering 963
information to assist citizen oversight or understanding of the 964
operation or activities of government, or nonprofit educational 965
research. 966

(G) A request by a defendant, counsel of a defendant, or 967
any agent of a defendant in a criminal action that public 968
records related to that action be made available under this 969
section shall be considered a demand for discovery pursuant to 970
the Criminal Rules, except to the extent that the Criminal Rules 971
plainly indicate a contrary intent. The defendant, counsel of 972
the defendant, or agent of the defendant making a request under 973
this division shall serve a copy of the request on the 974
prosecuting attorney, director of law, or other chief legal 975
officer responsible for prosecuting the action. 976

(H) (1) Any portion of a body-worn camera or dashboard 977
camera recording described in divisions (A) (17) (b) to (h) of 978
this section may be released by consent of the subject of the 979
recording or a representative of that person, as specified in 980

those divisions, only if either of the following applies: 981

(a) The recording will not be used in connection with any 982
probable or pending criminal proceedings; 983

(b) The recording has been used in connection with a 984
criminal proceeding that was dismissed or for which a judgment 985
has been entered pursuant to Rule 32 of the Rules of Criminal 986
Procedure, and will not be used again in connection with any 987
probable or pending criminal proceedings. 988

(2) If a public office denies a request to release a 989
restricted portion of a body-worn camera or dashboard camera 990
recording, as defined in division (A)(17) of this section, any 991
person may file a mandamus action pursuant to this section or a 992
complaint with the clerk of the court of claims pursuant to 993
section 2743.75 of the Revised Code, requesting the court to 994
order the release of all or portions of the recording. If the 995
court considering the request determines that the filing 996
articulates by clear and convincing evidence that the public 997
interest in the recording substantially outweighs privacy 998
interests and other interests asserted to deny release, the 999
court shall order the public office to release the recording. 1000

Sec. 2317.54. No hospital, home health agency, ambulatory 1001
surgical facility, or provider of a hospice care program ~~or, a~~ 1002
pediatric respite care program, or pediatric transition care 1003
program shall be held liable for a physician's failure to obtain 1004
an informed consent from the physician's patient prior to a 1005
surgical or medical procedure or course of procedures, unless 1006
the physician is an employee of the hospital, home health 1007
agency, ambulatory surgical facility, or provider of a hospice 1008
care program ~~or, a~~ pediatric respite care program, or pediatric 1009
transition care program. 1010

Written consent to a surgical or medical procedure or 1011
course of procedures shall, to the extent that it fulfills all 1012
the requirements in divisions (A), (B), and (C) of this section, 1013
be presumed to be valid and effective, in the absence of proof 1014
by a preponderance of the evidence that the person who sought 1015
such consent was not acting in good faith, or that the execution 1016
of the consent was induced by fraudulent misrepresentation of 1017
material facts, or that the person executing the consent was not 1018
able to communicate effectively in spoken and written English or 1019
any other language in which the consent is written. Except as 1020
herein provided, no evidence shall be admissible to impeach, 1021
modify, or limit the authorization for performance of the 1022
procedure or procedures set forth in such written consent. 1023

(A) The consent sets forth in general terms the nature and 1024
purpose of the procedure or procedures, and what the procedures 1025
are expected to accomplish, together with the reasonably known 1026
risks, and, except in emergency situations, sets forth the names 1027
of the physicians who shall perform the intended surgical 1028
procedures. 1029

(B) The person making the consent acknowledges that such 1030
disclosure of information has been made and that all questions 1031
asked about the procedure or procedures have been answered in a 1032
satisfactory manner. 1033

(C) The consent is signed by the patient for whom the 1034
procedure is to be performed, or, if the patient for any reason 1035
including, but not limited to, competence, minority, or the fact 1036
that, at the latest time that the consent is needed, the patient 1037
is under the influence of alcohol, hallucinogens, or drugs, 1038
lacks legal capacity to consent, by a person who has legal 1039
authority to consent on behalf of such patient in such 1040

circumstances, including either of the following: 1041

(1) The parent, whether the parent is an adult or a minor, 1042
of the parent's minor child; 1043

(2) An adult whom the parent of the minor child has given 1044
written authorization to consent to a surgical or medical 1045
procedure or course of procedures for the parent's minor child. 1046

Any use of a consent form that fulfills the requirements 1047
stated in divisions (A), (B), and (C) of this section has no 1048
effect on the common law rights and liabilities, including the 1049
right of a physician to obtain the oral or implied consent of a 1050
patient to a medical procedure, that may exist as between 1051
physicians and patients on July 28, 1975. 1052

As used in this section the term "hospital" has the same 1053
meaning as in section 2305.113 of the Revised Code; "ambulatory 1054
surgical facility" has the same meaning as in section 3702.30 of 1055
the Revised Code; "hospice care program," ~~and~~ "pediatric respite 1056
care program," and "pediatric transition care program" have the 1057
same meanings as in section 3712.01 of the Revised Code, and 1058
"home health agency" has the same meaning as in section 3740.01 1059
of the Revised Code. The provisions of this division apply to 1060
hospitals, doctors of medicine, doctors of osteopathic medicine, 1061
and doctors of podiatric medicine. 1062

Sec. 3712.01. As used in this chapter: 1063

(A) "Hospice care program" means a coordinated program of 1064
home, outpatient, and inpatient care and services that is 1065
operated by a person or public agency and that provides the 1066
following care and services to hospice patients, including 1067
services as indicated below to hospice patients' families, 1068
through a medically directed interdisciplinary team, under 1069

interdisciplinary plans of care established pursuant to section 1070
3712.06 of the Revised Code, in order to meet the physical, 1071
psychological, social, spiritual, and other special needs that 1072
are experienced during the final stages of illness, dying, and 1073
bereavement: 1074

(1) Nursing care by or under the supervision of a 1075
registered nurse; 1076

(2) Physical, occupational, or speech or language therapy, 1077
unless waived by the department of health pursuant to rules 1078
adopted under division (A) of section 3712.03 of the Revised 1079
Code; 1080

(3) Medical social services by a social worker under the 1081
direction of a physician; 1082

(4) Services of a home health aide; 1083

(5) Medical supplies, including drugs and biologicals, and 1084
the use of medical appliances; 1085

(6) Physician's services; 1086

(7) Short-term inpatient care, including both palliative 1087
and respite care and procedures; 1088

(8) Counseling for hospice patients and hospice patients' 1089
families; 1090

(9) Services of volunteers under the direction of the 1091
provider of the hospice care program; 1092

(10) Bereavement services for hospice patients' families. 1093

"Hospice care program" does not include a pediatric 1094
respite care program or a pediatric transition care program. 1095

(B) "Hospice patient" means a patient, other than a 1096

pediatric respite care patient, who has been diagnosed as 1097
terminally ill, has an anticipated life expectancy of six months 1098
or less, and has voluntarily requested and is receiving care 1099
from a person or public agency licensed under this chapter to 1100
provide a hospice care program. 1101

(C) "Hospice patient's family" means a hospice patient's 1102
immediate family members, including a spouse, brother, sister, 1103
child, or parent, and any other relative or individual who has 1104
significant personal ties to the patient and who is designated 1105
as a member of the patient's family by mutual agreement of the 1106
patient, the relative or individual, and the patient's 1107
interdisciplinary team. 1108

(D) "Interdisciplinary team" means a working unit composed 1109
of professional and lay persons that includes at least a 1110
physician, a registered nurse, a social worker, a member of the 1111
clergy or a counselor, and a volunteer. 1112

(E) "Palliative care" means specialized care for a patient 1113
of any age who has been diagnosed with a serious or life- 1114
threatening illness that is provided at any stage of the illness 1115
by an interdisciplinary team working in consultation with other 1116
health care professionals, including those who may be seeking to 1117
cure the illness, and that aims to do all of the following: 1118

(1) Relieve the symptoms, stress, and suffering resulting 1119
from the illness; 1120

(2) Improve the quality of life of the patient and the 1121
patient's family; 1122

(3) Address the patient's physical, emotional, social, and 1123
spiritual needs; 1124

(4) Facilitate patient autonomy, access to information, 1125

and medical decision making. 1126

(F) "Physician" means a person authorized under Chapter 1127
4731. of the Revised Code to practice medicine and surgery or 1128
osteopathic medicine and surgery. 1129

(G) "Attending physician" means the physician identified 1130
by the hospice patient, pediatric respite care patient, hospice 1131
patient's family, or pediatric respite care patient's family as 1132
having primary responsibility for the medical care of the 1133
hospice patient or pediatric respite care patient. 1134

(H) "Registered nurse" means a person registered under 1135
Chapter 4723. of the Revised Code to practice professional 1136
nursing. 1137

(I) "Social worker" means a person licensed under Chapter 1138
4757. of the Revised Code to practice as a social worker or 1139
independent social worker. 1140

(J) "Pediatric respite care program" means a program 1141
operated by a person or public agency that ~~does either of the~~ 1142
~~following:~~ 1143

~~(1) Provides~~ provides inpatient respite care and related 1144
services, including all of the following services, only to 1145
pediatric respite care patients and, as indicated below, 1146
pediatric respite care patients' families, in order to meet the 1147
physical, psychological, social, spiritual, and other special 1148
needs that are experienced during or leading up to the final 1149
stages of illness, dying, and bereavement: 1150

~~(a)~~ (1) Short-term inpatient care, including both 1151
palliative and respite care and procedures; 1152

~~(b)~~ (2) Nursing care by or under the supervision of a 1153

registered nurse; 1154

~~(e)~~ (3) Physician's services; 1155

~~(d)~~ (4) Medical social services by a social worker under 1156
the direction of a physician; 1157

~~(e)~~ (5) Medical supplies, including drugs and biologicals, 1158
and the use of medical appliances; 1159

~~(f)~~ (6) Counseling for pediatric respite care patients and 1160
pediatric respite care patients' families; 1161

~~(g)~~ (7) Bereavement services for respite care patients' 1162
families. 1163

~~(2)~~ Provides "Pediatric respite care program" does not 1164
include a pediatric transition care program or hospice care 1165
program. 1166

(K) "Pediatric transition care program" means a program 1167
operated by a person or public agency that arranges for the 1168
provision of health care and related services in a home-like 1169
private home setting inpatient respite care and related 1170
services, including all of the following services, only to 1171
pediatric respite transition care patients, who are not related 1172
by birth or adoption to the person that arranges for the 1173
provision of health care and related services, and, as indicated 1174
below, the parents and siblings of pediatric respite transition 1175
care patients, in order to meet the physical, psychological, 1176
social, spiritual, and other special needs of children who have 1177
been diagnosed with life-threatening diseases and conditions: 1178

~~(a)~~ (1) Inpatient care, ~~including both palliative and~~ 1179
~~respite care~~ and procedures; 1180

~~(b)~~ (2) Skilled nursing care; 1181

~~(e)~~ (3) Nursing care by or under the supervision of a registered nurse; 1182
1183

~~(d)~~ (4) Physician's services; 1184

~~(e)~~ (5) ~~Medical social services by a social worker under the direction of a physician;~~ 1185
1186

~~(f)~~ Medical supplies, including drugs and biologicals, and the use of medical appliances; 1187
1188

~~(g)~~ (6) For a pediatric ~~respite transition~~ care patients' parents ~~and siblings~~, counseling, education, and visitation, ~~and to promote reunification.~~ 1189
1190
1191

"Pediatric ~~respite transition~~ care program" does not include a hospice care program or a pediatric respite care program. 1192
1193
1194

~~(K)~~ (L) "Pediatric respite care patient" means a patient, other than a hospice patient, who is less than twenty-seven years of age and to whom all of the following conditions apply: 1195
1196
1197

(1) The patient has been diagnosed with a disease or condition that is life-threatening and is expected to shorten the life expectancy that would have applied to the patient absent the patient's diagnosis, regardless of whether the patient is terminally ill. 1198
1199
1200
1201
1202

(2) The diagnosis described in division ~~(K) (1)~~ (L) (1) of this section occurred while the patient was less than eighteen years of age. 1203
1204
1205

(3) The patient, or the parent or guardian of the patient if the patient is under eighteen years of age or under guardianship, has voluntarily requested and is receiving care from a person or public agency licensed under this chapter to 1206
1207
1208
1209

provide a pediatric respite care program. 1210

~~(L)~~ (M) "Pediatric transition care patient" means a 1211
patient, other than a hospice patient, who is less than twenty- 1212
seven years of age and to whom all of the following conditions 1213
apply: 1214

(1) The patient has been diagnosed with a disease or 1215
condition that is life-threatening and is expected to shorten 1216
the life expectancy that would have applied to the patient 1217
absent the patient's diagnosis, regardless of whether the 1218
patient is terminally ill. 1219

(2) The diagnosis described in division (M) (1) of this 1220
section occurred when the patient was less than eighteen years 1221
of age. 1222

(3) The patient, or the parent or guardian of the patient 1223
if the patient is under eighteen years of age or under 1224
guardianship, has voluntarily requested and is receiving care 1225
from a person or public agency registered under this chapter to 1226
provide a pediatric transition care program. 1227

(N) "Pediatric respite care patient's family" means a 1228
pediatric respite care patient's family members, including a 1229
spouse, brother, sister, child, or parent, and any other 1230
relative or individual who has significant personal ties to the 1231
patient and who is designated as a member of the patient's 1232
family by mutual agreement of the patient, the relative or 1233
individual, and the patient's interdisciplinary team. 1234

~~(M)~~ (O) "Skilled nursing care" means procedures that 1235
require technical skills and knowledge beyond those the 1236
untrained person possesses and that are commonly employed in 1237
providing for the physical, mental, and emotional needs of the 1238

ill or otherwise incapacitated. "Skilled nursing care" includes 1239
the following: 1240

~~(a)~~ (1) Irrigations, catheterizations, application of 1241
dressings, and supervision of special diets; 1242

~~(b)~~ (2) Objective observation of changes in the patient's 1243
condition as a means of analyzing and determining the nursing 1244
care required and the need for further medical diagnosis and 1245
treatment; 1246

~~(c)~~ (3) Special procedures contributing to rehabilitation; 1247

~~(d)~~ (4) Administration of medication by any method ordered 1248
by a physician, such as hypodermically, rectally, or orally, 1249
including observation of the patient after receipt of the 1250
medication; 1251

~~(e)~~ (5) Carrying out other treatments prescribed by the 1252
physician that involve a similar level of complexity and skill 1253
in administration. 1254

Sec. 3712.031. (A) In accordance with Chapter 119. of the 1255
Revised Code, the director of health shall adopt, and may amend 1256
and rescind, rules: 1257

(1) Providing for the licensing of persons or public 1258
agencies providing pediatric respite care programs within this 1259
state by the department of health and for the suspension and 1260
revocation of licenses; 1261

(2) Establishing a license fee and license renewal fee for 1262
pediatric respite care programs, neither of which shall, except 1263
as provided in division (B) of this section, exceed six hundred 1264
dollars. The fees shall cover the three-year period during which 1265
an existing license is valid as provided in division (B) of 1266

section 3712.041 of the Revised Code.	1267
(3) Establishing an inspection fee not to exceed, except	1268
as provided in division (B) of this section, one thousand seven	1269
hundred fifty dollars;	1270
(4) Establishing requirements for pediatric respite care	1271
program facilities and services;	1272
(5) Providing for the granting of licenses to provide	1273
pediatric respite care programs to persons and public agencies	1274
that are accredited or certified to provide such programs by an	1275
entity whose standards for accreditation or certification equal	1276
or exceed those provided for licensure under this chapter and	1277
rules adopted under it;	1278
(6) Establishing interpretive guidelines for each rule	1279
adopted under this section.	1280
(B) Subject to the approval of the controlling board, the	1281
director of health may establish fees in excess of the maximum	1282
amounts specified in this section, provided that the fees do not	1283
exceed those amounts by greater than fifty per cent.	1284
(C) The department of health shall:	1285
(1) Grant, suspend, and revoke licenses for pediatric	1286
respite care programs in accordance with this chapter and rules	1287
adopted under it;	1288
(2) Make such inspections as are necessary to determine	1289
whether pediatric respite care program facilities and services	1290
meet the requirements of this chapter and rules adopted under	1291
it; and	1292
(3) Implement and enforce provisions of this chapter and	1293
rules adopted under it as such provisions apply to pediatric	1294

respite care programs. 1295

~~(D) Rules adopted under this section that relate to a 1296
pediatric respite care program described under division (J)(2) 1297
of section 3712.01 of the Revised Code are not subject to 1298
sections 121.95 to 121.953 of the Revised Code. 1299~~

Sec. 3712.032. (A) In accordance with Chapter 119. of the 1300
Revised Code, the director of health shall adopt, and may amend 1301
and rescind, rules: 1302

(1) Providing for the registration of persons and public 1303
agencies that provide pediatric transition care programs within 1304
this state and for the suspension and revocation of 1305
registrations; 1306

(2) Establishing fees for initial registration and 1307
registration renewal for pediatric transition care programs, 1308
neither of which shall, except as provided in division (B) of 1309
this section, exceed six hundred dollars during a three-year 1310
period that a registration is valid as provided in section 1311
3712.042 of the Revised Code; 1312

(3) Establishing an inspection fee, which shall not, 1313
except as provided in division (B) of this section, exceed one 1314
thousand seven hundred fifty dollars; 1315

(4) Establishing emergency and safety requirements for 1316
pediatric transition care programs; 1317

(5) Providing for pediatric transition care program 1318
registration under this chapter of persons and public agencies 1319
that are accredited or certified by an organization that the 1320
director determines has standards for accreditation or 1321
certification that are equal to or exceed those set forth in 1322
this chapter and the rules adopted under it. 1323

(B) Subject to the approval of the controlling board, the 1324
director may establish fees in excess of the maximum amounts 1325
specified in this section, provided that the fees do not exceed 1326
those amounts by greater than fifty per cent. 1327

(C) The department of health shall: 1328

(1) Grant, suspend, and revoke registrations for pediatric 1329
transition care programs in accordance with this chapter and 1330
rules adopted under it; 1331

(2) Make such inspections as are necessary to determine 1332
whether pediatric transition care program homes and services 1333
meet the requirements of this chapter and rules adopted under 1334
it; 1335

