

As Introduced

134th General Assembly

Regular Session

2021-2022

S. B. No. 296

Senators Manning, Huffman, S.

A BILL

To amend sections 149.43, 4729.01, 4729.16, 1
4729.28, 4729.29, 4729.51, 4729.541, and 2
4729.60; to amend, for the purpose of adopting 3
new section numbers as indicated in parentheses, 4
sections 4729.44 (3715.502) and 4765.44 5
(3715.505); to enact sections 2925.142, 3715.50, 6
3715.501, 3715.503, and 3715.504; and to repeal 7
sections 2925.61, 3707.56, 3707.561, 3707.562, 8
4723.484, 4723.485, 4723.486, 4729.514, 9
4729.515, 4730.434, 4730.435, 4730.436, 4731.94, 10
4731.941, 4731.942, and 4731.943 of the Revised 11
Code to revise the laws governing access to 12
naloxone and certain narcotic testing products. 13

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

Section 1. That sections 149.43, 4729.01, 4729.16, 14
4729.28, 4729.29, 4729.51, 4729.541, and 4729.60 be amended; 15
sections 4729.44 (3715.502) and 4765.44 (3715.505) be amended 16
for the purpose of adopting new section numbers as indicated in 17
parentheses; and sections 2925.142, 3715.50, 3715.501, 3715.503, 18
and 3715.504 of the Revised Code be enacted to read as follows: 19

Sec. 149.43. (A) As used in this section:	20
(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:	21 22 23 24 25 26 27 28
(a) Medical records;	29
(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;	30 31 32 33 34 35
(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;	36 37 38
(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;	39 40 41
(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;	42 43 44 45 46 47
(f) Records specified in division (A) of section 3107.52	48

of the Revised Code;	49
(g) Trial preparation records;	50
(h) Confidential law enforcement investigatory records;	51
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	52 53
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	54 55
(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;	56 57 58 59
(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;	60 61 62 63
(m) Intellectual property records;	64
(n) Donor profile records;	65
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	66 67
(p) Designated public service worker residential and familial information;	68 69
(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;	70 71 72 73 74
(r) Information pertaining to the recreational activities	75

of a person under the age of eighteen; 76

(s) In the case of a child fatality review board acting 77
under sections 307.621 to 307.629 of the Revised Code or a 78
review conducted pursuant to guidelines established by the 79
director of health under section 3701.70 of the Revised Code, 80
records provided to the board or director, statements made by 81
board members during meetings of the board or by persons 82
participating in the director's review, and all work products of 83
the board or director, and in the case of a child fatality 84
review board, child fatality review data submitted by the board 85
to the department of health or a national child death review 86
database, other than the report prepared pursuant to division 87
(A) of section 307.626 of the Revised Code; 88

(t) Records provided to and statements made by the 89
executive director of a public children services agency or a 90
prosecuting attorney acting pursuant to section 5153.171 of the 91
Revised Code other than the information released under that 92
section; 93

(u) Test materials, examinations, or evaluation tools used 94
in an examination for licensure as a nursing home administrator 95
that the board of executives of long-term services and supports 96
administers under section 4751.15 of the Revised Code or 97
contracts under that section with a private or government entity 98
to administer; 99

(v) Records the release of which is prohibited by state or 100
federal law; 101

(w) Proprietary information of or relating to any person 102
that is submitted to or compiled by the Ohio venture capital 103
authority created under section 150.01 of the Revised Code; 104

(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;	105 106 107 108 109 110
(y) Records listed in section 5101.29 of the Revised Code;	111
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	112 113 114
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	115 116 117
(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;	118 119 120
(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;	121 122 123
(dd) Personal information, as defined in section 149.45 of the Revised Code;	124 125
(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, and records or portions	126 127 128 129 130 131 132 133

of records pertaining to that program that identify the number 134
of program participants that reside within a precinct, ward, 135
township, municipal corporation, county, or any other geographic 136
area smaller than the state. As used in this division, 137
"confidential address" and "program participant" have the 138
meaning defined in section 111.41 of the Revised Code. 139

(ff) Orders for active military service of an individual 140
serving or with previous service in the armed forces of the 141
United States, including a reserve component, or the Ohio 142
organized militia, except that, such order becomes a public 143
record on the day that is fifteen years after the published date 144
or effective date of the call to order; 145

(gg) The name, address, contact information, or other 146
personal information of an individual who is less than eighteen 147
years of age that is included in any record related to a traffic 148
accident involving a school vehicle in which the individual was 149
an occupant at the time of the accident; 150

(hh) Protected health information, as defined in 45 C.F.R. 151
160.103, that is in a claim for payment for a health care 152
product, service, or procedure, as well as any other health 153
claims data in another document that reveals the identity of an 154
individual who is the subject of the data or could be used to 155
reveal that individual's identity; 156

(ii) Any depiction by photograph, film, videotape, or 157
printed or digital image under either of the following 158
circumstances: 159

(i) The depiction is that of a victim of an offense the 160
release of which would be, to a reasonable person of ordinary 161
sensibilities, an offensive and objectionable intrusion into the 162

victim's expectation of bodily privacy and integrity.	163
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	164 165 166
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	167 168
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	169 170 171 172 173 174 175 176 177
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	178 179 180 181 182 183 184
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	185 186 187 188
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is	189 190 191

contained in a report submitted by or for a funeral home to the 192
board of embalmers and funeral directors under division (C) of 193
section 4717.13, division (J) of section 4717.31, or section 194
4717.41 of the Revised Code. 195

(oo) Telephone numbers for a party to a motor vehicle 196
accident subject to the requirements of section 5502.11 of the 197
Revised Code that are listed on any law enforcement record or 198
report, except that the telephone numbers described in this 199
division are not excluded from the definition of "public record" 200
under this division on and after the thirtieth day after the 201
occurrence of the motor vehicle accident. 202

A record that is not a public record under division (A) (1) 203
of this section and that, under law, is permanently retained 204
becomes a public record on the day that is seventy-five years 205
after the day on which the record was created, except for any 206
record protected by the attorney-client privilege, a trial 207
preparation record as defined in this section, a statement 208
prohibiting the release of identifying information signed under 209
section 3107.083 of the Revised Code, a denial of release form 210
filed pursuant to section 3107.46 of the Revised Code, or any 211
record that is exempt from release or disclosure under section 212
149.433 of the Revised Code. If the record is a birth 213
certificate and a biological parent's name redaction request 214
form has been accepted under section 3107.391 of the Revised 215
Code, the name of that parent shall be redacted from the birth 216
certificate before it is released under this paragraph. If any 217
other section of the Revised Code establishes a time period for 218
disclosure of a record that conflicts with the time period 219
specified in this section, the time period in the other section 220
prevails. 221

(2) "Confidential law enforcement investigatory record"	222
means any record that pertains to a law enforcement matter of a	223
criminal, quasi-criminal, civil, or administrative nature, but	224
only to the extent that the release of the record would create a	225
high probability of disclosure of any of the following:	226
(a) The identity of a suspect who has not been charged	227
with the offense to which the record pertains, or of an	228
information source or witness to whom confidentiality has been	229
reasonably promised;	230
(b) Information provided by an information source or	231
witness to whom confidentiality has been reasonably promised,	232
which information would reasonably tend to disclose the source's	233
or witness's identity;	234
(c) Specific confidential investigatory techniques or	235
procedures or specific investigatory work product;	236
(d) Information that would endanger the life or physical	237
safety of law enforcement personnel, a crime victim, a witness,	238
or a confidential information source.	239
(3) "Medical record" means any document or combination of	240
documents, except births, deaths, and the fact of admission to	241
or discharge from a hospital, that pertains to the medical	242
history, diagnosis, prognosis, or medical condition of a patient	243
and that is generated and maintained in the process of medical	244
treatment.	245
(4) "Trial preparation record" means any record that	246
contains information that is specifically compiled in reasonable	247
anticipation of, or in defense of, a civil or criminal action or	248
proceeding, including the independent thought processes and	249
personal trial preparation of an attorney.	250

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

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

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.

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

(a) The address of the actual personal residence of a designated public service worker, except for the following information:	281 282 283
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	284 285
(ii) The state or political subdivision in which a designated public service worker resides.	286 287
(b) Information compiled from referral to or participation in an employee assistance program;	288 289
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	290 291 292 293 294
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	295 296 297 298
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	299 300 301 302 303
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	304 305 306 307 308 309

(g) A photograph of a peace officer who holds a position 310
or has an assignment that may include undercover or plain 311
clothes positions or assignments as determined by the peace 312
officer's appointing authority. 313

(9) As used in divisions (A) (7) and (15) to (17) of this 314
section: 315

"Peace officer" has the meaning defined in section 109.71 316
of the Revised Code and also includes the superintendent and 317
troopers of the state highway patrol; it does not include the 318
sheriff of a county or a supervisory employee who, in the 319
absence of the sheriff, is authorized to stand in for, exercise 320
the authority of, and perform the duties of the sheriff. 321

"Correctional employee" means any employee of the 322
department of rehabilitation and correction who in the course of 323
performing the employee's job duties has or has had contact with 324
inmates and persons under supervision. 325

"County or multicounty corrections officer" means any 326
corrections officer employed by any county or multicounty 327
correctional facility. 328

"Designated Ohio national guard member" means a member of 329
the Ohio national guard who is participating in duties related 330
to remotely piloted aircraft, including, but not limited to, 331
pilots, sensor operators, and mission intelligence personnel, 332
duties related to special forces operations, or duties related 333
to cybersecurity, and is designated by the adjutant general as a 334
designated public service worker for those purposes. 335