(3) Implement and enforce provisions of this chapter and 1336
rules adopted under it as such provisions apply to pediatric 1337
transition care programs. 1338

(D) Notwithstanding any provision of section 121.95 of the 1339
Revised Code to the contrary, a regulatory restriction contained 1340
in a rule adopted under this section is not subject to sections 1341
121.95 to 121.953 of the Revised Code. 1342

(E) Rules adopted under section 3712.031 of the Revised 1343
Code do not apply to pediatric transition care programs. 1344

Sec. 3712.042. (A) Every person or public agency that 1345
proposes to provide a pediatric transition care program shall 1346
register with the department of health. Registration shall be 1347
made on forms prescribed and provided by the department and 1348
shall include such information as the department requires. 1349

The department shall register a pediatric transition care 1350
program if the program is in compliance with this chapter and 1351

rules adopted under it. 1352

(B) A registration under this section shall be valid for 1353
three years. Registration renewal shall be made at least ninety 1354
days before the expiration of the registration in the same 1355
manner as for an initial registration. The department shall 1356
renew the registration if the pediatric transition care program 1357
meets the requirements of this chapter and rules adopted under 1358
it. 1359

(C) Subject to Chapter 119. of the Revised Code, the 1360
department may suspend or revoke a registration if the 1361
registration holder made any material misrepresentation related 1362
to the registration or no longer meets the requirements of this 1363
chapter or rules adopted under it. 1364

Sec. 3712.061. (A) Any person or public agency licensed 1365
under section 3712.041 of the Revised Code to provide a 1366
pediatric respite care program shall do all of the following: 1367

(1) Provide a planned and continuous pediatric respite 1368
care program, the medical components of which shall be under the 1369
direction of a physician; 1370

(2) Ensure that care commensurate with a pediatric respite 1371
care patient's needs is available twenty-four hours a day and 1372
seven days a week; 1373

(3) Establish an interdisciplinary plan of care for each 1374
pediatric respite care patient and the patient's family that: 1375

(a) Is coordinated by one designated individual who shall 1376
ensure that all components of the plan of care are addressed and 1377
implemented; 1378

(b) Addresses maintenance of patient-family participation 1379

in decision making related to the patient's health care and 1380
well-being; and 1381

(c) Is reviewed by the patient's attending physician and 1382
by the patient's interdisciplinary team immediately prior to or 1383
on admission to each session of respite care. 1384

(4) Have an interdisciplinary team or teams that provide 1385
or supervise the provision of pediatric respite care program 1386
services and establish the policies governing the provision of 1387
the services; 1388

(5) Maintain central clinical records on all pediatric 1389
respite care patients under its care; 1390

~~(6) In the case of a pediatric respite care program that 1391
is described in division (J) (2) of section 3712.01 of the 1392
Revised Code, maintain birth certificates and certified 1393
guardianship letters of authority for any patient who receives 1394
care for longer than thirty days, unless this requirement is 1395
waived by the director of health; 1396~~

~~(7) In the case of a pediatric respite care program that 1397
is described in division (J) (2) of section 3712.01 of the 1398
Revised Code, provide the services identified in that division 1399
to not more than ten patients at any time, unless additional 1400
patients are authorized by the director of health. 1401~~

(B) A provider of a pediatric respite care program may 1402
include pharmacist services among the other services that are 1403
made available to its pediatric respite care patients. 1404

(C) A provider of a pediatric respite care program may 1405
arrange for another person or public agency to furnish a 1406
component or components of the pediatric respite care program 1407
pursuant to a written contract. When a provider of a pediatric 1408

respite care program arranges for a home health agency to 1409
furnish a component or components of the pediatric respite care 1410
program to its patient, the care shall be provided by a home 1411
health agency pursuant to a written contract under which: 1412

(1) The provider of a pediatric respite care program 1413
furnishes to the contractor a copy of the pediatric respite care 1414
patient's interdisciplinary plan of care that is established 1415
under division (A) (3) of this section and specifies the care 1416
that is to be furnished by the contractor; 1417

(2) The regimen described in the established plan of care 1418
is continued while the pediatric respite care patient receives 1419
care from the contractor, subject to the patient's needs, and 1420
with approval of the coordinator of the interdisciplinary team 1421
designated pursuant to division (A) (3) (a) of this section; 1422

(3) All care, treatment, and services furnished by the 1423
contractor are entered into the pediatric respite care patient's 1424
medical record; 1425

(4) The designated coordinator of the interdisciplinary 1426
team ensures conformance with the established plan of care; and 1427

(5) A copy of the contractor's medical record and 1428
discharge summary is retained as part of the pediatric respite 1429
care patient's medical record. 1430

Sec. 3712.063. All of the following apply to a person or 1431
public agency registered under section 3712.042 of the Revised 1432
Code to provide a pediatric transition care program: 1433

(A) The program shall ensure that the medical care 1434
components of the program are under the direction of a 1435
physician. 1436

(B) When a program arranges for a home health agency to furnish a component or components of the program to a pediatric transition care patient, the care shall be provided by a home health agency pursuant to a written contract that includes both of the following conditions: 1437
1438
1439
1440
1441

(1) All care, treatment, and services furnished by the contractor are entered into the patient's medical record. 1442
1443

(2) The program ensures conformance with the patient's established plan of care and physician orders. 1444
1445

(C) Care commensurate with a pediatric transition care patient's needs shall be available twenty-four hours a day and seven days a week. 1446
1447
1448

(D) The program shall maintain in the home central clinical records on all pediatric transition care patients. 1449
1450

(E) The program shall maintain in the home birth certificates, certified guardianship letters of authority, or other documentation related to health care decision-making, as applicable, for any pediatric transition care patient who receives care for longer than thirty days, unless, on written request by the program, this requirement is waived by the director of health. 1451
1452
1453
1454
1455
1456
1457

(F) The program shall not provide pediatric transition care services to more than fifteen pediatric transition care patients at any time, unless, on written request by the program, additional patients are authorized by the director of health. 1458
1459
1460
1461

Sec. 3715.50. (A) As used in this section and in sections 3715.501 to 3715.505 of the Revised Code: 1462
1463

(1) "Advanced practice registered nurse" means an 1464

individual who holds a current, valid license issued under 1465
Chapter 4723. of the Revised Code and is designated as a 1466
clinical nurse specialist, certified nurse-midwife, or certified 1467
nurse practitioner. 1468

(2) "Overdose reversal drug" has the same meaning as in 1469
section 4729.01 of the Revised Code. 1470

(3) "Pharmacist" means an individual licensed under 1471
Chapter 4729. of the Revised Code to practice as a pharmacist. 1472

(4) "Pharmacy intern" means an individual licensed under 1473
Chapter 4729. of the Revised Code to practice as a pharmacy 1474
intern. 1475

(5) "Physician" means an individual authorized under 1476
Chapter 4731. of the Revised Code to practice medicine and 1477
surgery, osteopathic medicine and surgery, or podiatric medicine 1478
and surgery. 1479

(6) "Physician assistant" means an individual who is 1480
licensed under Chapter 4730. of the Revised Code, holds a valid 1481
prescriber number issued by the state medical board, and has 1482
been granted physician-delegated prescriptive authority. 1483

(B) Notwithstanding any conflicting provision of the 1484
Revised Code, any person or government entity may purchase, 1485
possess, distribute, dispense, personally furnish, sell, or 1486
otherwise obtain or provide an overdose reversal drug, which 1487
includes any instrument or device used to administer the drug, 1488
if all of the following conditions are met: 1489

(1) The overdose reversal drug is in its original 1490
manufacturer's packaging. 1491

(2) The overdose reversal drug's packaging contains the 1492

manufacturer's instructions for use. 1493

(3) The overdose reversal drug is stored in accordance 1494
with the manufacturer's or distributor's instructions. 1495

(C) In addition to actions authorized by division (B) of 1496
this section, any person or government entity may obtain and 1497
maintain a supply of an overdose reversal drug for either or 1498
both of the following purposes: for use in an emergency 1499
situation and for distribution through an automated mechanism. 1500

(1) In the case of a supply of an overdose reversal drug 1501
obtained and maintained for use in an emergency situation, a 1502
person or government entity shall do all of the following: 1503

(a) Provide to any individual who accesses the supply 1504
instructions regarding emergency administration of the drug, 1505
including a specific instruction to summon emergency services as 1506
necessary; 1507

(b) Establish a process for replacing within a reasonable 1508
time period any overdose reversal drug that has been accessed; 1509

(c) Store the overdose reversal drug in accordance with 1510
the manufacturer's or distributor's instructions. 1511

(2) In the case of a supply of an overdose reversal drug 1512
obtained and maintained for distribution through an automated 1513
mechanism, a person or government entity shall do all of the 1514
following: 1515

(a) Ensure that the mechanism is securely fastened to a 1516
permanent structure or is of an appropriate size and weight to 1517
reasonably prevent it from being removed from its intended 1518
location; 1519

(b) Provide to any individual who accesses the supply 1520

instructions regarding emergency administration of the drug, 1521
including a specific instruction to summon emergency services as 1522
necessary; 1523

(c) Develop a process for monitoring and replenishing the 1524
supply maintained in the automated mechanism; 1525

(d) Store the overdose reversal drug in accordance with 1526
the manufacturer's or distributor's instructions. 1527

(D) If the authority granted by division (B) or (C) of 1528
this section is exercised in good faith, the following 1529
immunities apply: 1530

(1) The person or government entity exercising the 1531
authority is not subject to administrative action or criminal 1532
prosecution and is not liable for damages in a civil action for 1533
injury, death, or loss to person or property for an act or 1534
omission that arises from exercising that authority. 1535

(2) After an overdose reversal drug has been dispensed or 1536
personally furnished, the person or government entity is not 1537
liable for or subject to any of the following for any act or 1538
omission of the individual to whom the drug is dispensed or 1539
personally furnished: damages in any civil action, prosecution 1540
in any criminal proceeding, or professional disciplinary action. 1541

(E) (1) This section does not affect any other authority to 1542
issue a prescription for, or personally furnish a supply of, an 1543
overdose reversal drug. 1544

(2) This section does not eliminate, limit, or reduce any 1545
other immunity or defense that a person or government entity may 1546
be entitled to under section 9.86, Chapter 2744., section 1547
4765.49, or any other provision of the Revised Code or the 1548
common law of this state. 1549

Sec. 3715.501. (A) Notwithstanding any conflicting 1550
provision of the Revised Code or of any rule adopted by the 1551
state board of pharmacy, state medical board, or board of 1552
nursing, both of the following apply: 1553

(1) A physician, physician assistant, or advanced practice 1554
registered nurse may issue a prescription for an overdose 1555
reversal drug, or personally furnish a supply of the drug, 1556
without having examined the individual to whom it may be 1557
administered. The physician, physician assistant, or advanced 1558
practice registered nurse exercising this authority shall 1559
provide, to the individual receiving the prescription or supply, 1560
instructions regarding the emergency administration of the drug, 1561
including a specific instruction to summon emergency services as 1562
necessary. 1563

(2) In the event that a prescription for an overdose 1564
reversal drug does not include the name of the individual to 1565
whom the drug may be administered, a pharmacist or pharmacy 1566
intern may dispense the drug to the individual who received the 1567
prescription. 1568

(B) (1) A physician, physician assistant, or advanced 1569
practice registered nurse who in good faith exercises the 1570
authority conferred by division (A) (1) of this section is not 1571
liable for or subject to any of the following for any act or 1572
omission of the individual to whom a prescription for an 1573
overdose reversal drug is issued or the supply of such a drug is 1574
furnished: damages in any civil action, prosecution in any 1575
criminal proceeding, or professional disciplinary action. 1576

(2) A pharmacist or pharmacy intern who in good faith 1577
exercises the authority conferred by division (A) (2) of this 1578
section is not liable for or subject to any of the following: 1579

damages in any civil action, prosecution in any criminal 1580
proceeding, or professional disciplinary action. 1581

Sec. ~~4729.44~~ 3715.502. (A) ~~As used in this section:~~ 1582

~~(1) "Board of health" means a board of health of a city or~~ 1583
~~general health district or an authority having the duties of a~~ 1584
~~board of health under section 3709.05 of the Revised Code.~~ 1585

~~(2) "Physician" means an individual authorized under~~ 1586
~~Chapter 4731. of the Revised Code to practice medicine and~~ 1587
~~surgery, osteopathic medicine and surgery, or podiatric medicine~~ 1588
~~and surgery.~~ 1589

~~(B)~~ A physician, physician assistant, or advanced practice 1590
registered nurse may authorize one or more pharmacists and any 1591
of the pharmacy interns supervised by the one or more 1592
pharmacists to use a protocol developed pursuant to rules 1593
adopted under this section for the purpose of dispensing 1594
overdose reversal drugs. ~~If use of the protocol developed~~ 1595
~~pursuant to rules adopted under division (G) of this section has~~ 1596
~~been authorized under section 3707.56 or 4731.942 of the Revised~~ 1597
~~Code, a pharmacist or pharmacy intern may dispense overdose~~ 1598
~~reversal drugs without a prescription to either of the following~~ 1599
~~in accordance with that protocol:~~ 1600

(1) An individual who there is reason to believe is 1601
experiencing or at risk of experiencing an opioid-related 1602
overdose; 1603

(2) A family member, friend, or other individual in a 1604
position to assist an individual who there is reason to believe 1605
is at risk of experiencing an opioid-related overdose. 1606

~~(C)~~ (B) A pharmacist or pharmacy intern who dispenses 1607
overdose reversal drugs under this section shall instruct the 1608

individual to whom the drugs are dispensed to summon emergency 1609
services as soon as practicable either before or after 1610
administering the drugs. 1611

~~(D)~~ (C) A pharmacist may document on a prescription form 1612
the dispensing of overdose reversal drugs by the pharmacist or a 1613
pharmacy intern supervised by the pharmacist. The form may be 1614
assigned a number for ~~record-keeping~~ recordkeeping purposes. 1615

~~(E)~~ (D) This section does not affect the authority of a 1616
pharmacist or pharmacy intern to fill or refill a prescription 1617
for overdose reversal drugs. 1618

~~(F)~~ A board of health that in good faith authorizes a 1619
pharmacist or pharmacy intern to dispense overdose reversal 1620
drugs without a prescription in accordance with a protocol 1621
developed pursuant to rules adopted under division (G) of this 1622
section is not liable for or subject to any of the following for 1623
any action or omission of the individual to whom the drugs are 1624
dispensed: damages in any civil action, prosecution in any 1625
criminal proceeding, or professional disciplinary action. 1626

(E) A physician, physician assistant, or advanced practice 1627
registered nurse who in good faith authorizes a pharmacist or 1628
pharmacy intern to dispense overdose reversal drugs without a 1629
prescription ~~in accordance with a protocol developed pursuant to~~ 1630
~~rules adopted under division (G) of~~, as provided in this 1631
section, is not liable for or subject to any of the following 1632
for any ~~action~~ act or omission of the individual to whom the 1633
drugs are dispensed: damages in any civil action, prosecution in 1634
any criminal proceeding, or professional disciplinary action. 1635

A pharmacist or pharmacy intern authorized under this 1636
section to dispense overdose reversal drugs without a 1637

prescription who does so in good faith is not liable for or 1638
subject to any of the following for any ~~action~~ act or omission 1639
of the individual to whom the drugs are dispensed: damages in 1640
any civil action, prosecution in any criminal proceeding, or 1641
professional disciplinary action. 1642

~~(G)~~ (F) The state board of pharmacy ~~shall~~, after 1643
consulting with the ~~department of health and state medical board~~ 1644
and board of nursing, shall adopt rules to implement this 1645
section. The rules shall specify a protocol under which 1646
pharmacists or pharmacy interns may dispense overdose reversal 1647
drugs without a prescription. 1648

All rules adopted under this section shall be adopted in 1649
accordance with Chapter 119. of the Revised Code. 1650

~~(H) (1)~~ (G) (1) The state board of pharmacy shall develop a 1651
program to educate all of the following about the authority of a 1652
pharmacist or pharmacy intern to dispense overdose reversal 1653
drugs without a prescription: 1654

(a) Holders of licenses issued under ~~this chapter~~ Chapter 1655
4729. of the Revised Code that engage in the sale or dispensing 1656
of overdose reversal drugs pursuant to this section; 1657

(b) Registered pharmacy technicians, certified pharmacy 1658
technicians, and pharmacy technician trainees registered under 1659
~~this chapter~~ Chapter 4729. of the Revised Code who engage in the 1660
sale of overdose reversal drugs pursuant to this section; 1661

(c) Individuals who are not licensed or registered under 1662
~~this chapter~~ Chapter 4729. of the Revised Code but are employed 1663
by license holders described in division ~~(H) (1) (a)~~ (G) (1) (a) of 1664
this section. 1665

(2) As part of the program, the board also shall educate 1666

the license holders, pharmacy technicians, and employees 1667
described in division ~~(H) (1)~~ (G) (1) of this section about 1668
maintaining an adequate supply of overdose reversal drugs and 1669
methods for determining a pharmacy's stock of such drugs. 1670

(3) The board may use its web site to share information 1671
under the program. 1672

Sec. 3715.503. (A) In addition to the actions authorized 1673
by section 3715.50 of the Revised Code and subject to division 1674
(B) of this section, a physician, physician assistant, or 1675
advanced practice registered nurse may elect to establish a 1676
protocol authorizing any individual to personally furnish a 1677
supply of an overdose reversal drug to another individual 1678
pursuant to the protocol. A person authorized to personally 1679
furnish an overdose reversal drug pursuant to the protocol may 1680
do so without having examined the individual to whom the drug 1681
may be administered. 1682

(B) A protocol established by a physician, physician 1683
assistant, or advanced practice registered nurse for purposes of 1684
this section shall include all of the following: 1685

(1) Any limitations to be applied concerning the 1686
individuals to whom the overdose reversal drug may be personally 1687
furnished; 1688

(2) The overdose reversal drug dosage that may be 1689
personally furnished and any variation in the dosage based on 1690
circumstances specified in the protocol; 1691