"Protective services worker" means any employee of a 336
county agency who is responsible for child protective services, 337
child support services, or adult protective services. 338

"Youth services employee" means any employee of the 339
department of youth services who in the course of performing the 340
employee's job duties has or has had contact with children 341
committed to the custody of the department of youth services. 342

"Firefighter" means any regular, paid or volunteer, member 343
of a lawfully constituted fire department of a municipal 344
corporation, township, fire district, or village. 345

"EMT" means EMTs-basic, EMTs-I, and paramedics that 346
provide emergency medical services for a public emergency 347
medical service organization. "Emergency medical service 348
organization," "EMT-basic," "EMT-I," and "paramedic" have the 349
meanings defined in section 4765.01 of the Revised Code. 350

"Investigator of the bureau of criminal identification and 351
investigation" has the meaning defined in section 2903.11 of the 352
Revised Code. 353

"Emergency service telecommunicator" has the meaning 354
defined in section 4742.01 of the Revised Code. 355

"Forensic mental health provider" means any employee of a 356
community mental health service provider or local alcohol, drug 357
addiction, and mental health services board who, in the course 358
of the employee's duties, has contact with persons committed to 359
a local alcohol, drug addiction, and mental health services 360
board by a court order pursuant to section 2945.38, 2945.39, 361
2945.40, or 2945.402 of the Revised Code. 362

"Mental health evaluation provider" means an individual 363
who, under Chapter 5122. of the Revised Code, examines a 364
respondent who is alleged to be a mentally ill person subject to 365
court order, as defined in section 5122.01 of the Revised Code, 366
and reports to the probate court the respondent's mental 367

condition. 368

"Regional psychiatric hospital employee" means any 369
employee of the department of mental health and addiction 370
services who, in the course of performing the employee's duties, 371
has contact with patients committed to the department of mental 372
health and addiction services by a court order pursuant to 373
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 374
Code. 375

"Federal law enforcement officer" has the meaning defined 376
in section 9.88 of the Revised Code. 377

(10) "Information pertaining to the recreational 378
activities of a person under the age of eighteen" means 379
information that is kept in the ordinary course of business by a 380
public office, that pertains to the recreational activities of a 381
person under the age of eighteen years, and that discloses any 382
of the following: 383

(a) The address or telephone number of a person under the 384
age of eighteen or the address or telephone number of that 385
person's parent, guardian, custodian, or emergency contact 386
person; 387

(b) The social security number, birth date, or 388
photographic image of a person under the age of eighteen; 389

(c) Any medical record, history, or information pertaining 390
to a person under the age of eighteen; 391

(d) Any additional information sought or required about a 392
person under the age of eighteen for the purpose of allowing 393
that person to participate in any recreational activity 394
conducted or sponsored by a public office or to use or obtain 395
admission privileges to any recreational facility owned or 396

operated by a public office.	397
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	398 399
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	400 401
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	402 403 404 405
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	406 407
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	408 409 410 411
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	412 413 414 415
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	416 417 418 419
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	420 421 422 423 424

(b) The death of a person or a deceased person's body, 425
unless the death was caused by a peace officer or, subject to 426
division (H) (1) of this section, the consent of the decedent's 427
executor or administrator has been obtained; 428

(c) The death of a peace officer, firefighter, paramedic, 429
or other first responder, occurring while the decedent was 430
engaged in the performance of official duties, unless, subject 431
to division (H) (1) of this section, the consent of the 432
decedent's executor or administrator has been obtained; 433

(d) Grievous bodily harm, unless the injury was effected 434
by a peace officer or, subject to division (H) (1) of this 435
section, the consent of the injured person or the injured 436
person's guardian has been obtained; 437

(e) An act of severe violence against a person that 438
results in serious physical harm to the person, unless the act 439
and injury was effected by a peace officer or, subject to 440
division (H) (1) of this section, the consent of the injured 441
person or the injured person's guardian has been obtained; 442

(f) Grievous bodily harm to a peace officer, firefighter, 443
paramedic, or other first responder, occurring while the injured 444
person was engaged in the performance of official duties, 445
unless, subject to division (H) (1) of this section, the consent 446
of the injured person or the injured person's guardian has been 447
obtained; 448

(g) An act of severe violence resulting in serious 449
physical harm against a peace officer, firefighter, paramedic, 450
or other first responder, occurring while the injured person was 451
engaged in the performance of official duties, unless, subject 452
to division (H) (1) of this section, the consent of the injured 453

person or the injured person's guardian has been obtained;	454
(h) A person's nude body, unless, subject to division (H)	455
(1) of this section, the person's consent has been obtained;	456
(i) Protected health information, the identity of a person	457
in a health care facility who is not the subject of a law	458
enforcement encounter, or any other information in a health care	459
facility that could identify a person who is not the subject of	460
a law enforcement encounter;	461
(j) Information that could identify the alleged victim of	462
a sex offense, menacing by stalking, or domestic violence;	463
(k) Information, that does not constitute a confidential	464
law enforcement investigatory record, that could identify a	465
person who provides sensitive or confidential information to a	466
law enforcement agency when the disclosure of the person's	467
identity or the information provided could reasonably be	468
expected to threaten or endanger the safety or property of the	469
person or another person;	470
(l) Personal information of a person who is not arrested,	471
cited, charged, or issued a written warning by a peace officer;	472
(m) Proprietary police contingency plans or tactics that	473
are intended to prevent crime and maintain public order and	474
safety;	475
(n) A personal conversation unrelated to work between	476
peace officers or between a peace officer and an employee of a	477
law enforcement agency;	478
(o) A conversation between a peace officer and a member of	479
the public that does not concern law enforcement activities;	480
(p) The interior of a residence, unless the interior of a	481

residence is the location of an adversarial encounter with, or a use of force by, a peace officer; 482
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(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. 484
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As used in division (A) (17) of this section: 487

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 488
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"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 490
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"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 492
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~~"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code~~ means a government entity that employs peace officers to perform law enforcement duties. 494
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"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. 497
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"Sex offense" has the same meaning as in section 2907.10 of the Revised Code. 501
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"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. 503
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(B) (1) Upon request by any person and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during 505
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regular business hours. Subject to division (B) (8) of this 509
section, upon request by any person, a public office or person 510
responsible for public records shall make copies of the 511
requested public record available to the requester at cost and 512
within a reasonable period of time. If a public record contains 513
information that is exempt from the duty to permit public 514
inspection or to copy the public record, the public office or 515
the person responsible for the public record shall make 516
available all of the information within the public record that 517
is not exempt. When making that public record available for 518
public inspection or copying that public record, the public 519
office or the person responsible for the public record shall 520
notify the requester of any redaction or make the redaction 521
plainly visible. A redaction shall be deemed a denial of a 522
request to inspect or copy the redacted information, except if 523
federal or state law authorizes or requires a public office to 524
make the redaction. 525

(2) To facilitate broader access to public records, a 526
public office or the person responsible for public records shall 527
organize and maintain public records in a manner that they can 528
be made available for inspection or copying in accordance with 529
division (B) of this section. A public office also shall have 530
available a copy of its current records retention schedule at a 531
location readily available to the public. If a requester makes 532
an ambiguous or overly broad request or has difficulty in making 533
a request for copies or inspection of public records under this 534
section such that the public office or the person responsible 535
for the requested public record cannot reasonably identify what 536
public records are being requested, the public office or the 537
person responsible for the requested public record may deny the 538
request but shall provide the requester with an opportunity to 539

revise the request by informing the requester of the manner in 540
which records are maintained by the public office and accessed 541
in the ordinary course of the public office's or person's 542
duties. 543

(3) If a request is ultimately denied, in part or in 544
whole, the public office or the person responsible for the 545
requested public record shall provide the requester with an 546
explanation, including legal authority, setting forth why the 547
request was denied. If the initial request was provided in 548
writing, the explanation also shall be provided to the requester 549
in writing. The explanation shall not preclude the public office 550
or the person responsible for the requested public record from 551
relying upon additional reasons or legal authority in defending 552
an action commenced under division (C) of this section. 553

(4) Unless specifically required or authorized by state or 554
federal law or in accordance with division (B) of this section, 555
no public office or person responsible for public records may 556
limit or condition the availability of public records by 557
requiring disclosure of the requester's identity or the intended 558
use of the requested public record. Any requirement that the 559
requester disclose the requester's identity or the intended use 560
of the requested public record constitutes a denial of the 561
request. 562

(5) A public office or person responsible for public 563
records may ask a requester to make the request in writing, may 564
ask for the requester's identity, and may inquire about the 565
intended use of the information requested, but may do so only 566
after disclosing to the requester that a written request is not 567
mandatory, that the requester may decline to reveal the 568
requester's identity or the intended use, and when a written 569

request or disclosure of the identity or intended use would 570
benefit the requester by enhancing the ability of the public 571
office or person responsible for public records to identify, 572
locate, or deliver the public records sought by the requester. 573