(3) Any labeling, storage, recordkeeping, and 1692
administrative requirements; 1693

(4) Training requirements that must be met before a person 1694
will be authorized to personally furnish overdose reversal 1695

drugs; 1696

(5) Any instructions or training that the authorized 1697
person must provide to an individual to whom an overdose 1698
reversal drug is personally furnished. 1699

(C) A physician, physician assistant, or advanced practice 1700
registered nurse who in good faith authorizes an individual to 1701
personally furnish a supply of an overdose reversal drug in 1702
accordance with a protocol established under this section, and 1703
an individual who in good faith personally furnishes a supply 1704
under that authority, is not liable for or subject to any of the 1705
following for any act or omission of the individual to whom the 1706
overdose reversal drug is personally furnished: damages in any 1707
civil action, prosecution in any criminal proceeding, or 1708
professional disciplinary action. 1709

Sec. 3715.504. (A) In the case of an individual who is not 1710
otherwise authorized under the Revised Code to administer drugs, 1711
the individual may administer an overdose reversal drug under 1712
this section. This authority may be exercised by any individual 1713
who is in a position to assist another individual who is 1714
apparently experiencing an opioid-related overdose. 1715

(B) An individual who administers an overdose reversal 1716
drug under the authority conferred by division (A) of this 1717
section is not liable for damages in a civil action for injury, 1718
death, or loss to person or property for an act or omission that 1719
arises from administering the drug, and not subject to 1720
administrative action or criminal prosecution for an act or 1721
omission that arises from administering the drug, if the 1722
individual, acting in good faith, does all of the following: 1723

(1) Obtains the overdose reversal drug under section 1724

3715.50, 3715.501, 3715.502, or 3715.503 or the Revised Code; 1725

(2) Administers the overdose reversal drug to an 1726
individual who is apparently experiencing an opioid-related 1727
overdose; 1728

(3) Attempts to summon emergency services as soon as 1729
practicable either before or after administering the overdose 1730
reversal drug, except that making such an attempt is not 1731
required if the individual administering the drug knows that 1732
emergency services already have been summoned or are present. 1733

Sec. ~~4765.44~~ 3715.505. (A) As used in this section, ~~"law:~~ 1734

(1) "Emergency medical service personnel," "firefighter," 1735
and "volunteer firefighter" have the same meanings as in section 1736
4765.01 of the Revised Code. 1737

(2) "Law enforcement agency" and "overdose reversal drug" 1738
have the same meanings as in section 2925.61 of the Revised Code 1739
means a government entity that employs peace officers to perform 1740
law enforcement duties. 1741

(3) "Peace officer" has the same meaning as in section 1742
2921.51 of the Revised Code. 1743

(B) (1) Upon request of a law enforcement agency as 1744
described in division (B) (2) of this section, emergency medical 1745
service personnel and any firefighter or volunteer firefighter 1746
acting within the course of the firefighting profession shall 1747
disclose the name and address, if known, of an individual to 1748
whom the emergency medical service personnel, firefighter, or 1749
volunteer firefighter administered an overdose reversal drug due 1750
to an actual or suspected drug overdose, unless the emergency 1751
medical service personnel, firefighter, or volunteer firefighter 1752
reasonably believes that the law enforcement agency making the 1753

request does not have jurisdiction over the place where the 1754
overdose reversal drug was administered. 1755

(2) A law enforcement agency may request a name and 1756
address of an individual under division (B) (1) of this section 1757
for the purposes of investigation or treatment referral and may 1758
use a name and address received under that division for either 1759
or both of those purposes. 1760

Sec. 3715.87. (A) As used in this section and in sections 1761
3715.871, 3715.872, and 3715.873 of the Revised Code: 1762

(1) "Controlled substance" has the same meaning as in 1763
section 3719.01 of the Revised Code. 1764

(2) "Charitable pharmacy" has the same meaning as in 1765
section 3719.811 of the Revised Code. 1766

(3) "Health care facility" has the same meaning as in 1767
section 1337.11 of the Revised Code. 1768

~~(3)~~ (4) "Hospital" has the same meaning as in section 1769
3727.01 of the Revised Code. 1770

~~(4)~~ (5) "Nonprofit clinic" means a charitable nonprofit 1771
corporation organized and operated pursuant to Chapter 1702. of 1772
the Revised Code, or any charitable organization not organized 1773
and not operated for profit, that provides health care services 1774
to indigent and uninsured persons, as defined in section 1775
2305.234 of the Revised Code, or to underinsured persons, as 1776
defined in rules adopted under section 3715.873 of the Revised 1777
Code. "Nonprofit clinic" does not include a hospital ~~as defined~~ 1778
~~in section 3727.01 of the Revised Code,~~ a facility licensed 1779
under Chapter 3721. of the Revised Code, or a facility that is 1780
operated for profit. 1781

~~(5)~~ (6) "Prescription drug" means any drug to which the 1782
following applies: 1783

(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1784
1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required 1785
to bear a label containing the legend, "Caution: Federal law 1786
prohibits dispensing without prescription" or "Caution: Federal 1787
law restricts this drug to use by or on the order of a licensed 1788
veterinarian" or any similar restrictive statement, or the drug 1789
may be dispensed only upon a prescription. 1790

(b) Under Chapter 3715. or 3719. of the Revised Code, the 1791
drug may be dispensed only upon a prescription. 1792

(B) The state board of pharmacy shall establish a drug 1793
repository program to accept ~~and dispense~~ prescription drugs 1794
donated or given for the purpose of being ~~dispensed~~ distributed 1795
to individuals who are residents of this state and meet 1796
eligibility standards established in rules adopted ~~by the board~~ 1797
under section 3715.873 of the Revised Code. ~~Except~~ 1798

~~(C) as provided in division (C) of this section, all~~ All 1799
of the following conditions shall apply to the drugs that are 1800
accepted and distributed under the program: 1801

(1) ~~Only~~ Except as provided in division (D) of this 1802
section: 1803

(a) Only drugs in their original sealed and tamper-evident 1804
unit dose packaging may be accepted and ~~dispensed;~~ distributed. 1805

~~(2)~~ (b) The packaging must be unopened, except that drugs 1806
packaged in single unit doses may be accepted and ~~dispensed~~ 1807
distributed when the outside packaging is opened if the single 1808
unit dose packaging is undisturbed. 1809

~~(3)-(2)~~ A drug shall not be accepted or ~~dispensed~~ 1810
distributed if there either of the following is the case: 1811

(a) There is reason to believe that ~~it~~ the drug is 1812
adulterated, as described in section 3715.63 of the Revised 1813
Code. 1814

(b) The drug, as determined in accordance with rules 1815
adopted under section 3715.873 of the Revised Code, is a drug 1816
for which the United States food and drug administration 1817
requires, as a risk evaluation and mitigation strategy, that the 1818
patient be registered with the drug's manufacturer. 1819

~~(C)-(D)~~ Drugs that are not in their original sealed and 1820
tamper-evident unit dose packaging may be accepted and 1821
distributed under the program, subject to rules adopted under 1822
section 3715.873 of the Revised Code, if the drugs are included 1823
in either of the following categories and are not controlled 1824
substances: 1825

(1) Orally administered cancer drugs that are not 1826
~~controlled substances and that do not require refrigeration,~~ 1827
~~freezing, or storage at a special temperature may be accepted~~ 1828
~~and dispensed even if not in original sealed and tamper-evident~~ 1829
~~unit dose packaging, subject to rules adopted by the board~~ 1830
~~pursuant to section 3715.873 of the Revised Code;~~ 1831

(2) Drugs that are accepted and distributed under the 1832
program by a charitable pharmacy, hospital, or nonprofit clinic, 1833
including any such drugs that are orally administered cancer 1834
drugs or that may require storage at a special temperature. 1835

~~(D)-(E)~~ Subject to the limitations specified in divisions 1836
(B) and ~~(C)~~ to (D) of this section, unused drugs ~~dispensed for~~ 1837
~~purposes of~~ for which the cost was covered by the medicaid 1838

program may be accepted and ~~dispensed~~distributed under the drug repository program. 1839
1840

Sec. 3715.871. (A) Any ~~person, including a~~ pharmacy, drug manufacturer, ~~or~~ health care facility, or ~~any other person or~~ government entity may donate or give prescription drugs to the drug repository program. Any person or government entity may facilitate the donation or gift of drugs to the program. ~~The drugs must~~ Drugs may be donated or given only at a pharmacy, hospital, or nonprofit clinic participating in the program. 1841
1842
1843
1844
1845
1846
1847

~~(B) Any pharmacy, hospital, or nonprofit clinic that elects may elect to participate in the drug repository program and if it meets eligibility criteria for participation in the program, as established in rules adopted by the state board of pharmacy under section 3715.873 of the Revised Code.~~ 1848
1849
1850
1851
1852
Participation in the program by pharmacies, hospitals, and nonprofit clinics is voluntary. Nothing in this or any other section of the Revised Code requires a pharmacy, hospital, or nonprofit clinic to participate in the program. 1853
1854
1855
1856

~~(B) (C) A pharmacy, hospital, or nonprofit clinic eligible to participate participating in the program shall dispense distribute the drugs donated or given under this section it accepts under the program to individuals who are residents of this state and meet the eligibility standards established in rules adopted by the board under section 3715.873 of the Revised Code or by using either of the following methods of distribution:~~ 1857
1858
1859
1860
1861
1862
1863
1864

(1) Distributing the drugs to eligible individuals at the pharmacy, hospital, or nonprofit clinic; 1865
1866

(2) Distributing the drugs to other government entities 1867

and nonprofit private entities, which then shall distribute the 1868
drugs to be dispensed to eligible individuals who meet the 1869
eligibility standards. A- 1870

Regardless of which method of distribution is used, a drug 1871
may be dispensed distributed to an eligible individual only by 1872
being dispensed by a pharmacist pursuant to a prescription 1873
issued by a licensed health professional authorized to prescribe 1874
drugs, as defined in section 4729.01 of the Revised Code or by 1875
being personally furnished by such a prescriber. A- 1876

(D) A pharmacy, hospital, or nonprofit clinic that accepts 1877
donated or given drugs participating in the program shall comply 1878
with all applicable federal laws and laws of this state dealing 1879
with storage and distribution of dangerous drugs and shall, in 1880
accordance with rules adopted pursuant to under section 3715.873 1881
of the Revised Code, inspect all drugs prior to dispensing 1882
distributing them to determine that they are not or appear not 1883
to be adulterated. The- 1884

(E) A pharmacy, hospital, or nonprofit clinic 1885
participating in the program may charge individuals receiving 1886
donated or given drugs a nominal handling fee established in 1887
accordance with rules adopted by the board under section 1888
3715.873 of the Revised Code. Drugs Except for occasional sales 1889
at wholesale by charitable pharmacies, hospitals, and nonprofit 1890
clinics, as authorized in rules adopted under section 3715.873 1891
of the Revised Code, drugs that are donated or given to the 1892
repository program may not be resold. 1893

Sec. 3715.872. (A) As used in this section, "health care 1894
professional" means any of the following who provide medical, 1895
dental, or other health-related diagnosis, care, or treatment: 1896

(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	1897 1898 1899
(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	1900 1901
(3) Physician assistants authorized to practice <u>licensed</u> under Chapter 4730. of the Revised Code;	1902 1903
(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	1904 1905
(5) Optometrists licensed under Chapter 4725. of the Revised Code;	1906 1907
(6) Pharmacists licensed under Chapter 4729. of the Revised Code.	1908 1909
(B) For matters related to donating, giving, accepting, or dispensing drugs <u>activities conducted</u> under the drug repository program, all of the following apply:	1910 1911 1912
(1) Any person, including a <u>A</u> pharmacy, drug manufacturer, or health care facility, or any other person or government entity that donates or gives drugs to the drug repository program, <u>and any person or government entity that facilitates the donation or gift,</u> shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property.	1913 1914 1915 1916 1917 1918 1919
(2) A pharmacy, hospital, or nonprofit clinic that accepts or dispenses <u>distributes</u> drugs under the program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the pharmacy, hospital, or nonprofit clinic	1920 1921 1922 1923 1924

constitutes willful and wanton misconduct. 1925

(3) A health care professional who accepts ~~or~~, dispenses,
or personally furnishes drugs under the program on behalf of a 1926
pharmacy, hospital, or nonprofit clinic participating in the 1927
program, and the pharmacy, hospital, or nonprofit clinic that 1928
employs or otherwise uses the services of the health care 1929
professional, shall not be subject to liability in tort or other 1930
civil action for injury, death, or loss to person or property, 1931
unless an action or omission of the health care professional, 1932
pharmacy, hospital, or nonprofit clinic constitutes willful and 1933
wanton misconduct. 1934
1935

(4) The state board of pharmacy ~~and the director of health~~ 1936
shall not be subject to liability in tort or other civil action 1937
for injury, death, or loss to person or property, unless an 1938
action or omission of the board ~~or director~~ constitutes willful 1939
and wanton misconduct. 1940

~~(C)~~ (5) In addition to the civil immunity granted under 1941
division (B) (1) of this section, ~~any person, including a~~ 1942
pharmacy, drug manufacturer, ~~or~~ health care facility, ~~and any or~~ 1943
other person or government entity that donates or gives drugs to 1944
the program, and any person or government entity that 1945
facilitates the donation or gift, shall not be subject to 1946
criminal prosecution for ~~the donation, giving, acceptance, or~~ 1947
~~dispensing of drugs~~ matters related to activities that it 1948
conducts or another party conducts under the program, unless an 1949
action or omission of the ~~person or government entity~~ party that 1950
donates, gives, or facilitates the donation or gift of the drugs 1951
does not comply with the provisions of this chapter or the rules 1952
adopted under it. 1953

~~(D)~~ (6) In the case of a drug manufacturer, the immunities 1954

from civil liability and criminal prosecution granted to another 1955
party under divisions (B) (1) and ~~(C) (5)~~ of this section apply 1956
with respect to ~~extend to the manufacturer when any drug~~ 1957
manufactured by the drug manufacturer that ~~it manufactures~~ is 1958
donated or given by any person or government entity ~~the subject~~ 1959
of an activity conducted under the program, ~~including~~. This 1960
extension of immunities includes, but is not limited to, 1961
immunity from liability or prosecution for failure to transfer 1962
or communicate product or consumer information or the expiration 1963
date of ~~the a drug that is~~ donated or given. 1964

Sec. 3715.873. ~~In consultation with the director of~~ 1965
~~health, the~~ The state board of pharmacy shall adopt rules 1966
governing the drug repository program that establish all of the 1967
following: 1968

(A) Eligibility criteria for pharmacies, hospitals, and 1969
nonprofit clinics to ~~receive and dispense drugs donated or given~~ 1970
~~under~~ participate in the program, including, in the case of 1971
nonprofit clinics, a definition of "underinsured person"; 1972

(B) Standards and procedures for accepting, safely 1973
storing, and ~~dispensing~~ distributing drugs donated or given; 1974

(C) ~~With respect to drugs that are donated or given, other~~ 1975
~~than orally administered cancer drugs described in division (C)~~ 1976
~~of section 3715.87 of the Revised Code that are not in original~~ 1977
~~sealed and tamper evident unit dose packaging, standards~~ 1978
Standards and procedures for inspecting the drugs ~~described in~~ 1979
division (C) (1) of section 3715.87 of the Revised Code to 1980
determine that the original unit dose packaging is sealed and 1981
tamper-evident and that the drugs are unadulterated, safe, and 1982
suitable for ~~dispensing~~ distribution; 1983

(D) With respect to ~~orally administered cancer drugs~~ 1984
described in division ~~(C)~~ (D) of section 3715.87 of the Revised 1985
Code ~~that are not in original sealed and tamper evident unit~~ 1986
~~dose packaging~~, standards and procedures to determine based on a 1987
basic visual inspection that the drugs appear to be 1988
unadulterated, safe, and suitable for ~~dispensing~~ distribution; 1989

(E) Eligibility standards based on economic need for 1990
individuals to receive drugs under the program; 1991

(F) A means, such as an identification card, by which an 1992
individual who is eligible to receive drugs under the program 1993
may demonstrate eligibility to ~~the~~ a pharmacy, hospital, or 1994
nonprofit clinic ~~dispensing the drugs~~ participating in the 1995
program; 1996

(G) A form that an individual receiving a drug under the 1997
program must sign before receiving the drug to confirm that the 1998
individual understands the immunity provisions of the program; 1999

(H) A form that each individual who is donating or giving 2000
drugs to the program, or who represents the person or government 2001
entity that is donating or giving drugs to the program, must 2002
sign stating that the individual or the person or government 2003
entity being represented is the owner of the drugs and intends 2004
to voluntarily donate or give them to the program; 2005

(I) A formula to determine the amount of a nominal 2006
handling fee that pharmacies, hospitals, and nonprofit clinics 2007
participating in the program may charge to drug recipients to 2008
cover restocking and ~~dispensing~~ distribution costs; 2009

~~(I) In addition, for drugs donated or given to the program~~ 2010
~~by individuals:~~ 2011

~~(1) (J) A list of drugs, arranged either by category or by~~ 2012

~~individual drug, that the program will accept from individuals. 2013
The list shall include orally administered cancer drugs that are 2014
described in division (C) of section 3715.87 of the Revised 2015
Code. 2016~~

~~(2) A list of drugs, arranged either by category or by 2017
individual drug, that the program will not accept from 2018
individuals. The list shall not include orally administered 2019
cancer drugs that are described in division (C) of section 2020
3715.87 of the Revised Code. The list must include or drug 2021
types, if applicable, that are ineligible to be donated or given 2022
under the program, including those described in division (C) (2) 2023
(b) of section 3715.87 of the Revised Code, and a statement as 2024
to why the drug is listed drugs or drug types are ineligible to 2025
be donated or given. 2026~~

~~(3) A form each donor must sign stating that the donor is 2027
the owner of the drugs and intends to voluntarily donate them to 2028
the program. 2029~~

~~(J) In addition, for drugs donated to the program by 2030
health care facilities. 2031~~

~~(1) A list of drugs, arranged either by category or by 2032
individual drug, that the program will accept from health care 2033
facilities. The list shall include orally administered cancer 2034
drugs that are described in division (C) of section 3715.87 of 2035
the Revised Code. 2036~~

~~(2) A list of drugs, arranged either by category or by 2037
individual drug, that the program will not accept from health 2038
care facilities. The list shall not include orally administered 2039
cancer drugs that are described in division (C) of section 2040
3715.87 of the Revised Code. The list must include a statement 2041~~

~~as to why the drug is ineligible to be donated or given.;~~ 2042

(K) The standards by which a charitable pharmacy, 2043
hospital, or nonprofit clinic participating in the program may 2044
make occasional sales at wholesale, pursuant to section 4729.51 2045
of the Revised Code, of drugs that have been donated or given to 2046
the program; 2047

(L) Any other standards and procedures the board considers 2048
appropriate. 2049

The rules shall be adopted in accordance with Chapter 119. 2050
of the Revised Code. 2051

Sec. 3719.061. (A) (1) As used in this section: 2052

(a) "Another adult authorized to consent to the minor's 2053
medical treatment" means an adult to whom a minor's parent or 2054
guardian has given written authorization to consent to the 2055
minor's medical treatment. 2056

(b) "Emergency facility" means a hospital emergency 2057
department or any other facility that provides emergency care. 2058

(c) "Medical emergency" means a situation that in a 2059
prescriber's good faith medical judgment creates an immediate 2060
threat of serious risk to the life or physical health of a 2061
minor. 2062

(d) "Minor" means an individual under eighteen years of 2063
age who is not emancipated. 2064

(2) For purposes of this section, an individual under 2065
eighteen years of age is emancipated only if the individual has 2066
married, has entered the armed services of the United States, 2067
has become employed and self-sustaining, or otherwise has become 2068
independent from the care and control of the individual's 2069

parent, guardian, or custodian. 2070

(B) Except as provided in division (C) of this section, 2071
before issuing for a minor the first prescription in a single 2072
course of treatment for an opioid analgesic, regardless of 2073
whether the dosage is modified during that course of treatment, 2074
a prescriber shall do all of the following: 2075

(1) As part of the prescriber's examination of the minor, 2076
assess whether the minor has ever suffered, or is currently 2077
suffering, from mental health or substance abuse disorders and 2078
whether the minor has taken or is currently taking prescription 2079
drugs for treatment of those disorders; 2080

(2) Discuss with the minor and the minor's parent, 2081
guardian, or another adult authorized to consent to the minor's 2082
medical treatment all of the following: 2083

(a) The risks of addiction and overdose associated with 2084
opioid analgesics; 2085

(b) The increased risk of addiction to controlled 2086
substances of individuals suffering from both mental health and 2087
substance abuse disorders; 2088

(c) The dangers of taking opioid analgesics with 2089
benzodiazepines, alcohol, or other central nervous system 2090
depressants; 2091

(d) Any other information in the patient counseling 2092
information section of the labeling for the opioid analgesic 2093
required under 21 C.F.R. 201.57(c)(18). 2094

(3) Obtain written consent for the prescription from the 2095
minor's parent, guardian, or, subject to division (E) of this 2096
section, another adult authorized to consent to the minor's 2097

medical treatment. 2098

The prescriber shall record the consent on a form, which 2099
shall be known as the "Start Talking!" consent form. The form 2100
shall be separate from any other document the prescriber uses to 2101
obtain informed consent for other treatment provided to the 2102
minor. The form shall contain all of the following: 2103

(a) The name and quantity of the opioid analgesic being 2104
prescribed and the amount of the initial dose; 2105

(b) A statement indicating that a controlled substance is 2106
a drug or other substance that the United States drug 2107
enforcement administration has identified as having a potential 2108
for abuse; 2109

(c) A statement certifying that the prescriber discussed 2110
with the minor and the minor's parent, guardian, or another 2111
adult authorized to consent to the minor's medical treatment the 2112
matters described in division (B) (2) of this section; 2113

(d) The number of refills, if any, authorized by the 2114
prescription; 2115

(e) The signature of the minor's parent, guardian, or 2116
another adult authorized to consent to the minor's medical 2117
treatment and the date of signing. 2118

(C) (1) The requirements of division (B) of this section do 2119
not apply if the minor's treatment with an opioid analgesic 2120
meets any of the following criteria: 2121

(a) The treatment is associated with or incident to a 2122
medical emergency. 2123

(b) The treatment is associated with or incident to 2124
surgery, regardless of whether the surgery is performed on an 2125

inpatient or outpatient basis. 2126

(c) In the prescriber's professional judgment, fulfilling 2127
the requirements of division (B) of this section with respect to 2128
the minor's treatment would be a detriment to the minor's health 2129
or safety. 2130

(d) Except as provided in division (D) of this section, 2131
the treatment is rendered in a hospital, emergency facility, 2132
ambulatory surgical facility, nursing home, pediatric respite 2133
care program, pediatric transition care program, residential 2134
care facility, freestanding rehabilitation facility, or similar 2135
institutional facility. 2136

(2) The requirements of division (B) of this section do 2137
not apply to a prescription for an opioid analgesic that a 2138
prescriber issues to a minor at the time of discharge from a 2139
facility or other location described in division (C) (1) (d) of 2140
this section. 2141

(D) The exemption in division (C) (1) (d) of this section 2142
does not apply to treatment rendered in a prescriber's office 2143
that is located on the premises of or adjacent to a facility or 2144
other location described in that division. 2145

(E) If the individual who signs the consent form required 2146
by division (B) (3) of this section is another adult authorized 2147
to consent to the minor's medical treatment, the prescriber 2148
shall prescribe not more than a single, seventy-two-hour supply 2149
and indicate on the prescription the quantity that is to be 2150
dispensed pursuant to the prescription. 2151

(F) A signed "Start Talking!" consent form obtained under 2152
this section shall be maintained in the minor's medical record. 2153

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 2154

and 3721.99 of the Revised Code: 2155

(1) (a) "Home" means an institution, residence, or facility 2156
that provides, for a period of more than twenty-four hours, 2157
whether for a consideration or not, accommodations to three or 2158
more unrelated individuals who are dependent upon the services 2159
of others, including a nursing home, residential care facility, 2160
home for the aging, and a veterans' home operated under Chapter 2161
5907. of the Revised Code. 2162

(b) "Home" also means both of the following: 2163

(i) Any facility that a person, as defined in section 2164
3702.51 of the Revised Code, proposes for certification as a 2165
skilled nursing facility or nursing facility under Title XVIII 2166
or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 2167
U.S.C.A. 301, as amended, and for which a certificate of need, 2168
other than a certificate to recategorize hospital beds as 2169
described in section 3702.521 of the Revised Code or division 2170
(R) (7) (d) of the version of section 3702.51 of the Revised Code 2171
in effect immediately prior to April 20, 1995, has been granted 2172
to the person under sections 3702.51 to 3702.62 of the Revised 2173
Code after August 5, 1989; 2174

(ii) A county home or district home that is or has been 2175
licensed as a residential care facility. 2176

(c) "Home" does not mean any of the following: 2177

(i) Except as provided in division (A) (1) (b) of this 2178
section, a public hospital or hospital as defined in section 2179
3701.01 or 5122.01 of the Revised Code; 2180

(ii) A residential facility as defined in section 5119.34 2181
of the Revised Code; 2182

(iii) A residential facility as defined in section 5123.19	2183
of the Revised Code;	2184
(iv) A community addiction services provider as defined in	2185
section 5119.01 of the Revised Code;	2186
(v) A facility licensed under section 5119.37 of the	2187
Revised Code to operate an opioid treatment program;	2188
(vi) A facility providing services under contract with the	2189
department of developmental disabilities under section 5123.18	2190
of the Revised Code;	2191
(vii) A facility operated by a hospice care program	2192
licensed under section 3712.04 of the Revised Code that is used	2193
exclusively for care of hospice patients;	2194
(viii) A facility operated by a pediatric respite care	2195
program licensed under section 3712.041 of the Revised Code that	2196
is used exclusively for <u>the</u> care of pediatric respite care	2197
patients <u>or a location operated by a pediatric transition care</u>	2198
<u>program registered under section 3712.042 of the Revised Code</u>	2199
<u>that is used exclusively for the care of pediatric transition</u>	2200
<u>care patients;</u>	2201
(ix) A facility, infirmary, or other entity that is	2202
operated by a religious order, provides care exclusively to	2203
members of religious orders who take vows of celibacy and live	2204
by virtue of their vows within the orders as if related, and	2205
does not participate in the medicare program or the medicaid	2206
program if on January 1, 1994, the facility, infirmary, or	2207
entity was providing care exclusively to members of the	2208
religious order;	2209
(x) A county home or district home that has never been	2210
licensed as a residential care facility.	2211

(2) "Unrelated individual" means one who is not related to 2212
the owner or operator of a home or to the spouse of the owner or 2213
operator as a parent, grandparent, child, grandchild, brother, 2214
sister, niece, nephew, aunt, uncle, or as the child of an aunt 2215
or uncle. 2216

(3) "Mental impairment" does not mean mental illness, as 2217
defined in section 5122.01 of the Revised Code, or developmental 2218
disability, as defined in section 5123.01 of the Revised Code. 2219

(4) "Skilled nursing care" means procedures that require 2220
technical skills and knowledge beyond those the untrained person 2221
possesses and that are commonly employed in providing for the 2222
physical, mental, and emotional needs of the ill or otherwise 2223
incapacitated. "Skilled nursing care" includes, but is not 2224
limited to, the following: 2225

(a) Irrigations, catheterizations, application of 2226
dressings, and supervision of special diets; 2227

(b) Objective observation of changes in the patient's 2228
condition as a means of analyzing and determining the nursing 2229
care required and the need for further medical diagnosis and 2230
treatment; 2231

(c) Special procedures contributing to rehabilitation; 2232

(d) Administration of medication by any method ordered by 2233
a physician, such as hypodermically, rectally, or orally, 2234
including observation of the patient after receipt of the 2235
medication; 2236

(e) Carrying out other treatments prescribed by the 2237
physician that involve a similar level of complexity and skill 2238
in administration. 2239

(5) (a) "Personal care services" means services including,	2240
but not limited to, the following:	2241
(i) Assisting residents with activities of daily living;	2242
(ii) Assisting residents with self-administration of	2243
medication, in accordance with rules adopted under section	2244
3721.04 of the Revised Code;	2245
(iii) Preparing special diets, other than complex	2246
therapeutic diets, for residents pursuant to the instructions of	2247
a physician or a licensed dietitian, in accordance with rules	2248
adopted under section 3721.04 of the Revised Code.	2249
(b) "Personal care services" does not include "skilled	2250
nursing care" as defined in division (A) (4) of this section. A	2251
facility need not provide more than one of the services listed	2252
in division (A) (5) (a) of this section to be considered to be	2253
providing personal care services.	2254
(6) "Nursing home" means a home used for the reception and	2255
care of individuals who by reason of illness or physical or	2256
mental impairment require skilled nursing care and of	2257
individuals who require personal care services but not skilled	2258
nursing care. A nursing home is licensed to provide personal	2259
care services and skilled nursing care.	2260
(7) "Residential care facility" means a home that provides	2261
either of the following:	2262
(a) Accommodations for seventeen or more unrelated	2263
individuals and supervision and personal care services for three	2264
or more of those individuals who are dependent on the services	2265
of others by reason of age or physical or mental impairment;	2266
(b) Accommodations for three or more unrelated	2267

individuals, supervision and personal care services for at least 2268
three of those individuals who are dependent on the services of 2269
others by reason of age or physical or mental impairment, and, 2270
to at least one of those individuals, any of the skilled nursing 2271
care authorized by section 3721.011 of the Revised Code. 2272

(8) "Home for the aging" means a home that provides 2273
services as a residential care facility and a nursing home, 2274
except that the home provides its services only to individuals 2275
who are dependent on the services of others by reason of both 2276
age and physical or mental impairment. 2277

The part or unit of a home for the aging that provides 2278
services only as a residential care facility is licensed as a 2279
residential care facility. The part or unit that may provide 2280
skilled nursing care beyond the extent authorized by section 2281
3721.011 of the Revised Code is licensed as a nursing home. 2282

(9) "County home" and "district home" mean a county home 2283
or district home operated under Chapter 5155. of the Revised 2284
Code. 2285

(B) The director of health may further classify homes. For 2286
the purposes of this chapter, any residence, institution, hotel, 2287
congregate housing project, or similar facility that meets the 2288
definition of a home under this section is such a home 2289
regardless of how the facility holds itself out to the public. 2290

(C) For purposes of this chapter, personal care services 2291
or skilled nursing care shall be considered to be provided by a 2292
facility if they are provided by a person employed by or 2293
associated with the facility or by another person pursuant to an 2294
agreement to which neither the resident who receives the 2295
services nor the resident's sponsor is a party. 2296

(D) Nothing in division (A) (4) of this section shall be 2297
construed to permit skilled nursing care to be imposed on an 2298
individual who does not require skilled nursing care. 2299

Nothing in division (A) (5) of this section shall be 2300
construed to permit personal care services to be imposed on an 2301
individual who is capable of performing the activity in question 2302
without assistance. 2303

(E) Division (A) (1) (c) (ix) of this section does not 2304
prohibit a facility, infirmary, or other entity described in 2305
that division from seeking licensure under sections 3721.01 to 2306
3721.09 of the Revised Code or certification under Title XVIII 2307
or XIX of the "Social Security Act." However, such a facility, 2308
infirmary, or entity that applies for licensure or certification 2309
must meet the requirements of those sections or titles and the 2310
rules adopted under them and obtain a certificate of need from 2311
the director of health under section 3702.52 of the Revised 2312
Code. 2313

(F) Nothing in this chapter, or rules adopted pursuant to 2314
it, shall be construed as authorizing the supervision, 2315
regulation, or control of the spiritual care or treatment of 2316
residents or patients in any home who rely upon treatment by 2317
prayer or spiritual means in accordance with the creed or tenets 2318
of any recognized church or religious denomination. 2319

Sec. 3722.02. (A) It is the intent of the ~~General Assembly~~ 2320
general assembly in enacting Chapter 3722. of the Revised Code 2321
to require each hospital operating in this state to be licensed 2322
by the director of health. Beginning on ~~the date that is three~~ 2323
~~years after the effective date of this section~~ September 30, 2324
2024, any reference to a hospital contained in the Revised Code 2325
in a chapter other than Chapter 3722. of the Revised Code shall 2326

be construed to mean a hospital licensed under Chapter 3722. of 2327
the Revised Code. 2328

(B) Beginning on ~~the date that is three years after the~~ 2329
~~effective date of this section September 30, 2024,~~ no person and 2330
no political subdivision, agency, or instrumentality of this 2331
state shall operate a hospital without holding a license issued 2332
by the director of health under section 3722.03 of the Revised 2333
Code. 2334

(C) Division (A) of this section does not apply to any of 2335
the following: 2336

(1) A hospital operated by the federal government; 2337

(2) An ambulatory surgical facility or other health care 2338
facility licensed as described in section 3702.30 of the Revised 2339
Code; 2340

(3) A nursing home or residential care facility licensed 2341
under Chapter 3721. of the Revised Code; 2342

(4) A hospital or inpatient unit licensed under section 2343
5119.33 of the Revised Code; 2344

(5) A residential facility as defined in section 5119.34 2345
of the Revised Code; 2346

(6) A residential facility as defined in section 5123.19 2347
of the Revised Code; 2348

(7) A community addiction services provider as defined in 2349
section 5119.01 of the Revised Code; 2350

(8) A facility providing services under a contract with 2351
the department of developmental disabilities under section 2352
5123.18 of the Revised Code; 2353

(9) A facility operated by a hospice care program licensed 2354
under section 3712.04 of the Revised Code and that is used 2355
exclusively for the care of hospice patients; 2356

(10) A facility operated by a pediatric respite care 2357
program licensed under section 3712.041 of the Revised Code and 2358
that is used exclusively for the care of pediatric respite care 2359
patients or a location operated by a pediatric transition care 2360
program registered under section 3712.042 of the Revised Code 2361
that is used exclusively for the care of pediatric transition 2362
care patients; 2363

(11) The site where a health care practice is operated, 2364
regardless of whether the practice is organized as an individual 2365
or group practice; 2366

(12) A clinic providing ambulatory patient services where 2367
patients are not regularly admitted as inpatients; 2368

(13) An institution for the sick that is operated 2369
exclusively for patients who use spiritual means for healing and 2370
for whom the acceptance of medical care is inconsistent with 2371
their religious beliefs, accredited by a national accrediting 2372
organization, exempt from federal income taxation under section 2373
501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and 2374
providing twenty-four-hour nursing care pursuant to the 2375
exemption from the licensing requirements of Chapter 4723. of 2376
the Revised Code described in division (E) of section 4723.32 of 2377
the Revised Code. 2378

(D) (1) If the director of health determines that a 2379
hospital is operating without a license in violation of this 2380
section, the director shall do any of the following: 2381

(a) Notify the hospital that it is operating without a 2382

license and provide it with an opportunity to apply for 2383
licensure, but only within the thirty-day period beginning on 2384
the date the hospital received the director's notice; 2385

(b) Direct the hospital to cease operations; 2386

(c) Impose a civil penalty of not more than two hundred 2387
fifty thousand dollars; 2388

(d) In addition to the penalty described in division (D) 2389
(1) (c) of this section, impose a penalty of not less than one 2390
thousand dollars and not more than ten thousand dollars for each 2391
day the hospital operates without a license. 2392

(2) If the hospital described in division (D) (1) of this 2393
section continues to operate without a license, the director may 2394
petition the court of common pleas of the county in which the 2395
hospital is located for an order enjoining the hospital from 2396
operating. 2397

Sec. 3740.01. As used in this chapter: 2398

(A) "Community-based long-term care provider" means a 2399
provider, as defined in section 173.39 of the Revised Code. 2400

(B) "Community-based long-term care subcontractor" means a 2401
subcontractor, as defined in section 173.38 of the Revised Code. 2402

(C) "Criminal records check" has the same meaning as in 2403
section 109.572 of the Revised Code. 2404