(6) If any person requests a copy of a public record in 574
accordance with division (B) of this section, the public office 575
or person responsible for the public record may require the 576
requester to pay in advance the cost involved in providing the 577
copy of the public record in accordance with the choice made by 578
the requester under this division. The public office or the 579
person responsible for the public record shall permit the 580
requester to choose to have the public record duplicated upon 581
paper, upon the same medium upon which the public office or 582
person responsible for the public record keeps it, or upon any 583
other medium upon which the public office or person responsible 584
for the public record determines that it reasonably can be 585
duplicated as an integral part of the normal operations of the 586
public office or person responsible for the public record. When 587
the requester makes a choice under this division, the public 588
office or person responsible for the public record shall provide 589
a copy of it in accordance with the choice made by the 590
requester. Nothing in this section requires a public office or 591
person responsible for the public record to allow the requester 592
of a copy of the public record to make the copies of the public 593
record. 594

(7) (a) Upon a request made in accordance with division (B) 595
of this section and subject to division (B) (6) of this section, 596
a public office or person responsible for public records shall 597
transmit a copy of a public record to any person by United 598
States mail or by any other means of delivery or transmission 599
within a reasonable period of time after receiving the request 600

for the copy. The public office or person responsible for the 601
public record may require the person making the request to pay 602
in advance the cost of postage if the copy is transmitted by 603
United States mail or the cost of delivery if the copy is 604
transmitted other than by United States mail, and to pay in 605
advance the costs incurred for other supplies used in the 606
mailing, delivery, or transmission. 607

(b) Any public office may adopt a policy and procedures 608
that it will follow in transmitting, within a reasonable period 609
of time after receiving a request, copies of public records by 610
United States mail or by any other means of delivery or 611
transmission pursuant to division (B) (7) of this section. A 612
public office that adopts a policy and procedures under division 613
(B) (7) of this section shall comply with them in performing its 614
duties under that division. 615

(c) In any policy and procedures adopted under division 616
(B) (7) of this section: 617

(i) A public office may limit the number of records 618
requested by a person that the office will physically deliver by 619
United States mail or by another delivery service to ten per 620
month, unless the person certifies to the office in writing that 621
the person does not intend to use or forward the requested 622
records, or the information contained in them, for commercial 623
purposes; 624

(ii) A public office that chooses to provide some or all 625
of its public records on a web site that is fully accessible to 626
and searchable by members of the public at all times, other than 627
during acts of God outside the public office's control or 628
maintenance, and that charges no fee to search, access, 629
download, or otherwise receive records provided on the web site, 630

may limit to ten per month the number of records requested by a 631
person that the office will deliver in a digital format, unless 632
the requested records are not provided on the web site and 633
unless the person certifies to the office in writing that the 634
person does not intend to use or forward the requested records, 635
or the information contained in them, for commercial purposes. 636

(iii) For purposes of division (B)(7) of this section, 637
"commercial" shall be narrowly construed and does not include 638
reporting or gathering news, reporting or gathering information 639
to assist citizen oversight or understanding of the operation or 640
activities of government, or nonprofit educational research. 641

(8) A public office or person responsible for public 642
records is not required to permit a person who is incarcerated 643
pursuant to a criminal conviction or a juvenile adjudication to 644
inspect or to obtain a copy of any public record concerning a 645
criminal investigation or prosecution or concerning what would 646
be a criminal investigation or prosecution if the subject of the 647
investigation or prosecution were an adult, unless the request 648
to inspect or to obtain a copy of the record is for the purpose 649
of acquiring information that is subject to release as a public 650
record under this section and the judge who imposed the sentence 651
or made the adjudication with respect to the person, or the 652
judge's successor in office, finds that the information sought 653
in the public record is necessary to support what appears to be 654
a justiciable claim of the person. 655

(9) (a) Upon written request made and signed by a 656
journalist, a public office, or person responsible for public 657
records, having custody of the records of the agency employing a 658
specified designated public service worker shall disclose to the 659
journalist the address of the actual personal residence of the 660

designated public service worker and, if the designated public 661
service worker's spouse, former spouse, or child is employed by 662
a public office, the name and address of the employer of the 663
designated public service worker's spouse, former spouse, or 664
child. The request shall include the journalist's name and title 665
and the name and address of the journalist's employer and shall 666
state that disclosure of the information sought would be in the 667
public interest. 668

(b) Division (B) (9) (a) of this section also applies to 669
journalist requests for: 670

(i) Customer information maintained by a municipally owned 671
or operated public utility, other than social security numbers 672
and any private financial information such as credit reports, 673
payment methods, credit card numbers, and bank account 674
information; 675

(ii) Information about minors involved in a school vehicle 676
accident as provided in division (A) (1) (gg) of this section, 677
other than personal information as defined in section 149.45 of 678
the Revised Code. 679

(c) As used in division (B) (9) of this section, 680
"journalist" means a person engaged in, connected with, or 681
employed by any news medium, including a newspaper, magazine, 682
press association, news agency, or wire service, a radio or 683
television station, or a similar medium, for the purpose of 684
gathering, processing, transmitting, compiling, editing, or 685
disseminating information for the general public. 686

(10) Upon a request made by a victim, victim's attorney, 687
or victim's representative, as that term is used in section 688
2930.02 of the Revised Code, a public office or person 689

responsible for public records shall transmit a copy of a 690
depiction of the victim as described in division (A) (1) (ii) of 691
this section to the victim, victim's attorney, or victim's 692
representative. 693

(C) (1) If a person allegedly is aggrieved by the failure 694
of a public office or the person responsible for public records 695
to promptly prepare a public record and to make it available to 696
the person for inspection in accordance with division (B) of 697
this section or by any other failure of a public office or the 698
person responsible for public records to comply with an 699
obligation in accordance with division (B) of this section, the 700
person allegedly aggrieved may do only one of the following, and 701
not both: 702

(a) File a complaint with the clerk of the court of claims 703
or the clerk of the court of common pleas under section 2743.75 704
of the Revised Code; 705

(b) Commence a mandamus action to obtain a judgment that 706
orders the public office or the person responsible for the 707
public record to comply with division (B) of this section, that 708
awards court costs and reasonable attorney's fees to the person 709
that instituted the mandamus action, and, if applicable, that 710
includes an order fixing statutory damages under division (C) (2) 711
of this section. The mandamus action may be commenced in the 712
court of common pleas of the county in which division (B) of 713
this section allegedly was not complied with, in the supreme 714
court pursuant to its original jurisdiction under Section 2 of 715
Article IV, Ohio Constitution, or in the court of appeals for 716
the appellate district in which division (B) of this section 717
allegedly was not complied with pursuant to its original 718
jurisdiction under Section 3 of Article IV, Ohio Constitution. 719

(2) If a requester transmits a written request by hand 720
delivery, electronic submission, or certified mail to inspect or 721
receive copies of any public record in a manner that fairly 722
describes the public record or class of public records to the 723
public office or person responsible for the requested public 724
records, except as otherwise provided in this section, the 725
requester shall be entitled to recover the amount of statutory 726
damages set forth in this division if a court determines that 727
the public office or the person responsible for public records 728
failed to comply with an obligation in accordance with division 729
(B) of this section. 730

The amount of statutory damages shall be fixed at one 731
hundred dollars for each business day during which the public 732
office or person responsible for the requested public records 733
failed to comply with an obligation in accordance with division 734
(B) of this section, beginning with the day on which the 735
requester files a mandamus action to recover statutory damages, 736
up to a maximum of one thousand dollars. The award of statutory 737
damages shall not be construed as a penalty, but as compensation 738
for injury arising from lost use of the requested information. 739
The existence of this injury shall be conclusively presumed. The 740
award of statutory damages shall be in addition to all other 741
remedies authorized by this section. 742

The court may reduce an award of statutory damages or not 743
award statutory damages if the court determines both of the 744
following: 745

(a) That, based on the ordinary application of statutory 746
law and case law as it existed at the time of the conduct or 747
threatened conduct of the public office or person responsible 748
for the requested public records that allegedly constitutes a 749

failure to comply with an obligation in accordance with division 750
(B) of this section and that was the basis of the mandamus 751
action, a well-informed public office or person responsible for 752
the requested public records reasonably would believe that the 753
conduct or threatened conduct of the public office or person 754
responsible for the requested public records did not constitute 755
a failure to comply with an obligation in accordance with 756
division (B) of this section; 757

(b) That a well-informed public office or person 758
responsible for the requested public records reasonably would 759
believe that the conduct or threatened conduct of the public 760
office or person responsible for the requested public records 761
would serve the public policy that underlies the authority that 762
is asserted as permitting that conduct or threatened conduct. 763

(3) In a mandamus action filed under division (C) (1) of 764
this section, the following apply: 765

(a) (i) If the court orders the public office or the person 766
responsible for the public record to comply with division (B) of 767
this section, the court shall determine and award to the relator 768
all court costs, which shall be construed as remedial and not 769
punitive. 770

(ii) If the court makes a determination described in 771
division (C) (3) (b) (iii) of this section, the court shall 772
determine and award to the relator all court costs, which shall 773
be construed as remedial and not punitive. 774

(b) If the court renders a judgment that orders the public 775
office or the person responsible for the public record to comply 776
with division (B) of this section or if the court determines any 777
of the following, the court may award reasonable attorney's fees 778

to the relator, subject to division (C) (4) of this section:	779
(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.	780 781 782 783
(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.	784 785 786 787 788
(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.	789 790 791 792 793 794 795 796 797 798 799 800 801 802 803
(c) The court shall not award attorney's fees to the relator if the court determines both of the following:	804 805
(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or	806 807

threatened conduct of the public office or person responsible 808
for the requested public records that allegedly constitutes a 809
failure to comply with an obligation in accordance with division 810
(B) of this section and that was the basis of the mandamus 811
action, a well-informed public office or person responsible for 812
the requested public records reasonably would believe that the 813
conduct or threatened conduct of the public office or person 814
responsible for the requested public records did not constitute 815
a failure to comply with an obligation in accordance with 816
division (B) of this section; 817