(D) "Direct care" means any of the following: 2405

(1) Any service identified in divisions (G) (1) to (6) of 2406
this section that is provided in a patient's place of residence 2407
used as the patient's home; 2408

(2) Any activity that requires the person performing the 2409

activity to be routinely alone with a patient or to routinely 2410
have access to a patient's personal property or financial 2411
documents regarding a patient; 2412

(3) For each home health agency individually, any other 2413
routine service or activity that the chief administrator of the 2414
home health agency designates as direct care. 2415

(E) "Disqualifying offense" means any of the offenses 2416
listed or described in divisions (A) (3) (a) to (e) of section 2417
109.572 of the Revised Code. 2418

(F) "Employee" means a person employed by a home health 2419
agency in a full-time, part-time, or temporary position that 2420
involves providing direct care to an individual and a person who 2421
works in such a position due to being referred to a home health 2422
agency by an employment service. 2423

(G) "Home health agency" means a person or government 2424
entity, other than a nursing home, residential care facility, 2425
hospice care program, pediatric respite care program, pediatric 2426
transition care program, informal respite care provider, 2427
provider certified by the department of developmental 2428
disabilities under Chapter 5123. of the Revised Code, 2429
residential facility, shared living provider, or immediate 2430
family member, that has the primary function of providing any of 2431
the following services to a patient at a place of residence used 2432
as the patient's home: 2433

(1) Skilled nursing care; 2434

(2) Physical therapy; 2435

(3) Occupational therapy; 2436

(4) Speech-language pathology; 2437

(5) Medical social services;	2438
(6) Home health aide services.	2439
(H) "Home health aide services" means any of the following	2440
services provided by an employee of a home health agency:	2441
(1) Hands-on bathing or assistance with a tub bath or	2442
shower;	2443
(2) Assistance with dressing, ambulation, and toileting;	2444
(3) Catheter care but not insertion;	2445
(4) Meal preparation and feeding.	2446
(I) "Hospice care program," and "pediatric respite care	2447
program," <u>and "pediatric transition care program"</u> have the same	2448
meanings as in section 3712.01 of the Revised Code.	2449
(J) "Immediate family member" means a parent, stepparent,	2450
grandparent, legal guardian, grandchild, brother, sister,	2451
stepsibling, spouse, son, daughter, stepchild, aunt, uncle,	2452
mother-in-law, father-in-law, brother-in-law, sister-in-law,	2453
son-in-law, and daughter-in-law.	2454
(K) "Medical social services" means services provided by a	2455
social worker under the direction of a patient's attending	2456
physician.	2457
(L) "Minor drug possession offense" has the same meaning	2458
as in section 2925.01 of the Revised Code.	2459
(M) "Nonagency provider" means a person who provides	2460
direct care to an individual on a self-employed basis and does	2461
not employ, directly or through contract, another person to	2462
provide the services. "Nonagency provider" does not include any	2463
of the following:	2464

(1) A caregiver who is an immediate family member of the individual receiving direct care;	2465 2466
(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;	2467 2468 2469
(3) A volunteer;	2470
(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;	2471 2472 2473
(5) A person who provides privately funded child care;	2474
(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.	2475 2476 2477
(N) "Nonmedical home health services" means any of the following:	2478 2479
(1) Any service identified in divisions (H) (1) to (4) of this section;	2480 2481
(2) Personal care services;	2482
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.	2483 2484 2485
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	2486 2487 2488
(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	2489 2490
(Q) "Personal care services" means any of the following	2491

provided to an individual in the individual's home or community:	2492
(1) Hands-on assistance with activities of daily living	2493
and instrumental activities of daily living, when incidental to	2494
assistance with activities of daily living;	2495
(2) Assistance managing the individual's home and handling	2496
personal affairs;	2497
(3) Assistance with self-administration of medications;	2498
(4) Homemaker services when incidental to any of the	2499
services identified in divisions (Q) (1) to (3) of this section	2500
or when essential to the health and welfare of the individual	2501
specifically, not the individual's family;	2502
(5) Respite services for the individual's caregiver;	2503
(6) Errands completed outside of the presence of the	2504
individual if needed to maintain the individual's health and	2505
safety, including picking up prescriptions and groceries.	2506
(R) "Physical therapy" has the same meaning as in section	2507
4755.40 of the Revised Code.	2508
(S) "Residential facility" has the same meaning as in	2509
section 5123.19 of the Revised Code.	2510
(T) "Skilled home health services" means any of the	2511
following:	2512
(1) Any service identified in divisions (G) (1) to (5) of	2513
this section;	2514
(2) Any other service the director of health designates as	2515
a skilled home health service in rules adopted under section	2516
3740.10 of the Revised Code.	2517
(U) "Social worker" means a person licensed under Chapter	2518

4757. of the Revised Code to practice as a social worker or	2519
independent social worker.	2520
(V) "Speech-language pathology" has the same meaning as in	2521
section 4753.01 of the Revised Code.	2522
(W) "Waiver agency" has the same meaning as in section	2523
5164.342 of the Revised Code.	2524
Sec. 4729.01. As used in this chapter:	2525
(A) "Pharmacy," except when used in a context that refers	2526
to the practice of pharmacy, means any area, room, rooms, place	2527
of business, department, or portion of any of the foregoing	2528
where the practice of pharmacy is conducted.	2529
(B) "Practice of pharmacy" means providing pharmacist care	2530
requiring specialized knowledge, judgment, and skill derived	2531
from the principles of biological, chemical, behavioral, social,	2532
pharmaceutical, and clinical sciences. As used in this division,	2533
"pharmacist care" includes the following:	2534
(1) Interpreting prescriptions;	2535
(2) Dispensing drugs and drug therapy related devices;	2536
(3) Compounding drugs;	2537
(4) Counseling individuals with regard to their drug	2538
therapy, recommending drug therapy related devices, and	2539
assisting in the selection of drugs and appliances for treatment	2540
of common diseases and injuries and providing instruction in the	2541
proper use of the drugs and appliances;	2542
(5) Performing drug regimen reviews with individuals by	2543
discussing all of the drugs that the individual is taking and	2544
explaining the interactions of the drugs;	2545

(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;	2546 2547 2548 2549 2550
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	2551 2552 2553
(8) Acting pursuant to a consult agreement, if an agreement has been established;	2554 2555
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	2556 2557
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	2558 2559
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2560 2561 2562
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2563 2564
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2565 2566
(3) As an incident to research, teaching activities, or chemical analysis;	2567 2568
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	2569 2570 2571
(5) Pursuant to a request made by a licensed health	2572

professional authorized to prescribe drugs for a drug that is to 2573
be used by the professional for the purpose of direct 2574
administration to patients in the course of the professional's 2575
practice, if all of the following apply: 2576

(a) At the time the request is made, the drug is not 2577
commercially available regardless of the reason that the drug is 2578
not available, including the absence of a manufacturer for the 2579
drug or the lack of a readily available supply of the drug from 2580
a manufacturer. 2581

(b) A limited quantity of the drug is compounded and 2582
provided to the professional. 2583

(c) The drug is compounded and provided to the 2584
professional as an occasional exception to the normal practice 2585
of dispensing drugs pursuant to patient-specific prescriptions. 2586

(D) "Consult agreement" means an agreement that has been 2587
entered into under section 4729.39 of the Revised Code. 2588

(E) "Drug" means: 2589

(1) Any article recognized in the United States 2590
pharmacopoeia and national formulary, or any supplement to them, 2591
intended for use in the diagnosis, cure, mitigation, treatment, 2592
or prevention of disease in humans or animals; 2593

(2) Any other article intended for use in the diagnosis, 2594
cure, mitigation, treatment, or prevention of disease in humans 2595
or animals; 2596

(3) Any article, other than food, intended to affect the 2597
structure or any function of the body of humans or animals; 2598

(4) Any article intended for use as a component of any 2599
article specified in division (E) (1), (2), or (3) of this 2600

section; but does not include devices or their components, 2601
parts, or accessories. 2602

"Drug" does not include "hemp" or a "hemp product" as 2603
those terms are defined in section 928.01 of the Revised Code. 2604

(F) "Dangerous drug" means any of the following: 2605

(1) Any drug to which either of the following applies: 2606

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 2607
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 2608
required to bear a label containing the legend "Caution: Federal 2609
law prohibits dispensing without prescription" or "Caution: 2610
Federal law restricts this drug to use by or on the order of a 2611
licensed veterinarian" or any similar restrictive statement, or 2612
the drug may be dispensed only upon a prescription; 2613

(b) Under Chapter 3715. or 3719. of the Revised Code, the 2614
drug may be dispensed only upon a prescription. 2615

(2) Any drug that contains a schedule V controlled 2616
substance and that is exempt from Chapter 3719. of the Revised 2617
Code or to which that chapter does not apply; 2618

(3) Any drug intended for administration by injection into 2619
the human body other than through a natural orifice of the human 2620
body; 2621

(4) Any drug that is a biological product, as defined in 2622
section 3715.01 of the Revised Code. 2623

(G) "Federal drug abuse control laws" has the same meaning 2624
as in section 3719.01 of the Revised Code. 2625

(H) "Prescription" means all of the following: 2626

(1) A written, electronic, or oral order for drugs or 2627

combinations or mixtures of drugs to be used by a particular 2628
individual or for treating a particular animal, issued by a 2629
licensed health professional authorized to prescribe drugs; 2630

~~(2) For purposes of sections 2925.61, 4723.484, 4730.434, 2631
and 4731.94 of the Revised Code, a written, electronic, or oral 2632
order for an overdose reversal drug issued to and in the name of 2633
a family member, friend, or other individual in a position to 2634
assist an individual who there is reason to believe is at risk 2635
of experiencing an opioid related overdose. 2636~~

~~(3) For purposes of section 4729.44 of the Revised Code, a 2637
written, electronic, or oral order for an overdose reversal drug 2638
issued to and in the name of either of the following: 2639~~

~~(a) An individual who there is reason to believe is at 2640
risk of experiencing an opioid related overdose; 2641~~

~~(b) A family member, friend, or other individual in a 2642
position to assist an individual who there is reason to believe 2643
is at risk of experiencing an opioid related overdose. 2644~~

~~(4) For purposes of sections 4723.4810, 4729.282, 2645
4730.432, and 4731.93 of the Revised Code, a written, 2646
electronic, or oral order for a drug to treat chlamydia, 2647
gonorrhoea, or trichomoniasis issued to and in the name of a 2648
patient who is not the intended user of the drug but is the 2649
sexual partner of the intended user; 2650~~

~~(5) (3) For purposes of sections 3313.7110, 3313.7111, 2651
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2652
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2653
or oral order for an epinephrine autoinjector issued to and in 2654
the name of a school, school district, or camp; 2655~~

~~(6) (4) For purposes of Chapter 3728. and sections 2656~~

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)~~(5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 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;

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

(3) A certified registered nurse anesthetist who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under sections 4723.43 and 4723.434 of the Revised Code;

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

(5) A physician authorized under Chapter 4731. of the

Revised Code to practice medicine and surgery, osteopathic	2686
medicine and surgery, or podiatric medicine and surgery;	2687
(6) A physician assistant who holds a license to practice	2688
as a physician assistant issued under Chapter 4730. of the	2689
Revised Code, holds a valid prescriber number issued by the	2690
state medical board, and has been granted physician-delegated	2691
prescriptive authority;	2692
(7) A veterinarian licensed under Chapter 4741. of the	2693
Revised Code.	2694
(J) "Sale" or "sell" includes any transaction made by any	2695
person, whether as principal proprietor, agent, or employee, to	2696
do or offer to do any of the following: deliver, distribute,	2697
broker, exchange, gift or otherwise give away, or transfer,	2698
whether the transfer is by passage of title, physical movement,	2699
or both.	2700
(K) "Wholesale sale" and "sale at wholesale" mean any sale	2701
in which the purpose of the purchaser is to resell the article	2702
purchased or received by the purchaser.	2703
(L) "Retail sale" and "sale at retail" mean any sale other	2704
than a wholesale sale or sale at wholesale.	2705
(M) "Retail seller" means any person that sells any	2706
dangerous drug to consumers without assuming control over and	2707
responsibility for its administration. Mere advice or	2708
instructions regarding administration do not constitute control	2709
or establish responsibility.	2710
(N) "Price information" means the price charged for a	2711
prescription for a particular drug product and, in an easily	2712
understandable manner, all of the following:	2713

(1) The proprietary name of the drug product;	2714
(2) The established (generic) name of the drug product;	2715
(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.	2716 2717 2718 2719 2720 2721 2722 2723
(4) The dosage form;	2724
(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.	2725 2726 2727 2728 2729 2730 2731 2732
(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	2733 2734 2735 2736 2737
(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.	2738 2739 2740 2741
(Q) "Terminal distributor of dangerous drugs" or "terminal	2742

distributor" means a person who is engaged in the sale of 2743
dangerous drugs at retail, or any person, other than a 2744
manufacturer, repackager, outsourcing facility, third-party 2745
logistics provider, wholesale distributor, or pharmacist, who 2746
has possession, custody, or control of dangerous drugs for any 2747
purpose other than for that person's own use and consumption. 2748
"Terminal distributor" includes pharmacies, hospitals, nursing 2749
homes, and laboratories and all other persons who procure 2750
dangerous drugs for sale or other distribution by or under the 2751
supervision of a pharmacist, licensed health professional 2752
authorized to prescribe drugs, or other person authorized by the 2753
state board of pharmacy. 2754

(R) "Promote to the public" means disseminating a 2755
representation to the public in any manner or by any means, 2756
other than by labeling, for the purpose of inducing, or that is 2757
likely to induce, directly or indirectly, the purchase of a 2758
dangerous drug at retail. 2759

(S) "Person" includes any individual, partnership, 2760
association, limited liability company, or corporation, the 2761
state, any political subdivision of the state, and any district, 2762
department, or agency of the state or its political 2763
subdivisions. 2764

(T) (1) "Animal shelter" means a facility operated by a 2765
humane society or any society organized under Chapter 1717. of 2766
the Revised Code or a dog pound operated pursuant to Chapter 2767
955. of the Revised Code. 2768

(2) "County dog warden" means a dog warden or deputy dog 2769
warden appointed or employed under section 955.12 of the Revised 2770
Code. 2771

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 2772
2773

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 2774
2775

(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. 2776
2777
2778
2779
2780
"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 2781
2782
2783

(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 2784
2785
2786
2787
2788

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 2789
2790
2791
2792
2793
2794
2795

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution. 2796
2797
2798

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is 2799
2800

registered as an outsourcing facility with the United States 2801
food and drug administration. 2802

(BB) "Laboratory" means a laboratory licensed under this 2803
chapter as a terminal distributor of dangerous drugs and 2804
entrusted to have custody of any of the following drugs and to 2805
use the drugs for scientific and clinical purposes and for 2806
purposes of instruction: dangerous drugs that are not controlled 2807
substances, as defined in section 3719.01 of the Revised Code; 2808
dangerous drugs that are controlled substances, as defined in 2809
that section; and controlled substances in schedule I, as 2810
defined in that section. 2811

(CC) "Overdose reversal drug" means both of the following: 2812

(1) Naloxone; 2813

(2) Any other drug that the state board of pharmacy, 2814
through rules adopted in accordance with Chapter 119. of the 2815
Revised Code, designates as a drug that is approved by the 2816
federal food and drug administration for the reversal of a known 2817
or suspected opioid-related overdose. 2818

Sec. 4729.16. (A) (1) The state board of pharmacy, after 2819
notice and hearing in accordance with Chapter 119. of the 2820
Revised Code, may impose any one or more of the following 2821
sanctions on a pharmacist or pharmacy intern if the board finds 2822
the individual engaged in any of the conduct set forth in 2823
division (A) (2) of this section: 2824

(a) Revoke, suspend, restrict, limit, or refuse to grant 2825
or renew a license; 2826

(b) Reprimand or place the license holder on probation; 2827

(c) Impose a monetary penalty or forfeiture not to exceed 2828

in severity any fine designated under the Revised Code for a 2829
similar offense, or in the case of a violation of a section of 2830
the Revised Code that does not bear a penalty, a monetary 2831
penalty or forfeiture of not more than five hundred dollars. 2832

(2) Except as provided in division (I) of this section, 2833
the board may impose the sanctions listed in division (A)(1) of 2834
this section if the board finds a pharmacist or pharmacy intern: 2835

(a) Has been convicted of a felony, or a crime of moral 2836
turpitude, as defined in section 4776.10 of the Revised Code; 2837

(b) Engaged in dishonesty or unprofessional conduct in the 2838
practice of pharmacy; 2839

(c) Is addicted to or abusing alcohol or drugs or is 2840
impaired physically or mentally to such a degree as to render 2841
the pharmacist or pharmacy intern unfit to practice pharmacy; 2842

(d) Has been convicted of a misdemeanor related to, or 2843
committed in, the practice of pharmacy; 2844

(e) Violated, conspired to violate, attempted to violate, 2845
or aided and abetted the violation of any of the provisions of 2846
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 2847
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 2848
by the board under those provisions; 2849

(f) Permitted someone other than a pharmacist or pharmacy 2850
intern to practice pharmacy; 2851

(g) Knowingly lent the pharmacist's or pharmacy intern's 2852
name to an illegal practitioner of pharmacy or had a 2853
professional connection with an illegal practitioner of 2854
pharmacy; 2855

(h) Divided or agreed to divide remuneration made in the 2856

practice of pharmacy with any other individual, including, but 2857
not limited to, any licensed health professional authorized to 2858
prescribe drugs or any owner, manager, or employee of a health 2859
care facility, residential care facility, or nursing home; 2860

(i) Violated the terms of a consult agreement entered into 2861
pursuant to section 4729.39 of the Revised Code; 2862

(j) Committed fraud, misrepresentation, or deception in 2863
applying for or securing a license issued by the board under 2864
this chapter or under Chapter 3715. or 3719. of the Revised 2865
Code; 2866

(k) Failed to comply with an order of the board or a 2867
settlement agreement; 2868

(l) Engaged in any other conduct for which the board may 2869
impose discipline as set forth in rules adopted under section 2870
4729.26 of the Revised Code. 2871

(B) Any individual whose license is revoked, suspended, or 2872
refused, shall return the license to the offices of the state 2873
board of pharmacy within ten days after receipt of notice of 2874
such action. 2875

(C) As used in this section: 2876

"Unprofessional conduct in the practice of pharmacy" 2877
includes any of the following: 2878

(1) Advertising or displaying signs that promote dangerous 2879
drugs to the public in a manner that is false or misleading; 2880

(2) Except as provided in section 3715.50, 3715.502, 2881
4729.281, ~~4729.44,~~ or 4729.47 of the Revised Code, the 2882
dispensing or sale of any drug for which a prescription is 2883
required, without having received a prescription for the drug; 2884

(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	2885 2886
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	2887 2888 2889 2890
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	2891 2892
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	2893 2894 2895 2896
(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.	2897 2898 2899
(D) The board may suspend a license under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	2900 2901 2902
(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.	2903 2904 2905 2906 2907 2908 2909 2910 2911 2912
If the board has reasonable cause to believe that an	2913

individual who is a pharmacist or pharmacy intern is physically 2914
or mentally impaired, the board may require the individual to 2915
submit to a physical or mental examination, or both. The expense 2916
of the examination is the responsibility of the individual 2917
required to be examined. 2918

Failure of an individual who is a pharmacist or pharmacy 2919
intern to submit to a physical or mental examination ordered by 2920
the board, unless the failure is due to circumstances beyond the 2921
individual's control, constitutes an admission of the 2922
allegations and a suspension order shall be entered without the 2923
taking of testimony or presentation of evidence. Any subsequent 2924
adjudication hearing under Chapter 119. of the Revised Code 2925
concerning failure to submit to an examination is limited to 2926
consideration of whether the failure was beyond the individual's 2927
control. 2928

If, based on the results of an examination ordered under 2929
this division, the board determines that the individual's 2930
ability to practice is impaired, the board shall suspend the 2931
individual's license or deny the individual's application and 2932
shall require the individual, as a condition for an initial, 2933
continued, reinstated, or renewed license to practice, to submit 2934
to a physical or mental examination and treatment. 2935

An order of suspension issued under this division shall 2936
not be subject to suspension by a court during pendency of any 2937
appeal filed under section 119.12 of the Revised Code. 2938

(F) If the board is required under Chapter 119. of the 2939
Revised Code to give notice of an opportunity for a hearing and 2940
the applicant or licensee does not make a timely request for a 2941
hearing in accordance with section 119.07 of the Revised Code, 2942
the board is not required to hold a hearing, but may adopt a 2943

final order that contains the board's findings. In the final 2944
order, the board may impose any of the sanctions listed in 2945
division (A) of this section. 2946

(G) Notwithstanding the provision of division (C) (2) of 2947
section 2953.32 of the Revised Code specifying that if records 2948
pertaining to a criminal case are sealed under that section the 2949
proceedings in the case must be deemed not to have occurred, 2950
sealing of the following records on which the board has based an 2951
action under this section shall have no effect on the board's 2952
action or any sanction imposed by the board under this section: 2953
records of any conviction, guilty plea, judicial finding of 2954
guilt resulting from a plea of no contest, or a judicial finding 2955
of eligibility for a pretrial diversion program or intervention 2956
in lieu of conviction. The board shall not be required to seal, 2957
destroy, redact, or otherwise modify its records to reflect the 2958
court's sealing of conviction records. 2959

(H) No pharmacist or pharmacy intern shall knowingly 2960
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 2961
(e) to (l) of this section. 2962

(I) The board shall not refuse to issue a license to an 2963
applicant for a conviction of an offense unless the refusal is 2964
in accordance with section 9.79 of the Revised Code. 2965

Sec. 4729.28. (A) As used in this section, "dispense" has 2966
the meaning specified by the state board of pharmacy in rules 2967
adopted under section 4729.26 of the Revised Code. 2968

(B) (1) Except as provided in division (B) (2) of this 2969
section, no person who is not a pharmacist or a pharmacy intern 2970
under the personal supervision of a pharmacist shall compound or 2971
sell dangerous drugs or otherwise engage in the practice of 2972

pharmacy. 2973

(2) Except as provided in ~~sections~~ section 3701.048 of the 2974
Revised Code with respect to other health care professionals, 2975
~~4729.44,~~ in sections 3715.512 and 4729.47 of the Revised Code 2976
with respect to pharmacy interns, or in rules adopted by the 2977
board under section 4729.26 of the Revised Code, no person who 2978
is not a pharmacist shall dispense dangerous drugs. 2979

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 2980
section 4729.28 of the Revised Code do not do any of the 2981
following: 2982

(A) Apply to a licensed health professional authorized to 2983
prescribe drugs who is acting within the prescriber's scope of 2984
professional practice; 2985

(B) Prevent a prescriber from personally furnishing the 2986
prescriber's patients with drugs, within the prescriber's scope 2987
of professional practice, that seem proper to the prescriber, as 2988
long as the drugs are furnished in accordance with section 2989
4729.291 of the Revised Code; 2990

(C) Apply to an individual who personally furnishes a 2991
supply of overdose reversal drugs under the authority conferred 2992
~~under by~~ section ~~4723.485, 4730.435, or 4731.941~~ 3715.50 of the 2993
Revised Code or prevent ~~that an~~ individual from personally 2994
furnishing ~~the a~~ supply of overdose reversal drugs in accordance 2995
with a protocol established under section ~~4723.485, 4730.435, or~~ 2996
~~4731.941~~ 3715.503 of the Revised Code; 2997

(D) Apply to the sale of oxygen, the sale of peritoneal 2998
dialysis solutions, or the sale of drugs that are not dangerous 2999
drugs by a retail dealer, in original packages when labeled as 3000
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 3001

1040 (1938), 21 U.S.C.A. 301, as amended. 3002

Sec. 4729.391. (A) A pharmacist may modify a drug's 3003
prescription to also include a drug delivery device, if the 3004
pharmacist determines that the device is necessary for the 3005
drug's administration. 3006

(B) The state board of pharmacy may adopt rules to 3007
implement this section. The rules shall be adopted in accordance 3008
with Chapter 119. of the Revised Code. 3009

(C) For purposes of reimbursement under the terms of a 3010
health benefit plan by a health care insurer, government health 3011
care program, pharmacy benefit manager, or other entity that 3012
offers health benefit plans, a prescription modified as 3013
described in this section, and in accordance with any rules 3014
adopted under it, shall be deemed a valid prescription for the 3015
drug delivery device. 3016

Sec. 4729.51. (A) No person other than a licensed 3017
manufacturer of dangerous drugs, outsourcing facility, third- 3018
party logistics provider, repackager of dangerous drugs, or 3019
wholesale distributor of dangerous drugs shall possess for sale, 3020
sell, distribute, or deliver, at wholesale, dangerous drugs or 3021
investigational drugs or products, except as follows: 3022

(1) A licensed terminal distributor of dangerous drugs 3023
that is a pharmacy may make occasional sales of dangerous drugs 3024
or investigational drugs or products at wholesale. 3025

(2) A licensed terminal distributor of dangerous drugs 3026
having more than one licensed location may transfer or deliver 3027
dangerous drugs from one licensed location to another licensed 3028
location owned by the terminal distributor if the license issued 3029
for each location is in effect at the time of the transfer or 3030

delivery.	3031
(3) A licensed terminal distributor of dangerous drugs	3032
that is not a pharmacy may make occasional sales of the	3033
following at wholesale:	3034
(a) Overdose reversal drugs;	3035
(b) Dangerous drugs if the drugs being sold are in	3036
shortage, as defined in rules adopted under section 4729.26 of	3037
the Revised Code;	3038
(c) Dangerous drugs other than those described in	3039
divisions (A) (3) (a) and (b) of this section or investigational	3040
drugs or products if authorized by rules adopted under section	3041
4729.26 of the Revised Code.	3042
(B) No licensed manufacturer, outsourcing facility, third-	3043
party logistics provider, repackager, or wholesale distributor	3044
shall possess for sale, sell, or distribute, at wholesale,	3045
dangerous drugs or investigational drugs or products to any	3046
person other than the following:	3047
(1) Subject to division (D) of this section, a licensed	3048
terminal distributor of dangerous drugs;	3049
(2) Subject to division (C) of this section, any person	3050
exempt from licensure as a terminal distributor of dangerous	3051
drugs under section 4729.541 of the Revised Code;	3052
(3) A licensed manufacturer, outsourcing facility, third-	3053
party logistics provider, repackager, or wholesale distributor;	3054
(4) A terminal distributor, manufacturer, outsourcing	3055
facility, third-party logistics provider, repackager, or	3056
wholesale distributor that is located in another state, is not	3057
engaged in the sale of dangerous drugs within this state, and is	3058

actively licensed to engage in the sale of dangerous drugs by 3059
the state in which the distributor conducts business. 3060

(C) No licensed manufacturer, outsourcing facility, third- 3061
party logistics provider, repackager, or wholesale distributor 3062
shall possess for sale, sell, or distribute, at wholesale, 3063
dangerous drugs or investigational drugs or products to either 3064
of the following: 3065

(1) A prescriber who is employed by either of the 3066
following: 3067

(a) A pain management clinic that is not licensed as a 3068
terminal distributor of dangerous drugs with a pain management 3069
clinic classification issued under section 4729.552 of the 3070
Revised Code; 3071

(b) A facility, clinic, or other location that provides 3072
office-based opioid treatment but is not licensed as a terminal 3073
distributor of dangerous drugs with an office-based opioid 3074
treatment classification issued under section 4729.553 of the 3075
Revised Code if such a license is required by that section. 3076

(2) A business entity described in division (A) (2) or (3) 3077
of section 4729.541 of the Revised Code that is, or is 3078
operating, either of the following: 3079

(a) A pain management clinic without a license as a 3080
terminal distributor of dangerous drugs with a pain management 3081
clinic classification issued under section 4729.552 of the 3082
Revised Code; 3083

(b) A facility, clinic, or other location that provides 3084
office-based opioid treatment without a license as a terminal 3085
distributor of dangerous drugs with an office-based opioid 3086
treatment classification issued under section 4729.553 of the 3087

Revised Code if such a license is required by that section. 3088

(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: 3089

(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; 3090

(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; 3091

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license. 3092

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following: 3093

(a) Sell or distribute, at retail, dangerous drugs; 3094

(b) Possess for sale, at retail, dangerous drugs; 3095

(c) Possess dangerous drugs. 3096

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following: 3097

(i) A licensed terminal distributor of dangerous drugs; 3098

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3099

3100

3101

3102

3103

3104

3105

3106

3107

3108

3109

3110

3111

3112

3113

3114

3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3115
the Revised Code; 3116

(iii) Any of the persons identified in divisions (A) (1) to 3117
(5) and ~~(13)~~ (15) of section 4729.541 of the Revised Code, but 3118
only to the extent specified in that section. 3119

(b) Division (E) (1) (c) of this section does not apply to 3120
any of the following: 3121

(i) A licensed manufacturer, outsourcing facility, third- 3122
party logistics provider, repackager, or wholesale distributor; 3123

(ii) Any of the persons identified in divisions (A) (6) to 3124
~~(12)~~ (14) of section 4729.541 of the Revised Code, but only to 3125
the extent specified in that section. 3126

(F) No licensed terminal distributor of dangerous drugs or 3127
person that is exempt from licensure under section 4729.541 of 3128
the Revised Code shall purchase dangerous drugs or 3129
investigational drugs or products from any person other than a 3130
licensed manufacturer, outsourcing facility, third-party 3131
logistics provider, repackager, or wholesale distributor, except 3132
as follows: 3133

(1) A licensed terminal distributor of dangerous drugs or 3134
person that is exempt from licensure under section 4729.541 of 3135
the Revised Code may make occasional purchases of dangerous 3136
drugs or investigational drugs or products that are sold in 3137
accordance with division (A) (1) or (3) of this section. 3138

(2) A licensed terminal distributor of dangerous drugs 3139
having more than one licensed location may transfer or deliver 3140
dangerous drugs or investigational drugs or products from one 3141
licensed location to another licensed location if the license 3142
issued for each location is in effect at the time of the 3143

transfer or delivery. 3144

(G) No licensed terminal distributor of dangerous drugs 3145
shall engage in the retail sale or other distribution of 3146
dangerous drugs or investigational drugs or products or maintain 3147
possession, custody, or control of dangerous drugs or 3148
investigational drugs or products for any purpose other than the 3149
distributor's personal use or consumption, at any establishment 3150
or place other than that or those described in the license 3151
issued by the state board of pharmacy to such terminal 3152
distributor. 3153

(H) Nothing in this section shall be construed to 3154
interfere with the performance of official duties by any law 3155
enforcement official authorized by municipal, county, state, or 3156
federal law to collect samples of any drug, regardless of its 3157
nature or in whose possession it may be. 3158

(I) Notwithstanding anything to the contrary in this 3159
section, the board of education of a city, local, exempted 3160
village, or joint vocational school district may distribute 3161
epinephrine autoinjectors for use in accordance with section 3162
3313.7110 of the Revised Code, may distribute inhalers for use 3163
in accordance with section 3313.7113 of the Revised Code, and 3164
may distribute injectable or nasally administered glucagon for 3165
use in accordance with section 3313.7115 of the Revised Code. 3166

Sec. 4729.54. (A) As used in this section: 3167

(1) "Category II" means any dangerous drug that is not 3168
included in category III. 3169

(2) "Category III" means any controlled substance that is 3170
contained in schedule I, II, III, IV, or V. 3171

(3) "Emergency medical service organization" has the same 3172

meaning as in section 4765.01 of the Revised Code. 3173

(4) "Emergency medical service organization satellite" 3174
means a location where dangerous drugs are stored that is 3175
separate from, but associated with, the headquarters of an 3176
emergency medical service organization. "Emergency medical 3177
service organization satellite" does not include the units under 3178
the control of the emergency medical service organization. 3179

(5) "Person" includes an emergency medical service 3180
organization or an emergency medical service organization 3181
satellite. 3182

(6) "Schedule I," "schedule II," "schedule III," "schedule 3183
IV," and "schedule V" have the same meanings as in section 3184
3719.01 of the Revised Code. 3185

(B) (1) A person seeking to be licensed as a terminal 3186
distributor of dangerous drugs shall file with the executive 3187
director of the state board of pharmacy a verified application. 3188
After it is filed, the application may not be withdrawn without 3189
approval of the board. 3190

(2) An application shall contain all the following that 3191
apply in the applicant's case: 3192

(a) Information that the board requires relative to the 3193
qualifications of a terminal distributor of dangerous drugs set 3194
forth in section 4729.55 of the Revised Code; 3195

(b) A statement as to whether the person is seeking to be 3196
licensed as a category II, category III, limited category II, or 3197
limited category III terminal distributor of dangerous drugs; 3198

(c) If the person is seeking to be licensed as a limited 3199
category II or limited category III terminal distributor of 3200

dangerous drugs, a list of the dangerous drugs that the person 3201
is seeking to possess, have custody or control of, and 3202
distribute, which list shall also specify the purpose for which 3203
those drugs will be used and their source; 3204

(d) If the person is an emergency medical service 3205
organization, the information that is specified in divisions (C) 3206
(1) and (2) of this section, and if the person is an emergency 3207
medical service organization satellite, the information required 3208
under division (D) of this section; 3209

(e) Except with respect to the units under the control of 3210
an emergency medical service organization, the identity of the 3211
one establishment or place at which the person intends to engage 3212
in the sale or other distribution of dangerous drugs at retail, 3213
and maintain possession, custody, or control of dangerous drugs 3214
for purposes other than the person's own use or consumption; 3215

(f) If the application pertains to a pain management 3216
clinic, information that demonstrates, to the satisfaction of 3217
the board, compliance with division (A) of section 4729.552 of 3218
the Revised Code; 3219

(g) If the application pertains to a facility, clinic, or 3220
other location described in division (B) of section 4729.553 of 3221
the Revised Code that must hold a category III terminal 3222
distributor of dangerous drugs license with an office-based 3223
opioid treatment classification, information that demonstrates, 3224
to the satisfaction of the board, compliance with division (C) 3225
of that section. 3226

(C) (1) Each emergency medical service organization that 3227
applies for a terminal distributor of dangerous drugs license 3228
shall submit with its application all of the following: 3229

(a) A copy of its standing orders or protocol, which 3230
orders or protocol shall be signed by a physician; 3231

(b) A list of the dangerous drugs that the units under its 3232
control may carry, expressed in standard dose units, which shall 3233
be signed by a physician; 3234

(c) A list of the personnel employed or used by the 3235
organization to provide emergency medical services in accordance 3236
with Chapter 4765. of the Revised Code. 3237

In accordance with Chapter 119. of the Revised Code, the 3238
board shall adopt rules specifying when an emergency medical 3239
service organization that is licensed as a terminal distributor 3240
must notify the board of any changes in its documentation 3241
submitted pursuant to division (C)(1) of this section. 3242

(2) An emergency medical service organization seeking to 3243
be licensed as a terminal distributor of dangerous drugs shall 3244
list in its application for licensure the following additional 3245
information: 3246

(a) The units under its control that the organization 3247
determines will possess dangerous drugs for the purpose of 3248
administering emergency medical services in accordance with 3249
Chapter 4765. of the Revised Code; 3250

(b) With respect to each such unit, whether the dangerous 3251
drugs that the organization determines the unit will possess are 3252
in category II or III. 3253

(3) An emergency medical service organization that is 3254
licensed as a terminal distributor of dangerous drugs shall file 3255
a new application for such licensure if there is any change in 3256
the number or location of any of its units or if there is any 3257
change in the category of the dangerous drugs that any unit will 3258

possess. 3259

(4) A unit listed in an application for licensure pursuant 3260
to division (C) (2) of this section may obtain the dangerous 3261
drugs it is authorized to possess from its emergency medical 3262
service organization or, on a replacement basis, from a hospital 3263
pharmacy. If units will obtain dangerous drugs from a hospital 3264
pharmacy, the organization shall file, and maintain in current 3265
form, the following items with the pharmacist who is responsible 3266
for the hospital's terminal distributor of dangerous drugs 3267
license: 3268