(ii) That a well-informed public office or person 818
responsible for the requested public records reasonably would 819
believe that the conduct or threatened conduct of the public 820
office or person responsible for the requested public records 821
would serve the public policy that underlies the authority that 822
is asserted as permitting that conduct or threatened conduct. 823

(4) All of the following apply to any award of reasonable 824
attorney's fees awarded under division (C) (3) (b) of this 825
section: 826

(a) The fees shall be construed as remedial and not 827
punitive. 828

(b) The fees awarded shall not exceed the total of the 829
reasonable attorney's fees incurred before the public record was 830
made available to the relator and the fees described in division 831
(C) (4) (c) of this section. 832

(c) Reasonable attorney's fees shall include reasonable 833
fees incurred to produce proof of the reasonableness and amount 834
of the fees and to otherwise litigate entitlement to the fees. 835

(d) The court may reduce the amount of fees awarded if the 836

court determines that, given the factual circumstances involved 837
with the specific public records request, an alternative means 838
should have been pursued to more effectively and efficiently 839
resolve the dispute that was subject to the mandamus action 840
filed under division (C)(1) of this section. 841

(5) If the court does not issue a writ of mandamus under 842
division (C) of this section and the court determines at that 843
time that the bringing of the mandamus action was frivolous 844
conduct as defined in division (A) of section 2323.51 of the 845
Revised Code, the court may award to the public office all court 846
costs, expenses, and reasonable attorney's fees, as determined 847
by the court. 848

(D) Chapter 1347. of the Revised Code does not limit the 849
provisions of this section. 850

(E)(1) To ensure that all employees of public offices are 851
appropriately educated about a public office's obligations under 852
division (B) of this section, all elected officials or their 853
appropriate designees shall attend training approved by the 854
attorney general as provided in section 109.43 of the Revised 855
Code. A future official may satisfy the requirements of this 856
division by attending the training before taking office, 857
provided that the future official may not send a designee in the 858
future official's place. 859

(2) All public offices shall adopt a public records policy 860
in compliance with this section for responding to public records 861
requests. In adopting a public records policy under this 862
division, a public office may obtain guidance from the model 863
public records policy developed and provided to the public 864
office by the attorney general under section 109.43 of the 865
Revised Code. Except as otherwise provided in this section, the 866

policy may not limit the number of public records that the 867
public office will make available to a single person, may not 868
limit the number of public records that it will make available 869
during a fixed period of time, and may not establish a fixed 870
period of time before it will respond to a request for 871
inspection or copying of public records, unless that period is 872
less than eight hours. 873

The public office shall distribute the public records 874
policy adopted by the public office under this division to the 875
employee of the public office who is the records custodian or 876
records manager or otherwise has custody of the records of that 877
office. The public office shall require that employee to 878
acknowledge receipt of the copy of the public records policy. 879
The public office shall create a poster that describes its 880
public records policy and shall post the poster in a conspicuous 881
place in the public office and in all locations where the public 882
office has branch offices. The public office may post its public 883
records policy on the internet web site of the public office if 884
the public office maintains an internet web site. A public 885
office that has established a manual or handbook of its general 886
policies and procedures for all employees of the public office 887
shall include the public records policy of the public office in 888
the manual or handbook. 889

(F) (1) The bureau of motor vehicles may adopt rules 890
pursuant to Chapter 119. of the Revised Code to reasonably limit 891
the number of bulk commercial special extraction requests made 892
by a person for the same records or for updated records during a 893
calendar year. The rules may include provisions for charges to 894
be made for bulk commercial special extraction requests for the 895
actual cost of the bureau, plus special extraction costs, plus 896
ten per cent. The bureau may charge for expenses for redacting 897

information, the release of which is prohibited by law. 898

(2) As used in division (F)(1) of this section: 899

(a) "Actual cost" means the cost of depleted supplies, 900
records storage media costs, actual mailing and alternative 901
delivery costs, or other transmitting costs, and any direct 902
equipment operating and maintenance costs, including actual 903
costs paid to private contractors for copying services. 904

(b) "Bulk commercial special extraction request" means a 905
request for copies of a record for information in a format other 906
than the format already available, or information that cannot be 907
extracted without examination of all items in a records series, 908
class of records, or database by a person who intends to use or 909
forward the copies for surveys, marketing, solicitation, or 910
resale for commercial purposes. "Bulk commercial special 911
extraction request" does not include a request by a person who 912
gives assurance to the bureau that the person making the request 913
does not intend to use or forward the requested copies for 914
surveys, marketing, solicitation, or resale for commercial 915
purposes. 916

(c) "Commercial" means profit-seeking production, buying, 917
or selling of any good, service, or other product. 918

(d) "Special extraction costs" means the cost of the time 919
spent by the lowest paid employee competent to perform the task, 920
the actual amount paid to outside private contractors employed 921
by the bureau, or the actual cost incurred to create computer 922
programs to make the special extraction. "Special extraction 923
costs" include any charges paid to a public agency for computer 924
or records services. 925

(3) For purposes of divisions (F)(1) and (2) of this 926

section, "surveys, marketing, solicitation, or resale for 927
commercial purposes" shall be narrowly construed and does not 928
include reporting or gathering news, reporting or gathering 929
information to assist citizen oversight or understanding of the 930
operation or activities of government, or nonprofit educational 931
research. 932

(G) A request by a defendant, counsel of a defendant, or 933
any agent of a defendant in a criminal action that public 934
records related to that action be made available under this 935
section shall be considered a demand for discovery pursuant to 936
the Criminal Rules, except to the extent that the Criminal Rules 937
plainly indicate a contrary intent. The defendant, counsel of 938
the defendant, or agent of the defendant making a request under 939
this division shall serve a copy of the request on the 940
prosecuting attorney, director of law, or other chief legal 941
officer responsible for prosecuting the action. 942

(H) (1) Any portion of a body-worn camera or dashboard 943
camera recording described in divisions (A) (17) (b) to (h) of 944
this section may be released by consent of the subject of the 945
recording or a representative of that person, as specified in 946
those divisions, only if either of the following applies: 947

(a) The recording will not be used in connection with any 948
probable or pending criminal proceedings; 949

(b) The recording has been used in connection with a 950
criminal proceeding that was dismissed or for which a judgment 951
has been entered pursuant to Rule 32 of the Rules of Criminal 952
Procedure, and will not be used again in connection with any 953
probable or pending criminal proceedings. 954

(2) If a public office denies a request to release a 955

restricted portion of a body-worn camera or dashboard camera 956
recording, as defined in division (A)(17) of this section, any 957
person may file a mandamus action pursuant to this section or a 958
complaint with the clerk of the court of claims pursuant to 959
section 2743.75 of the Revised Code, requesting the court to 960
order the release of all or portions of the recording. If the 961
court considering the request determines that the filing 962
articulates by clear and convincing evidence that the public 963
interest in the recording substantially outweighs privacy 964
interests and other interests asserted to deny release, the 965
court shall order the public office to release the recording. 966

Sec. 2925.142. Notwithstanding section 2925.14 of the 967
Revised Code, both of the following apply: 968

(A) A person may provide, administer, or utilize narcotic 969
testing products or equipment, including fentanyl test strips, 970
for purposes of determining whether toxic or hazardous 971
chemicals, compounds, or other substances are present. 972

(B) A person who, acting in good faith, provides, 973
administers, or utilizes narcotic testing products or equipment 974
in accordance with division (A) of this section is not subject 975
to criminal prosecution, and is not liable for damages in a 976
civil action, for injury, death, or loss to person or property 977
for an act or omission that arises from providing, 978
administering, or utilizing the products or equipment. 979

Sec. 3715.50. (A) Notwithstanding any conflicting 980
provision of the Revised Code, any person or government entity 981
may purchase, possess, distribute, dispense, personally furnish, 982
sell, or otherwise obtain or provide naloxone, which includes 983
any instrument or device used to administer the drug, if all of 984
the following conditions are met: 985

<u>(1) The naloxone is in its original manufacturer's</u>	986
<u>packaging.</u>	987
<u>(2) The naloxone's packaging contains the manufacturer's</u>	988
<u>instructions for use.</u>	989
<u>(3) The naloxone is stored in accordance with the</u>	990
<u>manufacturer's or distributor's instructions.</u>	991
<u>(B) In addition to actions authorized by division (A) of</u>	992
<u>this section, any person or government entity may obtain and</u>	993
<u>maintain a supply of naloxone for either or both of the</u>	994
<u>following purposes: for use in an emergency situation and for</u>	995
<u>distribution through an automated mechanism.</u>	996
<u>(1) In the case of a supply of naloxone obtained and</u>	997
<u>maintained for use in an emergency situation, a person or</u>	998
<u>government entity shall do all of the following:</u>	999
<u>(a) Provide to any individual who accesses the supply of</u>	1000
<u>naloxone instructions regarding emergency administration of the</u>	1001
<u>drug, including a specific instruction to summon emergency</u>	1002
<u>services as necessary;</u>	1003
<u>(b) Establish a process for replacing within a reasonable</u>	1004
<u>time period any naloxone that has been accessed;</u>	1005
<u>(c) Store the naloxone in accordance with the</u>	1006
<u>manufacturer's or distributor's instructions.</u>	1007
<u>(2) In the case of a supply of naloxone obtained and</u>	1008
<u>maintained for distribution through an automated mechanism, a</u>	1009
<u>person or government entity shall do all of the following:</u>	1010
<u>(a) Ensure that the mechanism is securely fastened to a</u>	1011
<u>permanent structure or is of an appropriate size and weight to</u>	1012
<u>reasonably prevent it from being removed from its intended</u>	1013

location; 1014

(b) Provide to any individual who accesses the supply of 1015
naloxone instructions regarding emergency administration of the 1016
drug, including a specific instruction to summon emergency 1017
services as necessary; 1018

(c) Develop a process for monitoring and replenishing the 1019
supply of naloxone maintained in the automated mechanism; 1020

(d) Store the naloxone in accordance with the 1021
manufacturer's or distributor's instructions. 1022

(C) If the authority granted by division (A) or (B) of 1023
this section is exercised in good faith, the following 1024
immunities apply: 1025

(1) The person or government entity exercising the 1026
authority is not subject to administrative action or criminal 1027
prosecution and is not liable for damages in a civil action for 1028
injury, death, or loss to person or property for an act or 1029
omission that arises from exercising that authority. 1030

(2) After naloxone has been dispensed or personally 1031
furnished, the person or government entity is not liable for or 1032
subject to any of the following for any act or omission of the 1033
individual to whom the naloxone is dispensed or personally 1034
furnished: damages in any civil action, prosecution in any 1035
criminal proceeding, or professional disciplinary action. 1036

(D) (1) This section does not affect any other authority to 1037
issue a prescription for, or personally furnish a supply of, 1038
naloxone. 1039

(2) This section does not eliminate, limit, or reduce any 1040
other immunity or defense that a person or government entity may 1041

be entitled to under section 9.86, Chapter 2744., section 1042
4765.49, or any other provision of the Revised Code or the 1043
common law of this state. 1044

Sec. 3715.501. (A) As used in this section: 1045

(1) "Advanced practice registered nurse" means an 1046
individual who holds a current, valid license issued under 1047
Chapter 4723. of the Revised Code and is designated as a 1048
clinical nurse specialist, certified nurse-midwife, or certified 1049
nurse practitioner. 1050

(2) "Pharmacist" means an individual licensed under 1051
Chapter 4729. of the Revised Code to practice as a pharmacist. 1052

(3) "Pharmacy intern" means an individual licensed under 1053
Chapter 4729. of the Revised Code to practice as a pharmacy 1054
intern. 1055

(4) "Physician" means an individual who is authorized 1056
under Chapter 4731. of the Revised Code to practice medicine and 1057
surgery, osteopathic medicine and surgery, or podiatric medicine 1058
and surgery. 1059

(5) "Physician assistant" means an individual who is 1060
licensed under Chapter 4730. of the Revised Code, holds a valid 1061
prescriber number issued by the state medical board, and has 1062
been granted physician-delegated prescriptive authority. 1063

(B) Notwithstanding any conflicting provision of the 1064
Revised Code or of any rule adopted by the state board of 1065
pharmacy, state medical board, or board of nursing, both of the 1066
following apply: 1067

(1) A physician, physician assistant, or advanced practice 1068
registered nurse may issue a prescription for naloxone, or 1069

personally furnish a supply of the drug, without having examined 1070
the individual to whom it may be administered. The physician, 1071
physician assistant, or advanced practice registered nurse 1072
exercising this authority shall provide, to the individual 1073
receiving the prescription or supply, instructions regarding the 1074
emergency administration of naloxone, including a specific 1075
instruction to summon emergency services as necessary. 1076

(2) In the event that a prescription for naloxone does not 1077
include the name of the individual to whom the drug may be 1078
administered, a pharmacist or pharmacy intern may dispense the 1079
naloxone to the individual who received the prescription. 1080

(C) (1) A physician, physician assistant, or advanced 1081
practice registered nurse who in good faith exercises the 1082
authority conferred by division (B) (1) of this section is not 1083
liable for or subject to any of the following for any act or 1084
omission of the individual to whom the naloxone prescription is 1085
issued or the supply of naloxone is furnished: damages in any 1086
civil action, prosecution in any criminal proceeding, or 1087
professional disciplinary action. 1088

(2) A pharmacist or pharmacy intern who in good faith 1089
exercises the authority conferred by division (B) (2) of this 1090
section is not liable for or subject to any of the following: 1091
damages in any civil action, prosecution in any criminal 1092
proceeding, or professional disciplinary action. 1093

Sec. ~~4729.44~~ 3715.502. (A) As used in this section: 1094

~~(1) "Board of health" means a board of health of a city or~~ 1095
~~general health district or an authority having the duties of a~~ 1096
~~board of health under section 3709.05 of the Revised Code.~~ 1097

~~(2)~~ "Advanced practice registered nurse" means an 1098

individual who holds a current, valid license issued under 1099
Chapter 4723. of the Revised Code and is designated as a 1100
clinical nurse specialist, certified nurse-midwife, or certified 1101
nurse practitioner. 1102

(2) "Pharmacist" means an individual licensed under 1103
Chapter 4729. of the Revised Code to practice as a pharmacist. 1104

(3) "Pharmacy intern" means an individual licensed under 1105
Chapter 4729. of the Revised Code to practice as a pharmacy 1106
intern. 1107

(4) "Physician" means an individual authorized under 1108
Chapter 4731. of the Revised Code to practice medicine and 1109
surgery, osteopathic medicine and surgery, or podiatric medicine 1110
and surgery. 1111

(5) "Physician assistant" means an individual who is 1112
licensed under Chapter 4730. of the Revised Code, holds a valid 1113
prescriber number issued by the state medical board, and has 1114
been granted physician-delegated prescriptive authority. 1115

(B) A physician, physician assistant, or advanced practice 1116
registered nurse may authorize one or more pharmacists and any 1117
of the pharmacy interns supervised by the one or more 1118
pharmacists to use a protocol developed pursuant to rules 1119
adopted under this section for the purpose of dispensing 1120
naloxone. If use of the protocol developed pursuant to rules 1121
adopted under division (G) of this section has been authorized 1122
under section 3707.56 or 4731.942 of the Revised Code, a 1123
pharmacist or pharmacy intern may dispense naloxone without a 1124
prescription to either of the following in accordance with that 1125
protocol: 1126

(1) An individual who there is reason to believe is 1127

experiencing or at risk of experiencing an opioid-related 1128
overdose; 1129

(2) A family member, friend, or other individual in a 1130
position to assist an individual who there is reason to believe 1131
is at risk of experiencing an opioid-related overdose. 1132

(C) A pharmacist or pharmacy intern who dispenses naloxone 1133
under this section shall instruct the individual to whom 1134
naloxone is dispensed to summon emergency services as soon as 1135
practicable either before or after administering naloxone. 1136

(D) A pharmacist may document on a prescription form the 1137
dispensing of naloxone by the pharmacist or a pharmacy intern 1138
supervised by the pharmacist. The form may be assigned a number 1139
for ~~record-keeping~~ recordkeeping purposes. 1140

(E) This section does not affect the authority of a 1141
pharmacist or pharmacy intern to fill or refill a prescription 1142
for naloxone. 1143

(F) ~~A board of health that in good faith authorizes a~~ 1144
~~pharmacist or pharmacy intern to dispense naloxone without a~~ 1145
~~prescription in accordance with a protocol developed pursuant to~~ 1146
~~rules adopted under division (G) of this section is not liable~~ 1147
~~for or subject to any of the following for any action or~~ 1148
~~omission of the individual to whom the naloxone is dispensed:~~ 1149
~~damages in any civil action, prosecution in any criminal~~ 1150
~~proceeding, or professional disciplinary action.~~ 1151

A physician, physician assistant, or advanced practice 1152
registered nurse who in good faith authorizes a pharmacist or 1153
pharmacy intern to dispense naloxone without a prescription ~~in~~ 1154
~~accordance with a protocol developed pursuant to rules adopted~~ 1155
~~under division (G) of,~~ as provided in this section, is not 1156

liable for or subject to any of the following for any ~~action-act~~ 1157
or omission of the individual to whom the naloxone is dispensed: 1158
damages in any civil action, prosecution in any criminal 1159
proceeding, or professional disciplinary action. 1160

A pharmacist or pharmacy intern authorized under this 1161
section to dispense naloxone without a prescription who does so 1162
in good faith is not liable for or subject to any of the 1163
following for any ~~action-act~~ or omission of the individual to 1164
whom the naloxone is dispensed: damages in any civil action, 1165
prosecution in any criminal proceeding, or professional 1166
disciplinary action. 1167

(G) The state board of pharmacy ~~shall~~, after consulting 1168
with the ~~department of health and state medical board~~ and board 1169
of nursing, shall adopt rules to implement this section. The 1170
rules shall specify a protocol under which pharmacists or 1171
pharmacy interns may dispense naloxone without a prescription. 1172

All rules adopted under this section shall be adopted in 1173
accordance with Chapter 119. of the Revised Code. 1174

(H) (1) The state board of pharmacy shall develop a program 1175
to educate all of the following about the authority of a 1176
pharmacist or pharmacy intern to dispense naloxone without a 1177
prescription: 1178

(a) Holders of licenses issued under ~~this chapter~~ Chapter 1179
4729. of the Revised Code that engage in the sale or dispensing 1180
of naloxone pursuant to this section; 1181

(b) Registered pharmacy technicians, certified pharmacy 1182
technicians, and pharmacy technician trainees registered under 1183
~~this chapter~~ Chapter 4729. of the Revised Code who engage in the 1184
sale of naloxone pursuant to this section; 1185

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

(2) As part of the program, the board also shall educate the license holders, pharmacy technicians, and employees described in division (H) (1) of this section about maintaining an adequate supply of naloxone and methods for determining a pharmacy's stock of the drug.