(a) A copy of its standing orders or protocol; 3269

(b) A list of the personnel employed or used by the 3270
organization to provide emergency medical services in accordance 3271
with Chapter 4765. of the Revised Code, who are authorized to 3272
possess the drugs, which list also shall indicate the personnel 3273
who are authorized to administer the drugs. 3274

(D) Each emergency medical service organization satellite 3275
that applies for a terminal distributor of dangerous drugs 3276
license shall submit with its application all of the information 3277
that the board requires to be submitted with the application, as 3278
specified in rules the board shall adopt in accordance with 3279
Chapter 119. of the Revised Code. 3280

(E) There shall be four categories of terminal distributor 3281
of dangerous drugs licenses. The categories are as follows: 3282

(1) Category II license. A person who obtains this license 3283
may possess, have custody or control of, and distribute only the 3284
dangerous drugs described in category II. 3285

(2) Limited category II license. A person who obtains this 3286
license may possess, have custody or control of, and distribute 3287

only the dangerous drugs described in category II that were 3288
listed in the application for licensure. 3289

(3) Category III license, which may include a pain 3290
management clinic classification issued under section 4729.552 3291
of the Revised Code. A person who obtains this license may 3292
possess, have custody or control of, and distribute the 3293
dangerous drugs described in category II and category III. If 3294
the license includes a pain management clinic classification, 3295
the person may operate a pain management clinic. 3296

(4) Limited category III license. A person who obtains 3297
this license may possess, have custody or control of, and 3298
distribute only the dangerous drugs described in category II or 3299
category III that were listed in the application for licensure. 3300

(F) Except for an application made by a county dog warden 3301
or on behalf of an animal shelter, if an applicant for a limited 3302
category II license or limited category III license intends to 3303
administer dangerous drugs to a person or animal, the applicant 3304
shall submit, with the application, a copy of its protocol or 3305
standing orders. The protocol or orders shall be signed by a 3306
licensed health professional authorized to prescribe drugs, 3307
specify the dangerous drugs to be administered, and list 3308
personnel who are authorized to administer the dangerous drugs 3309
in accordance with federal law or the law of this state. 3310

An application made by a county dog warden or on behalf of 3311
an animal shelter shall include a list of the dangerous drugs to 3312
be administered to animals and the personnel who are authorized 3313
to administer the drugs to animals in accordance with section 3314
4729.532 of the Revised Code. 3315

In accordance with Chapter 119. of the Revised Code, the 3316

board shall adopt rules specifying when a licensee must notify 3317
the board of any changes in its documentation submitted pursuant 3318
to this division. 3319

(G) (1) ~~Each~~ Except as provided in division (G) (3) of this 3320
section, each applicant for licensure as a terminal distributor 3321
of dangerous drugs shall submit, with the application, a license 3322
fee. The amount assessed shall not be returned to the applicant 3323
if the applicant fails to qualify for the license. 3324

(2) The following fees apply under division (G) (1) of this 3325
section: 3326

(a) Except as provided in division (G) (2) (b) of this 3327
section: 3328

(i) Three hundred twenty dollars for a category II or 3329
limited category II license; 3330

(ii) Four hundred forty dollars for a category III 3331
license, including a license with a pain management clinic 3332
classification issued under section 4729.552 of the Revised 3333
Code, or a limited category III license. 3334

(b) One hundred twenty dollars for all of the following: 3335

(i) A person who is required to hold a license as a 3336
terminal distributor of dangerous drugs pursuant to division (D) 3337
of section 4729.541 of the Revised Code; 3338

(ii) A professional association, corporation, partnership, 3339
or limited liability company organized for the purpose of 3340
practicing veterinary medicine that is not included in division 3341
(G) (2) (b) (i) of this section; 3342

(iii) An emergency medical service organization satellite. 3343

(3) No fee applies for a license issued to a charitable 3344
pharmacy, as defined in section 3719.811 of the Revised Code, if 3345
the charitable pharmacy is participating in the drug repository 3346
program established under section 3715.87 of the Revised Code. 3347

(H) (1) The board shall issue a terminal distributor of 3348
dangerous drugs license to each person who submits an 3349
application for such licensure in accordance with this section, 3350
pays the required license fee, is determined by the board to 3351
meet the requirements set forth in section 4729.55 of the 3352
Revised Code, and satisfies any other applicable requirements of 3353
this section. 3354

(2) Except for the license of a county dog warden, the 3355
license shall describe the one establishment or place at which 3356
the licensee may engage in the sale or other distribution of 3357
dangerous drugs at retail and maintain possession, custody, or 3358
control of dangerous drugs for purposes other than the 3359
licensee's own use or consumption. The one establishment or 3360
place shall be that which is identified in the application for 3361
licensure. 3362

No such license shall authorize or permit the terminal 3363
distributor of dangerous drugs named in it to engage in the sale 3364
or other distribution of dangerous drugs at retail or to 3365
maintain possession, custody, or control of dangerous drugs for 3366
any purpose other than the distributor's own use or consumption, 3367
at any establishment or place other than that described in the 3368
license, except that an agent or employee of an animal shelter 3369
or county dog warden may possess and use dangerous drugs in the 3370
course of business as provided in section 4729.532 of the 3371
Revised Code. 3372

(3) The license of an emergency medical service 3373

organization shall cover the organization's headquarters and, in 3374
addition, shall cover and describe all the units of the 3375
organization listed in its application for licensure. 3376

(I) (1) All licenses issued or renewed pursuant to this 3377
section shall be effective for a period specified by the board 3378
in rules adopted under section 4729.26 of the Revised Code. The 3379
effective period for an initial or renewed license shall not 3380
exceed twenty-four months unless the board extends the period in 3381
rules to adjust license renewal schedules. A license shall be 3382
renewed by the board according to the provisions of this 3383
section, the standard renewal procedure of Chapter 4745. of the 3384
Revised Code, and rules adopted by the board under section 3385
4729.26 of the Revised Code. A person seeking to renew a license 3386
shall submit an application for renewal and pay the required fee 3387
on or before the date specified in the rules adopted by the 3388
board. The fee required for the renewal of a license shall be 3389
the same as the license fee ~~paid that applies~~ under division ~~(G)~~
(G) (2) of this section. 3391

(2) (a) Subject to division (I) (2) (b) of this section, a 3392
license that has not been renewed by the date specified in rules 3393
adopted by the board may be reinstated only upon payment of the 3394
required renewal fee and a penalty fee of one hundred ten 3395
dollars. 3396

(b) If an application for renewal has not been submitted 3397
by the sixty-first day after the renewal date specified in rules 3398
adopted by the board, the license is considered void and cannot 3399
be renewed, but the license holder may reapply for licensure. 3400

(3) A terminal distributor of dangerous drugs that fails 3401
to renew licensure in accordance with this section and rules 3402
adopted by the board is prohibited from engaging in the retail 3403

sale, possession, or distribution of dangerous drugs until a 3404
valid license is issued by the board. 3405

(J) (1) No emergency medical service organization that is 3406
licensed as a terminal distributor of dangerous drugs shall fail 3407
to comply with division (C) (1), (3), or (4) of this section. 3408

(2) No licensed terminal distributor of dangerous drugs 3409
shall possess, have custody or control of, or distribute 3410
dangerous drugs that the terminal distributor is not entitled to 3411
possess, have custody or control of, or distribute by virtue of 3412
its category of licensure. 3413

(3) No licensee that is required by division (F) of this 3414
section to notify the board of changes in its protocol or 3415
standing orders, or in personnel, shall fail to comply with that 3416
division. 3417

(K) The board may enter into agreements with other states, 3418
federal agencies, and other entities to exchange information 3419
concerning licensing and inspection of terminal distributors of 3420
dangerous drugs located within or outside this state and to 3421
investigate alleged violations of the laws and rules governing 3422
distribution of drugs by terminal distributors. Any information 3423
received pursuant to such an agreement is subject to the same 3424
confidentiality requirements applicable to the agency or entity 3425
from which it was received and shall not be released without 3426
prior authorization from that agency or entity. 3427

Sec. 4729.541. (A) Except as provided in divisions (B) to 3428
(D) of this section, all of the following are exempt from 3429
licensure as a terminal distributor of dangerous drugs: 3430

(1) A licensed health professional authorized to prescribe 3431
drugs; 3432

(2) A business entity that is a corporation formed under 3433
division (B) of section 1701.03 of the Revised Code, a limited 3434
liability company formed under former Chapter 1705. of the 3435
Revised Code as that chapter existed prior to February 11, 2022, 3436
or Chapter 1706. of the Revised Code, or a professional 3437
association formed under Chapter 1785. of the Revised Code if 3438
the entity has a sole shareholder who is a prescriber and is 3439
authorized to provide the professional services being offered by 3440
the entity; 3441

(3) A business entity that is a corporation formed under 3442
division (B) of section 1701.03 of the Revised Code, a limited 3443
liability company formed under former Chapter 1705. of the 3444
Revised Code as that chapter existed prior to February 11, 2022, 3445
or Chapter 1706. of the Revised Code, a partnership or a limited 3446
liability partnership formed under Chapter 1775. of the Revised 3447
Code, or a professional association formed under Chapter 1785. 3448
of the Revised Code, if, to be a shareholder, member, or 3449
partner, an individual is required to be licensed, certified, or 3450
otherwise legally authorized under Title XLVII of the Revised 3451
Code to perform the professional service provided by the entity 3452
and each such individual is a prescriber; 3453

(4) An individual who holds a current license, 3454
certificate, or registration issued under Title XLVII of the 3455
Revised Code and has been certified to conduct diabetes 3456
education by a national certifying body specified in rules 3457
adopted by the state board of pharmacy under section 4729.68 of 3458
the Revised Code, but only with respect to insulin that will be 3459
used for the purpose of diabetes education and only if diabetes 3460
education is within the individual's scope of practice under 3461
statutes and rules regulating the individual's profession; 3462

(5) An individual who holds a valid certificate issued by 3463
a nationally recognized S.C.U.B.A. diving certifying 3464
organization approved by the state board of pharmacy under rules 3465
adopted by the board, but only with respect to medical oxygen 3466
that will be used for the purpose of emergency care or treatment 3467
at the scene of a diving emergency; 3468

(6) With respect to epinephrine autoinjectors that may be 3469
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 3470
or 3328.29 of the Revised Code, any of the following: the board 3471
of education of a city, local, exempted village, or joint 3472
vocational school district; a chartered or nonchartered 3473
nonpublic school; a community school established under Chapter 3474
3314. of the Revised Code; a STEM school established under 3475
Chapter 3326. of the Revised Code; or a college-preparatory 3476
boarding school established under Chapter 3328. of the Revised 3477
Code; 3478

(7) With respect to epinephrine autoinjectors that may be 3479
possessed under section 5101.76 of the Revised Code, any of the 3480
following: a residential camp, as defined in section 2151.011 of 3481
the Revised Code; a child day camp, as defined in section 3482
5104.01 of the Revised Code; or a child day camp operated by any 3483
county, township, municipal corporation, township park district 3484
created under section 511.18 of the Revised Code, park district 3485
created under section 1545.04 of the Revised Code, or joint 3486
recreation district established under section 755.14 of the 3487
Revised Code; 3488

(8) With respect to epinephrine autoinjectors that may be 3489
possessed under Chapter 3728. of the Revised Code, a qualified 3490
entity, as defined in section 3728.01 of the Revised Code; 3491

(9) With respect to inhalers that may be possessed under 3492

section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 3493
the Revised Code, any of the following: the board of education 3494
of a city, local, exempted village, or joint vocational school 3495
district; a chartered or nonchartered nonpublic school; a 3496
community school established under Chapter 3314. of the Revised 3497
Code; a STEM school established under Chapter 3326. of the 3498
Revised Code; or a college-preparatory boarding school 3499
established under Chapter 3328. of the Revised Code; 3500

(10) With respect to inhalers that may be possessed under 3501
section 5101.77 of the Revised Code, any of the following: a 3502
residential camp, as defined in section 2151.011 of the Revised 3503
Code; a child day camp, as defined in section 5104.01 of the 3504
Revised Code; or a child day camp operated by any county, 3505
township, municipal corporation, township park district created 3506
under section 511.18 of the Revised Code, park district created 3507
under section 1545.04 of the Revised Code, or joint recreation 3508
district established under section 755.14 of the Revised Code; 3509

(11) With respect to overdose reversal drugs that may be 3510
possessed ~~under for the purposes described in section 2925.61-~~ 3511
~~3715.50~~ of the Revised Code, ~~a law enforcement agency and its~~ 3512
~~peace officers~~ any person or government entity exercising the 3513
authority conferred by that section; 3514

(12) With respect to overdose reversal drugs that may be 3515
possessed for use in personally furnishing supplies of the drug 3516
pursuant to a protocol established under section 4729.514- 3517
3715.503 of the Revised Code ~~for use in emergency situations or~~ 3518
~~for personally furnishing supplies of overdose reversal drugs, a~~ 3519
~~service entity, as defined in any individual exercising the~~ 3520
authority conferred by that section; 3521

(13) ~~A facility that is owned and operated by the United~~ 3522

~~States department of defense, the United States department of~~ 3523
~~veterans affairs, or any other federal agency;~~ 3524

~~(14)~~ With respect to injectable or nasally administered 3525
glucagon that may be possessed under sections 3313.7115, 3526
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 3527
any of the following: the board of education of a city, local, 3528
exempted village, or joint vocational school district; a 3529
chartered or nonchartered nonpublic school; a community school 3530
established under Chapter 3314. of the Revised Code; a STEM 3531
school established under Chapter 3326. of the Revised Code; or a 3532
college-preparatory boarding school established under Chapter 3533
3328. of the Revised Code; 3534

~~(15)~~ (14) With respect to injectable or nasally 3535
administered glucagon that may be possessed under section 3536
5101.78 of the Revised Code, any of the following: a residential 3537
camp, as defined in section 2151.011 of the Revised Code; a 3538
child day camp, as defined in section 5104.01 of the Revised 3539
Code; or a child day camp operated by any county, township, 3540
municipal corporation, township park district created under 3541
section 511.18 of the Revised Code, park district created under 3542
section 1545.04 of the Revised Code, or joint recreation 3543
district established under section 755.14 of the Revised Code; 3544

(15) A facility that is owned and operated by the United 3545
States department of defense, the United States department of 3546
veterans affairs, or any other federal agency. 3547

(B) If a person described in division (A) of this section 3548
is a pain management clinic or is operating a pain management 3549
clinic, the person shall hold a license as a terminal 3550
distributor of dangerous drugs with a pain management clinic 3551
classification issued under section 4729.552 of the Revised 3552

Code. 3553

(C) If a person described in division (A) of this section 3554
is operating a facility, clinic, or other location described in 3555
division (B) of section 4729.553 of the Revised Code that must 3556
hold a category III terminal distributor of dangerous drugs 3557
license with an office-based opioid treatment classification, 3558
the person shall hold a license with that classification. 3559

(D) Any of the persons described in divisions (A) (1) to 3560
~~(12)~~ (14) of this section shall hold a license as a terminal 3561
distributor of dangerous drugs in order to possess, have custody 3562
or control of, and distribute any of the following: 3563

(1) Dangerous drugs that are compounded or used for the 3564
purpose of compounding; 3565

(2) A schedule I, II, III, IV, or V controlled substance, 3566
as defined in section 3719.01 of the Revised Code. 3567

Sec. 4729.60. (A) (1) Before a licensee identified in 3568
division (B) (1) (a) of section 4729.52 of the Revised Code may 3569
sell or distribute dangerous drugs at wholesale to any person, 3570
except as provided in division (A) (2) of this section, the 3571
licensee shall query the roster established pursuant to section 3572
4729.59 of the Revised Code to determine whether the purchaser 3573
is a licensed terminal distributor of dangerous drugs. 3574

If no documented query is conducted before a sale is made, 3575
it shall be presumed that the sale of dangerous drugs by the 3576
licensee is in violation of division (B) of section 4729.51 of 3577
the Revised Code and the purchase of dangerous drugs by the 3578
purchaser is in violation of division (E) of section 4729.51 of 3579
the Revised Code. If a licensee conducts a documented query and 3580
relies on the results of the query in selling or distributing 3581

dangerous drugs at wholesale to the terminal distributor of 3582
dangerous drugs, the licensee shall be deemed not to have 3583
violated division (B) of section 4729.51 of the Revised Code in 3584
making the sale. 3585

(2) Division (A)(1) of this section does not apply when a 3586
licensee identified in division (B)(1)(a) of section 4729.52 of 3587
the Revised Code sells or distributes dangerous drugs at 3588
wholesale to any of the following: 3589

(a) A person specified in division (B)(4) of section 3590
4729.51 of the Revised Code; 3591

(b) Any of the persons described in ~~divisions (A)(1) to~~ 3592
~~(15)~~ division (A) of section 4729.541 of the Revised Code, but 3593
only if the purchaser is not required to obtain licensure as 3594
provided in divisions (B) to (D) of that section. 3595

(B) Before a licensed terminal distributor of dangerous 3596
drugs may purchase dangerous drugs at wholesale, the terminal 3597
distributor shall query the roster established pursuant to 3598
section 4729.59 of the Revised Code to confirm the seller is 3599
licensed to engage in the sale or distribution of dangerous 3600
drugs at wholesale. 3601

If no documented query is conducted before a purchase is 3602
made, it shall be presumed that the purchase of dangerous drugs 3603
by the terminal distributor is in violation of division (F) of 3604
section 4729.51 of the Revised Code and the sale of dangerous 3605
drugs by the seller is in violation of division (A) of section 3606
4729.51 of the Revised Code. If a licensed terminal distributor 3607
of dangerous drugs conducts a documented query at least annually 3608
and relies on the results of the query in purchasing dangerous 3609
drugs at wholesale, the terminal distributor shall be deemed not 3610

to have violated division (F) of section 4729.51 of the Revised Code in making the purchase. 3611
3612

Sec. 4752.02. (A) Except as provided in division (B) of this section, no person shall provide home medical equipment services or claim to the public to be a home medical equipment services provider unless either of the following is the case: 3613
3614
3615
3616