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

Sec. 3715.503. (A) As used in this section:

(1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(2) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

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

(B) In addition to the actions authorized by section 3715.50 of the Revised Code and subject to division (C) of this section, a physician, physician assistant, or advanced practice registered nurse may elect to establish a protocol authorizing

any individual to personally furnish a supply of naloxone to 1215
another individual pursuant to the protocol. A person authorized 1216
to personally furnish naloxone pursuant to the protocol may do 1217
so without having examined the individual to whom the drug may 1218
be administered. 1219

(C) A protocol established by a physician, physician 1220
assistant, or advanced practice registered nurse for purposes of 1221
this section shall include all of the following: 1222

(1) Any limitations to be applied concerning the 1223
individuals to whom naloxone may be personally furnished; 1224

(2) The naloxone dosage that may be personally furnished 1225
and any variation in the dosage based on circumstances specified 1226
in the protocol; 1227

(3) Any labeling, storage, recordkeeping, and 1228
administrative requirements; 1229

(4) Training requirements that must be met before a person 1230
will be authorized to dispense or personally furnish naloxone; 1231

(5) Any instructions or training that the authorized 1232
person must provide to an individual to whom naloxone is 1233
dispensed or personally furnished. 1234

(D) A physician, physician assistant, or advanced practice 1235
registered nurse who in good faith authorizes an individual to 1236
personally furnish a supply of naloxone in accordance with a 1237
protocol established under this section, and an individual who 1238
in good faith personally furnishes a supply of the naloxone 1239
under that authority, is not liable for or subject to any of the 1240
following for any act or omission of the individual to whom the 1241
naloxone is personally furnished: damages in any civil action, 1242
prosecution in any criminal proceeding, or professional 1243

disciplinary action. 1244

Sec. 3715.504. (A) In the case of an individual who is not 1245
otherwise authorized under the Revised Code to administer drugs, 1246
the individual may administer naloxone under this section. This 1247
authority may be exercised by any individual who is in a 1248
position to assist another individual who is apparently 1249
experiencing an opioid-related overdose. 1250

(B) An individual who administers naloxone under the 1251
authority conferred by division (A) of this section is not 1252
liable for damages in a civil action for injury, death, or loss 1253
to person or property for an act or omission that arises from 1254
administering the naloxone, and not subject to administrative 1255
action or criminal prosecution for an act or omission that 1256
arises from administering the naloxone, if the individual, 1257
acting in good faith, does all of the following: 1258

(1) Obtains the naloxone under section 3715.50, 3715.501, 1259
3715.502, or 3715.503 or the Revised Code; 1260

(2) Administers the naloxone to an individual who is 1261
apparently experiencing an opioid-related overdose; 1262

(3) Attempts to summon emergency services as soon as 1263
practicable either before or after administering the naloxone, 1264
except that making such an attempt is not required if the 1265
individual administering the drug knows that emergency services 1266
already have been summoned or are present. 1267

Sec. ~~4765.44~~ 3715.505. (A) As used in this section, "law: 1268

(1) "Emergency medical service personnel," "firefighter," 1269
and "volunteer firefighter" have the same meanings as in section 1270
4765.01 of the Revised Code. 1271

(2) "Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code means a government entity that employs peace officers to perform law enforcement duties. 1272
1273
1274

(3) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code. 1275
1276

(B) (1) Upon request of a law enforcement agency as 1277
described in division (B) (2) of this section, emergency medical 1278
service personnel and any firefighter or volunteer firefighter 1279
acting within the course of the firefighting profession shall 1280
disclose the name and address, if known, of an individual to 1281
whom the emergency medical ~~services~~ service personnel, 1282
firefighter, or volunteer firefighter administered naloxone due 1283
to an actual or suspected drug overdose, unless the emergency 1284
medical ~~services~~ service personnel, firefighter, or volunteer 1285
firefighter reasonably believes that the law enforcement agency 1286
making the request does not have jurisdiction over the place 1287
where the naloxone was administered. 1288

(2) A law enforcement agency may request a name and 1289
address of an individual under division (B) (1) of this section 1290
for the purposes of investigation or treatment referral and may 1291
use a name and address received under that division for either 1292
or both of those purposes. 1293

Sec. 4729.01. As used in this chapter: 1294

(A) "Pharmacy," except when used in a context that refers 1295
to the practice of pharmacy, means any area, room, rooms, place 1296
of business, department, or portion of any of the foregoing 1297
where the practice of pharmacy is conducted. 1298

(B) "Practice of pharmacy" means providing pharmacist care 1299
requiring specialized knowledge, judgment, and skill derived 1300

from the principles of biological, chemical, behavioral, social, 1301
pharmaceutical, and clinical sciences. As used in this division, 1302
"pharmacist care" includes the following: 1303

- (1) Interpreting prescriptions; 1304
- (2) Dispensing drugs and drug therapy related devices; 1305
- (3) Compounding drugs; 1306
- (4) Counseling individuals with regard to their drug 1307
therapy, recommending drug therapy related devices, and 1308
assisting in the selection of drugs and appliances for treatment 1309
of common diseases and injuries and providing instruction in the 1310
proper use of the drugs and appliances; 1311
- (5) Performing drug regimen reviews with individuals by 1312
discussing all of the drugs that the individual is taking and 1313
explaining the interactions of the drugs; 1314
- (6) Performing drug utilization reviews with licensed 1315
health professionals authorized to prescribe drugs when the 1316
pharmacist determines that an individual with a prescription has 1317
a drug regimen that warrants additional discussion with the 1318
prescriber; 1319
- (7) Advising an individual and the health care 1320
professionals treating an individual with regard to the 1321
individual's drug therapy; 1322
- (8) Acting pursuant to a consult agreement, if an 1323
agreement has been established; 1324
- (9) Engaging in the administration of immunizations to the 1325
extent authorized by section 4729.41 of the Revised Code; 1326
- (10) Engaging in the administration of drugs to the extent 1327

authorized by section 4729.45 of the Revised Code. 1328

(C) "Compounding" means the preparation, mixing, 1329
assembling, packaging, and labeling of one or more drugs in any 1330
of the following circumstances: 1331

(1) Pursuant to a prescription issued by a licensed health 1332
professional authorized to prescribe drugs; 1333

(2) Pursuant to the modification of a prescription made in 1334
accordance with a consult agreement; 1335

(3) As an incident to research, teaching activities, or 1336
chemical analysis; 1337

(4) In anticipation of orders for drugs pursuant to 1338
prescriptions, based on routine, regularly observed dispensing 1339
patterns; 1340

(5) Pursuant to a request made by a licensed health 1341
professional authorized to prescribe drugs for a drug that is to 1342
be used by the professional for the purpose of direct 1343
administration to patients in the course of the professional's 1344
practice, if all of the following apply: 1345

(a) At the time the request is made, the drug is not 1346
commercially available regardless of the reason that the drug is 1347
not available, including the absence of a manufacturer for the 1348
drug or the lack of a readily available supply of the drug from 1349
a manufacturer. 1350

(b) A limited quantity of the drug is compounded and 1351
provided to the professional. 1352

(c) The drug is compounded and provided to the 1353
professional as an occasional exception to the normal practice 1354
of dispensing drugs pursuant to patient-specific prescriptions. 1355

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	1356 1357
(E) "Drug" means:	1358
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	1359 1360 1361 1362
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	1363 1364 1365
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	1366 1367
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	1368 1369 1370 1371
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	1372 1373
(F) "Dangerous drug" means any of the following:	1374
(1) Any drug to which either of the following applies:	1375
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	1376 1377 1378 1379 1380 1381 1382

(b) Under Chapter 3715. or 3719. of the Revised Code, the 1383
drug may be dispensed only upon a prescription. 1384

(2) Any drug that contains a schedule V controlled 1385
substance and that is exempt from Chapter 3719. of the Revised 1386
Code or to which that chapter does not apply; 1387

(3) Any drug intended for administration by injection into 1388
the human body other than through a natural orifice of the human 1389
body; 1390

(4) Any drug that is a biological product, as defined in 1391
section 3715.01 of the Revised Code. 1392

(G) "Federal drug abuse control laws" has the same meaning 1393
as in section 3719.01 of the Revised Code. 1394

(H) "Prescription" means all of the following: 1395

(1) A written, electronic, or oral order for drugs or 1396
combinations or mixtures of drugs to be used by a particular 1397
individual or for treating a particular animal, issued by a 1398
licensed health professional authorized to prescribe drugs; 1399

(2) ~~For purposes of sections 2925.61, 4723.484, 4730.434,~~ 1400
~~and 4731.94 of the Revised Code, a written, electronic, or oral~~ 1401
~~order for naloxone issued to and in the name of a family member,~~ 1402
~~friend, or other individual in a position to assist an~~ 1403
~~individual who there is reason to believe is at risk of~~ 1404
~~experiencing an opioid-related overdose.~~ 1405

~~(3) For purposes of section 4729.44 of the Revised Code, a~~ 1406
~~written, electronic, or oral order for naloxone issued to and in~~ 1407
~~the name of either of the following:~~ 1408

~~(a) An individual who there is reason to believe is at~~ 1409
~~risk of experiencing an opioid-related overdose;~~ 1410

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

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

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

~~(6)~~ (4) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code;

~~(7)~~ (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;	1440 1441
(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;	1442 1443 1444 1445
(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;	1446 1447 1448 1449 1450
(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	1451 1452 1453
(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	1454 1455 1456
(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	1457 1458 1459 1460 1461
(7) A veterinarian licensed under Chapter 4741. of the Revised Code.	1462 1463
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement,	1464 1465 1466 1467 1468

or both.	1469
(K) "Wholesale sale" and "sale at wholesale" mean any sale	1470
in which the purpose of the purchaser is to resell the article	1471
purchased or received by the purchaser.	1472
(L) "Retail sale" and "sale at retail" mean any sale other	1473
than a wholesale sale or sale at wholesale.	1474
(M) "Retail seller" means any person that sells any	1475
dangerous drug to consumers without assuming control over and	1476
responsibility for its administration. Mere advice or	1477
instructions regarding administration do not constitute control	1478
or establish responsibility.	1479
(N) "Price information" means the price charged for a	1480
prescription for a particular drug product and, in an easily	1481
understandable manner, all of the following:	1482
(1) The proprietary name of the drug product;	1483
(2) The established (generic) name of the drug product;	1484
(3) The strength of the drug product if the product	1485
contains a single active ingredient or if the drug product	1486
contains more than one active ingredient and a relevant strength	1487
can be associated with the product without indicating each	1488
active ingredient. The established name and quantity of each	1489
active ingredient are required if such a relevant strength	1490
cannot be so associated with a drug product containing more than	1491
one ingredient.	1492
(4) The dosage form;	1493
(5) The price charged for a specific quantity of the drug	1494
product. The stated price shall include all charges to the	1495
consumer, including, but not limited to, the cost of the drug	1496

product, professional fees, handling fees, if any, and a 1497
statement identifying professional services routinely furnished 1498
by the pharmacy. Any mailing fees and delivery fees may be 1499
stated separately without repetition. The information shall not 1500
be false or misleading. 1501

(O) "Wholesale distributor of dangerous drugs" or 1502
"wholesale distributor" means a person engaged in the sale of 1503
dangerous drugs at wholesale and includes any agent or employee 1504
of such a person authorized by the person to engage in the sale 1505
of dangerous drugs at wholesale. 1506

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1507
means a person, other than a pharmacist or prescriber, who 1508
manufactures dangerous drugs and who is engaged in the sale of 1509
those dangerous drugs. 1510

(Q) "Terminal distributor of dangerous drugs" or "terminal 1511
distributor" means a person who is engaged in the sale of 1512
dangerous drugs at retail, or any person, other than a 1513
manufacturer, repackager, outsourcing facility, third-party 1514
logistics provider, wholesale distributor, or pharmacist, who 1515
has possession, custody, or control of dangerous drugs for any 1516
purpose other than for that person's own use and consumption. 1517
"Terminal distributor" includes pharmacies, hospitals, nursing 1518
homes, and laboratories and all other persons who procure 1519
dangerous drugs for sale or other distribution by or under the 1520
supervision of a pharmacist, licensed health professional 1521
authorized to prescribe drugs, or other person authorized by the 1522
state board of pharmacy. 1523

(R) "Promote to the public" means disseminating a 1524
representation to the public in any manner or by any means, 1525
other than by labeling, for the purpose of inducing, or that is 1526

likely to induce, directly or indirectly, the purchase of a 1527
dangerous drug at retail. 1528

(S) "Person" includes any individual, partnership, 1529
association, limited liability company, or corporation, the 1530
state, any political subdivision of the state, and any district, 1531
department, or agency of the state or its political 1532
subdivisions. 1533

(T) (1) "Animal shelter" means a facility operated by a 1534
humane society or any society organized under Chapter 1717. of 1535
the Revised Code or a dog pound operated pursuant to Chapter 1536
955. of the Revised Code. 1537

(2) "County dog warden" means a dog warden or deputy dog 1538
warden appointed or employed under section 955.12 of the Revised 1539
Code. 1540

(U) "Food" has the same meaning as in section 3715.01 of 1541
the Revised Code. 1542

(V) "Pain management clinic" has the same meaning as in 1543
section 4731.054 of the Revised Code. 1544

(W) "Investigational drug or product" means a drug or 1545
product that has successfully completed phase one of the United 1546
States food and drug administration clinical trials and remains 1547
under clinical trial, but has not been approved for general use 1548
by the United States food and drug administration. 1549
"Investigational drug or product" does not include controlled 1550
substances in schedule I, as defined in section 3719.01 of the 1551
Revised Code. 1552

(X) "Product," when used in reference to an 1553
investigational drug or product, means a biological product, 1554
other than a drug, that is made from a natural human, animal, or 1555

microorganism source and is intended to treat a disease or 1556
medical condition. 1557

(Y) "Third-party logistics provider" means a person that 1558
provides or coordinates warehousing or other logistics services 1559
pertaining to dangerous drugs including distribution, on behalf 1560
of a manufacturer, wholesale distributor, or terminal 1561
distributor of dangerous drugs, but does not take ownership of 1562
the drugs or have responsibility to direct the sale or 1563
disposition of the drugs. 1564

(Z) "Repackager of dangerous drugs" or "repackager" means 1565
a person that repacks and relabels dangerous drugs for sale or 1566
distribution. 1567

(AA) "Outsourcing facility" means a facility that is 1568
engaged in the compounding and sale of sterile drugs and is 1569
registered as an outsourcing facility with the United States 1570
food and drug administration. 1571

(BB) "Laboratory" means a laboratory licensed under this 1572
chapter as a terminal distributor of dangerous drugs and 1573
entrusted to have custody of any of the following drugs and to 1574
use the drugs for scientific and clinical purposes and for 1575
purposes of instruction: dangerous drugs that are not controlled 1576
substances, as defined in section 3719.01 of the Revised Code; 1577
dangerous drugs that are controlled substances, as defined in 1578
that section; and controlled substances in schedule I, as 1579
defined in that section. 1580

Sec. 4729.16. (A) (1) The state board of pharmacy, after 1581
notice and hearing in accordance with Chapter 119. of the 1582
Revised Code, may impose any one or more of the following 1583
sanctions on a pharmacist or pharmacy intern if the board finds 1584

the individual engaged in any of the conduct set forth in 1585
division (A) (2) of this section: 1586

(a) Revoke, suspend, restrict, limit, or refuse to grant 1587
or renew a license; 1588

(b) Reprimand or place the license holder on probation; 1589

(c) Impose a monetary penalty or forfeiture not to exceed 1590
in severity any fine designated under the Revised Code for a 1591
similar offense, or in the case of a violation of a section of 1592
the Revised Code that does not bear a penalty, a monetary 1593
penalty or forfeiture of not more than five hundred dollars. 1594

(2) Except as provided in division (I) of this section, 1595
the board may impose the sanctions listed in division (A) (1) of 1596
this section if the board finds a pharmacist or pharmacy intern: 1597

(a) Has been convicted of a felony, or a crime of moral 1598
turpitude, as defined in section 4776.10 of the Revised Code; 1599

(b) Engaged in dishonesty or unprofessional conduct in the 1600
practice of pharmacy; 1601

(c) Is addicted to or abusing alcohol or drugs or is 1602
impaired physically or mentally to such a degree as to render 1603
the pharmacist or pharmacy intern unfit to practice pharmacy; 1604

(d) Has been convicted of a misdemeanor related to, or 1605
committed in, the practice of pharmacy; 1606

(e) Violated, conspired to violate, attempted to violate, 1607
or aided and abetted the violation of any of the provisions of 1608
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 1609
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 1610
by the board under those provisions; 1611

(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	1612 1613
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	1614 1615 1616 1617
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	1618 1619 1620 1621 1622
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	1623 1624
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;	1625 1626 1627 1628
(k) Failed to comply with an order of the board or a settlement agreement;	1629 1630
(l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.	1631 1632 1633
(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	1634 1635 1636 1637
(C) As used in this section:	1638
"Unprofessional conduct in the practice of pharmacy"	1639

includes any of the following:	1640
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	1641 1642
(2) Except as provided in section <u>3715.50, 3715.502,</u> 4729.281, 4729.44, or 4729.47 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;	1643 1644 1645 1646
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	1647 1648
(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;	1649 1650 1651 1652
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	1653 1654
(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;	1655 1656 1657 1658
(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.	1659 1660 1661
(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.	1662 1663 1664
(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	1665 1666 1667

supervision by the board. By filing an application for or 1668
holding a license to practice as a pharmacist or pharmacy 1669
intern, an individual gives consent to submit to a mental or 1670
physical examination when ordered to do so by the board in 1671
writing and waives all objections to the admissibility of 1672
testimony or examination reports that constitute privileged 1673
communications. 1674

If the board has reasonable cause to believe that an 1675
individual who is a pharmacist or pharmacy intern is physically 1676
or mentally impaired, the board may require the individual to 1677
submit to a physical or mental examination, or both. The expense 1678
of the examination is the responsibility of the individual 1679
required to be examined. 1680

Failure of an individual who is a pharmacist or pharmacy 1681
intern to submit to a physical or mental examination ordered by 1682
the board, unless the failure is due to circumstances beyond the 1683
individual's control, constitutes an admission of the 1684
allegations and a suspension order shall be entered without the 1685
taking of testimony or presentation of evidence. Any subsequent 1686
adjudication hearing under Chapter 119. of the Revised Code 1687
concerning failure to submit to an examination is limited to 1688
consideration of whether the failure was beyond the individual's 1689
control. 1690