(1) The person holds a valid license issued under this chapter; 3617
3618

(2) The person holds a valid certificate of registration issued under this chapter. 3619
3620

(B) Division (A) of this section does not apply to any of the following: 3621
3622

(1) A health care practitioner, as defined in section 4769.01 of the Revised Code, who does not sell or rent home medical equipment; 3623
3624
3625

(2) A hospital that provides home medical equipment services only as an integral part of patient care and does not provide the services through a separate entity that has its own medicare or medicaid provider number; 3626
3627
3628
3629

(3) A manufacturer or wholesale distributor of home medical equipment that does not sell directly to the public; 3630
3631

(4) A hospice care program ~~or~~, pediatric respite care program, or pediatric transition care program, as defined by section 3712.01 of the Revised Code, that does not sell or rent home medical equipment; 3632
3633
3634
3635

(5) A home, as defined by section 3721.01 of the Revised Code; 3636
3637

(6) A home health agency that is certified under Title 3638
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 3639
U.S.C. 1395, as a provider of home health services and does not 3640
sell or rent home medical equipment; 3641

(7) An individual who holds a current, valid license 3642
issued under Chapter 4741. of the Revised Code to practice 3643
veterinary medicine; 3644

(8) An individual who holds a current, valid license 3645
issued under Chapter 4779. of the Revised Code to practice 3646
orthotics, prosthetics, or pedorthics; 3647

(9) A pharmacy licensed under Chapter 4729. of the Revised 3648
Code that either does not sell or rent home medical equipment or 3649
receives total payments of less than ten thousand dollars per 3650
year from selling or renting home medical equipment; 3651

(10) A home dialysis equipment provider regulated by 3652
federal law. 3653

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 3654
of the Revised Code: 3655

(1) "Independent living arrangement" means an arrangement 3656
in which an individual with a developmental disability resides 3657
in an individualized setting chosen by the individual or the 3658
individual's guardian, which is not dedicated principally to the 3659
provision of residential services for individuals with 3660
developmental disabilities, and for which no financial support 3661
is received for rendering such service from any governmental 3662
agency by a provider of residential services. 3663

(2) "Licensee" means the person or government agency that 3664
has applied for a license to operate a residential facility and 3665
to which the license was issued under this section. 3666

(3) "Political subdivision" means a municipal corporation, 3667
county, or township. 3668

(4) "Related party" has the same meaning as in section 3669
5123.16 of the Revised Code except that "provider" as used in 3670
the definition of "related party" means a person or government 3671
entity that held or applied for a license to operate a 3672
residential facility, rather than a person or government entity 3673
certified to provide supported living. 3674

(5) (a) Except as provided in division (A) (5) (b) of this 3675
section, "residential facility" means a home or facility, 3676
including an ICF/IID, in which an individual with a 3677
developmental disability resides. 3678

(b) "Residential facility" does not mean any of the 3679
following: 3680

(i) The home of a relative or legal guardian in which an 3681
individual with a developmental disability resides; 3682

(ii) A respite care home certified under section 5126.05 3683
of the Revised Code; 3684

(iii) A county home or district home operated pursuant to 3685
Chapter 5155. of the Revised Code; 3686

(iv) A dwelling in which the only residents with 3687
developmental disabilities are in independent living 3688
arrangements or are being provided supported living; 3689

(v) A location registered as a pediatric transition care 3690
program under section 3712.042 of the Revised Code. 3691

(B) Every person or government agency desiring to operate 3692
a residential facility shall apply for licensure of the facility 3693
to the director of developmental disabilities unless the 3694

residential facility is subject to section 3721.02, 5103.03, 3695
5119.33, or division (B) (1) (b) of section 5119.34 of the Revised 3696
Code. 3697

(C) (1) Subject to section 5123.196 of the Revised Code, 3698
the director of developmental disabilities shall license the 3699
operation of residential facilities. An initial license shall be 3700
issued for a period that does not exceed one year, unless the 3701
director denies the license under division (D) of this section. 3702
A license shall be renewed for a period that does not exceed 3703
three years, unless the director refuses to renew the license 3704
under division (D) of this section. The director, when issuing 3705
or renewing a license, shall specify the period for which the 3706
license is being issued or renewed. A license remains valid for 3707
the length of the licensing period specified by the director, 3708
unless the license is terminated, revoked, or voluntarily 3709
surrendered. 3710

(2) Notwithstanding sections 5123.043, 5123.196, and 3711
5123.197 of the Revised Code and rules adopted under section 3712
5123.04 of the Revised Code, the director shall issue a new 3713
license for a residential facility if the facility meets the 3714
following conditions: 3715

(a) The residential facility will be certified as an 3716
ICF/IID; 3717

(b) The building in which the residential facility will be 3718
operated was operated as a residential facility under a lease 3719
for not fewer than twenty years before the date of application 3720
for a new license; 3721

(c) The former operator of the residential facility 3722
relocated the beds previously in the facility to another site 3723

that will be licensed as a residential facility; 3724

(d) The residential facility will be located in Preble, 3725
Clermont, or Warren county; 3726

(e) The residential facility will contain eight beds; 3727

(f) The licensee will make a good faith effort to serve 3728
multi-system youth or adults with severe behavioral challenges 3729
at the residential facility or at one or more other residential 3730
facilities for which licenses are issued under division (C) of 3731
this section. 3732

(3) The director shall issue not more than five licenses 3733
under division (C) (2) of this section. 3734

(D) If it is determined that an applicant or licensee is 3735
not in compliance with a provision of this chapter that applies 3736
to residential facilities or the rules adopted under such a 3737
provision, the director may deny issuance of a license, refuse 3738
to renew a license, terminate a license, revoke a license, issue 3739
an order for the suspension of admissions to a facility, issue 3740
an order for the placement of a monitor at a facility, issue an 3741
order for the immediate removal of residents, or take any other 3742
action the director considers necessary consistent with the 3743
director's authority under this chapter regarding residential 3744
facilities. In the director's selection and administration of 3745
the sanction to be imposed, all of the following apply: 3746

(1) The director may deny, refuse to renew, or revoke a 3747
license, if the director determines that the applicant or 3748
licensee has demonstrated a pattern of serious noncompliance or 3749
that a violation creates a substantial risk to the health and 3750
safety of residents of a residential facility. 3751

(2) The director may terminate a license if more than 3752

twelve consecutive months have elapsed since the residential 3753
facility was last occupied by a resident or a notice required by 3754
division (J) of this section is not given. 3755

(3) The director may issue an order for the suspension of 3756
admissions to a facility for any violation that may result in 3757
sanctions under division (D) (1) of this section and for any 3758
other violation specified in rules adopted under division (G) (2) 3759
of this section. If the suspension of admissions is imposed for 3760
a violation that may result in sanctions under division (D) (1) 3761
of this section, the director may impose the suspension before 3762
providing an opportunity for an adjudication under Chapter 119. 3763
of the Revised Code. The director shall lift an order for the 3764
suspension of admissions when the director determines that the 3765
violation that formed the basis for the order has been 3766
corrected. 3767

(4) The director may order the placement of a monitor at a 3768
residential facility for any violation specified in rules 3769
adopted under division (G) (2) of this section. The director 3770
shall lift the order when the director determines that the 3771
violation that formed the basis for the order has been 3772
corrected. 3773

(5) When the director initiates license revocation 3774
proceedings, no opportunity for submitting a plan of correction 3775
shall be given. The director shall notify the licensee by letter 3776
of the initiation of the proceedings. The letter shall list the 3777
deficiencies of the residential facility and inform the licensee 3778
that no plan of correction will be accepted. The director shall 3779
also send a copy of the letter to the county board of 3780
developmental disabilities. Except in the case of a licensee 3781
that is an ICF/IID, the county board shall send a copy of the 3782

letter to each of the following:	3783
(a) Each resident who receives services from the licensee;	3784
(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;	3785 3786
(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.	3787 3788
(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.	3789 3790 3791 3792 3793
(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.	3794 3795 3796 3797 3798 3799 3800 3801
(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.	3802 3803 3804 3805 3806
(E) (1) Except as provided in division (E) (2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.	3807 3808 3809 3810

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify

for each license when it is issued or renewed;	3868
(2) Procedures and criteria for denying, refusing to	3869
renew, terminating, and revoking licenses and for ordering the	3870
suspension of admissions to a facility, placement of a monitor	3871
at a facility, and the immediate removal of residents from a	3872
facility;	3873
(3) Fees for issuing and renewing licenses, which shall be	3874
deposited into the program fee fund created under section	3875
5123.033 of the Revised Code;	3876
(4) Procedures for surveying residential facilities;	3877
(5) Classifications for the various types of residential	3878
facilities;	3879
(6) The maximum number of individuals who may be served in	3880
a particular type of residential facility;	3881
(7) Uniform procedures for admission of individuals to and	3882
transfers and discharges of individuals from residential	3883
facilities;	3884
(8) Other standards for the operation of residential	3885
facilities and the services provided at residential facilities;	3886
(9) Procedures for waiving any provision of any rule	3887
adopted under this section.	3888
(H) (1) Before issuing a license, the director shall	3889
conduct a survey of the residential facility for which	3890
application is made. The director shall conduct a survey of each	3891
licensed residential facility at least once during the period	3892
the license is valid and may conduct additional inspections as	3893
needed. A survey includes but is not limited to an on-site	3894
examination and evaluation of the residential facility, its	3895

personnel, and the services provided there. The director may 3896
assign to a county board of developmental disabilities or the 3897
department of health the responsibility to conduct any survey or 3898
inspection under this section. 3899

(2) In conducting surveys, the director shall be given 3900
access to the residential facility; all records, accounts, and 3901
any other documents related to the operation of the facility; 3902
the licensee; the residents of the facility; and all persons 3903
acting on behalf of, under the control of, or in connection with 3904
the licensee. The licensee and all persons on behalf of, under 3905
the control of, or in connection with the licensee shall 3906
cooperate with the director in conducting the survey. 3907

(3) Following each survey, the director shall provide the 3908
licensee with a report listing the date of the survey, any 3909
citations issued as a result of the survey, and the statutes or 3910
rules that purportedly have been violated and are the bases of 3911
the citations. The director shall also do both of the following: 3912

(a) Specify a date by which the licensee may appeal any of 3913
the citations; 3914

(b) When appropriate, specify a timetable within which the 3915
licensee must submit a plan of correction describing how the 3916
problems specified in the citations will be corrected and, the 3917
date by which the licensee anticipates the problems will be 3918
corrected. 3919

(4) If the director initiates a proceeding to revoke a 3920
license, the director shall include the report required by 3921
division (H) (3) of this section with the notice of the proposed 3922
revocation the director sends to the licensee. In this 3923
circumstance, the licensee may not submit a plan of correction. 3924

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(J) (1) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

(2) Pursuant to rules, which shall be adopted in

accordance with Chapter 119. of the Revised Code, the director 3955
may require notification to the department of any significant 3956
change in the ownership of a residential facility or in the 3957
identity of the licensee or management contractor. If the 3958
director determines that a significant change of ownership is 3959
proposed, the director shall consider the proposed change to be 3960
an application for development by a new operator pursuant to 3961
section 5123.042 of the Revised Code and shall advise the 3962
applicant within sixty days of the notification that the current 3963
license shall continue in effect or a new license will be 3964
required pursuant to this section. If the director requires a 3965
new license, the director shall permit the facility to continue 3966
to operate under the current license until the new license is 3967
issued, unless the current license is revoked, refused to be 3968
renewed, or terminated in accordance with Chapter 119. of the 3969
Revised Code. 3970

(3) A licensee shall transfer to the new licensee or 3971
management contractor all records related to the residents of 3972
the facility following any significant change in the identity of 3973
the licensee or management contractor. 3974

(K) A county board of developmental disabilities and any 3975
interested person may file complaints alleging violations of 3976
statute or department rule relating to residential facilities 3977
with the department. All complaints shall state the facts 3978
constituting the basis of the allegation. The department shall 3979
not reveal the source of any complaint unless the complainant 3980
agrees in writing to waive the right to confidentiality or until 3981
so ordered by a court of competent jurisdiction. 3982

The department shall adopt rules in accordance with 3983
Chapter 119. of the Revised Code establishing procedures for the 3984

receipt, referral, investigation, and disposition of complaints 3985
filed with the department under this division. 3986

(L) Before issuing a license under this section to a 3987
residential facility that will accommodate at any time more than 3988
one individual with a developmental disability, the director 3989
shall, by first class mail, notify the following: 3990

(1) If the facility will be located in a municipal 3991
corporation, the clerk of the legislative authority of the 3992
municipal corporation; 3993

(2) If the facility will be located in unincorporated 3994
territory, the clerk of the appropriate board of county 3995
commissioners and the fiscal officer of the appropriate board of 3996
township trustees. 3997

The director shall not issue the license for ten days 3998
after mailing the notice, excluding Saturdays, Sundays, and 3999
legal holidays, in order to give the notified local officials 4000
time in which to comment on the proposed issuance. 4001

Any legislative authority of a municipal corporation, 4002
board of county commissioners, or board of township trustees 4003
that receives notice under this division of the proposed 4004
issuance of a license for a residential facility may comment on 4005
it in writing to the director within ten days after the director 4006
mailed the notice, excluding Saturdays, Sundays, and legal 4007
holidays. If the director receives written comments from any 4008
notified officials within the specified time, the director shall 4009
make written findings concerning the comments and the director's 4010
decision on the issuance of the license. If the director does 4011
not receive written comments from any notified local officials 4012
within the specified time, the director shall continue the 4013

process for issuance of the license. 4014

(M) Any person may operate a licensed residential facility 4015
that provides room and board, personal care, habilitation 4016
services, and supervision in a family setting for at least six 4017
but not more than eight individuals with developmental 4018
disabilities as a permitted use in any residential district or 4019
zone, including any single-family residential district or zone, 4020
of any political subdivision. These residential facilities may 4021
be required to comply with area, height, yard, and architectural 4022
compatibility requirements that are uniformly imposed upon all 4023
single-family residences within the district or zone. 4024

(N) Any person may operate a licensed residential facility 4025
that provides room and board, personal care, habilitation 4026
services, and supervision in a family setting for at least nine 4027
but not more than sixteen individuals with developmental 4028
disabilities as a permitted use in any multiple-family 4029
residential district or zone of any political subdivision, 4030
except that a political subdivision that has enacted a zoning 4031
ordinance or resolution establishing planned unit development 4032
districts may exclude these residential facilities from those 4033
districts, and a political subdivision that has enacted a zoning 4034
ordinance or resolution may regulate these residential 4035
facilities in multiple-family residential districts or zones as 4036
a conditionally permitted use or special exception, in either 4037
case, under reasonable and specific standards and conditions set 4038
out in the zoning ordinance or resolution to: 4039

(1) Require the architectural design and site layout of 4040
the residential facility and the location, nature, and height of 4041
any walls, screens, and fences to be compatible with adjoining 4042
land uses and the residential character of the neighborhood; 4043

(2) Require compliance with yard, parking, and sign regulation; 4044
4045

(3) Limit excessive concentration of these residential facilities. 4046
4047

(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations. 4048
4049
4050
4051

(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. 4052
4053
4054
4055
4056
4057
4058

(Q) (1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case: 4059
4060
4061

(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license. 4062
4063
4064
4065
4066
4067

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 4068
4069
4070

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to 4071
4072

receive a permanent license under this section, except for any 4073
differing procedures and time frames that may apply to issuance 4074
of a permanent license. 4075

(3) An interim license shall be valid for thirty days and 4076
may be renewed by the director for a period not to exceed one 4077
hundred eighty days. 4078

(4) The director shall adopt rules in accordance with 4079
Chapter 119. of the Revised Code as the director considers 4080
necessary to administer the issuance of interim licenses. 4081

(R) Notwithstanding rules adopted pursuant to this section 4082
establishing the maximum number of individuals who may be served 4083
in a particular type of residential facility, a residential 4084
facility shall be permitted to serve the same number of 4085
individuals being served by the facility on the effective date 4086
of the rules or the number of individuals for which the facility 4087
is authorized pursuant to a current application for a 4088
certificate of need with a letter of support from the department 4089
of developmental disabilities and which is in the review process 4090
prior to April 4, 1986. 4091

This division does not preclude the department from 4092
suspending new admissions to a residential facility pursuant to 4093
a written order issued under section 5124.70 of the Revised 4094
Code. 4095

(S) The director may enter at any time, for purposes of 4096
investigation, any home, facility, or other structure that has 4097
been reported to the director or that the director has 4098
reasonable cause to believe is being operated as a residential 4099
facility without a license issued under this section. 4100

The director may petition the court of common pleas of the 4101

county in which an unlicensed residential facility is located 4102
for an order enjoining the person or governmental agency 4103
operating the facility from continuing to operate without a 4104
license. The court may grant the injunction on a showing that 4105
the person or governmental agency named in the petition is 4106
operating a residential facility without a license. The court 4107
may grant the injunction, regardless of whether the residential 4108
facility meets the requirements for receiving a license under 4109
this section. 4110

Section 2. That existing sections 149.43, 2317.54, 4111
3712.01, 3712.031, 3712.061, 3715.87, 3715.871, 3715.872, 4112
3715.873, 3719.061, 3721.01, 3722.02, 3740.01, 4729.01, 4729.16, 4113
4729.28, 4729.29, 4729.44, 4729.51, 4729.54, 4729.541, 4729.60, 4114
4752.02, 4765.44, and 5123.19 of the Revised Code are hereby 4115
repealed. 4116

Section 3. That sections 2925.61, 3707.56, 3707.561, 4117
3707.562, 4723.484, 4723.485, 4723.486, 4729.514, 4729.515, 4118
4730.434, 4730.435, 4730.436, 4731.94, 4731.941, 4731.942, and 4119
4731.943 of the Revised Code are hereby repealed. 4120

Section 4. In amending any rule solely to reflect the 4121
change of using the term "overdose reversal drug," instead of 4122
"naloxone," in the Revised Code, as enacted in H.B. 193 of the 4123
132nd General Assembly, a state agency or board is not subject 4124
to review by the Common Sense Initiative Office, and the agency 4125
or board is not required to transmit a business impact analysis 4126
to the Office. 4127