If, based on the results of an examination ordered under 1691
this division, the board determines that the individual's 1692
ability to practice is impaired, the board shall suspend the 1693
individual's license or deny the individual's application and 1694
shall require the individual, as a condition for an initial, 1695
continued, reinstated, or renewed license to practice, to submit 1696
to a physical or mental examination and treatment. 1697

An order of suspension issued under this division shall 1698
not be subject to suspension by a court during pendency of any 1699
appeal filed under section 119.12 of the Revised Code. 1700

(F) If the board is required under Chapter 119. of the 1701
Revised Code to give notice of an opportunity for a hearing and 1702
the applicant or licensee does not make a timely request for a 1703
hearing in accordance with section 119.07 of the Revised Code, 1704
the board is not required to hold a hearing, but may adopt a 1705
final order that contains the board's findings. In the final 1706
order, the board may impose any of the sanctions listed in 1707
division (A) of this section. 1708

(G) Notwithstanding the provision of division (C) (2) of 1709
section 2953.32 of the Revised Code specifying that if records 1710
pertaining to a criminal case are sealed under that section the 1711
proceedings in the case must be deemed not to have occurred, 1712
sealing of the following records on which the board has based an 1713
action under this section shall have no effect on the board's 1714
action or any sanction imposed by the board under this section: 1715
records of any conviction, guilty plea, judicial finding of 1716
guilt resulting from a plea of no contest, or a judicial finding 1717
of eligibility for a pretrial diversion program or intervention 1718
in lieu of conviction. The board shall not be required to seal, 1719
destroy, redact, or otherwise modify its records to reflect the 1720
court's sealing of conviction records. 1721

(H) No pharmacist or pharmacy intern shall knowingly 1722
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 1723
(e) to (l) of this section. 1724

(I) The board shall not refuse to issue a license to an 1725
applicant for a conviction of an offense unless the refusal is 1726
in accordance with section 9.79 of the Revised Code. 1727

Sec. 4729.28. (A) As used in this section, "dispense" has 1728
the meaning specified by the state board of pharmacy in rules 1729
adopted under section 4729.26 of the Revised Code. 1730

(B) (1) Except as provided in division (B) (2) of this 1731
section, no person who is not a pharmacist or a pharmacy intern 1732
under the personal supervision of a pharmacist shall compound or 1733
sell dangerous drugs or otherwise engage in the practice of 1734
pharmacy. 1735

(2) Except as provided in ~~sections~~ section 3701.048 of the 1736
Revised Code with respect to other health care professionals, 1737
4729.44, in sections 3715.512 and 4729.47 of the Revised Code 1738
with respect to pharmacy interns, or in rules adopted by the 1739
board under section 4729.26 of the Revised Code, no person who 1740
is not a pharmacist shall dispense dangerous drugs. 1741

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 1742
section 4729.28 of the Revised Code do not do any of the 1743
following: 1744

(A) Apply to a licensed health professional authorized to 1745
prescribe drugs who is acting within the prescriber's scope of 1746
professional practice; 1747

(B) Prevent a prescriber from personally furnishing the 1748
prescriber's patients with drugs, within the prescriber's scope 1749
of professional practice, that seem proper to the prescriber, as 1750
long as the drugs are furnished in accordance with section 1751
4729.291 of the Revised Code; 1752

(C) Apply to an individual who personally furnishes a 1753
supply of naloxone under the authority conferred ~~under by~~ 1754
section ~~4723.485, 4730.435, or 4731.941~~ 3715.50 of the Revised 1755
Code or prevent ~~that an~~ individual from personally furnishing 1756

~~the a~~ supply of naloxone in accordance with a protocol 1757
established under section ~~4723.485, 4730.435, or 4731.941-~~ 1758
3715.503 of the Revised Code; 1759

(D) Apply to the sale of oxygen, the sale of peritoneal 1760
dialysis solutions, or the sale of drugs that are not dangerous 1761
drugs by a retail dealer, in original packages when labeled as 1762
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1763
1040 (1938), 21 U.S.C.A. 301, as amended. 1764

Sec. 4729.51. (A) No person other than a licensed 1765
manufacturer of dangerous drugs, outsourcing facility, third- 1766
party logistics provider, repackager of dangerous drugs, or 1767
wholesale distributor of dangerous drugs shall possess for sale, 1768
sell, distribute, or deliver, at wholesale, dangerous drugs or 1769
investigational drugs or products, except as follows: 1770

(1) A licensed terminal distributor of dangerous drugs 1771
that is a pharmacy may make occasional sales of dangerous drugs 1772
or investigational drugs or products at wholesale. 1773

(2) A licensed terminal distributor of dangerous drugs 1774
having more than one licensed location may transfer or deliver 1775
dangerous drugs from one licensed location to another licensed 1776
location owned by the terminal distributor if the license issued 1777
for each location is in effect at the time of the transfer or 1778
delivery. 1779

(3) A licensed terminal distributor of dangerous drugs 1780
that is not a pharmacy may make occasional sales of the 1781
following at wholesale: 1782

(a) Naloxone; 1783

(b) Dangerous drugs if the drugs being sold are in 1784
shortage, as defined in rules adopted under section 4729.26 of 1785

the Revised Code;	1786
(c) Dangerous drugs other than those described in	1787
divisions (A) (3) (a) and (b) of this section or investigational	1788
drugs or products if authorized by rules adopted under section	1789
4729.26 of the Revised Code.	1790
(B) No licensed manufacturer, outsourcing facility, third-	1791
party logistics provider, repackager, or wholesale distributor	1792
shall possess for sale, sell, or distribute, at wholesale,	1793
dangerous drugs or investigational drugs or products to any	1794
person other than the following:	1795
(1) Subject to division (D) of this section, a licensed	1796
terminal distributor of dangerous drugs;	1797
(2) Subject to division (C) of this section, any person	1798
exempt from licensure as a terminal distributor of dangerous	1799
drugs under section 4729.541 of the Revised Code;	1800
(3) A licensed manufacturer, outsourcing facility, third-	1801
party logistics provider, repackager, or wholesale distributor;	1802
(4) A terminal distributor, manufacturer, outsourcing	1803
facility, third-party logistics provider, repackager, or	1804
wholesale distributor that is located in another state, is not	1805
engaged in the sale of dangerous drugs within this state, and is	1806
actively licensed to engage in the sale of dangerous drugs by	1807
the state in which the distributor conducts business.	1808
(C) No licensed manufacturer, outsourcing facility, third-	1809
party logistics provider, repackager, or wholesale distributor	1810
shall possess for sale, sell, or distribute, at wholesale,	1811
dangerous drugs or investigational drugs or products to either	1812
of the following:	1813

(1) A prescriber who is employed by either of the	1814
following:	1815
(a) A pain management clinic that is not licensed as a	1816
terminal distributor of dangerous drugs with a pain management	1817
clinic classification issued under section 4729.552 of the	1818
Revised Code;	1819
(b) A facility, clinic, or other location that provides	1820
office-based opioid treatment but is not licensed as a terminal	1821
distributor of dangerous drugs with an office-based opioid	1822
treatment classification issued under section 4729.553 of the	1823
Revised Code if such a license is required by that section.	1824
(2) A business entity described in division (A) (2) or (3)	1825
of section 4729.541 of the Revised Code that is, or is	1826
operating, either of the following:	1827
(a) A pain management clinic without a license as a	1828
terminal distributor of dangerous drugs with a pain management	1829
clinic classification issued under section 4729.552 of the	1830
Revised Code;	1831
(b) A facility, clinic, or other location that provides	1832
office-based opioid treatment without a license as a terminal	1833
distributor of dangerous drugs with an office-based opioid	1834
treatment classification issued under section 4729.553 of the	1835
Revised Code if such a license is required by that section.	1836
(D) No licensed manufacturer, outsourcing facility, third-	1837
party logistics provider, repackager, or wholesale distributor	1838
shall possess dangerous drugs or investigational drugs or	1839
products for sale at wholesale, or sell or distribute such drugs	1840
at wholesale, to a licensed terminal distributor of dangerous	1841
drugs, except as follows:	1842

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

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

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

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

- (a) Sell or distribute, at retail, dangerous drugs;
- (b) Possess for sale, at retail, dangerous drugs;
- (c) Possess dangerous drugs.

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

- (i) A licensed terminal distributor of dangerous drugs;
- (ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;

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

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

(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 1870
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(ii) Any of the persons identified in divisions (A) (6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 1872
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(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows: 1875
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(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section. 1882
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(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery. 1887
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(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the distributor's personal use or consumption, at any establishment 1893
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or place other than that or those described in the license 1899
issued by the state board of pharmacy to such terminal 1900
distributor. 1901

(H) Nothing in this section shall be construed to 1902
interfere with the performance of official duties by any law 1903
enforcement official authorized by municipal, county, state, or 1904
federal law to collect samples of any drug, regardless of its 1905
nature or in whose possession it may be. 1906

(I) Notwithstanding anything to the contrary in this 1907
section, the board of education of a city, local, exempted 1908
village, or joint vocational school district may distribute 1909
epinephrine autoinjectors for use in accordance with section 1910
3313.7110 of the Revised Code, may distribute inhalers for use 1911
in accordance with section 3313.7113 of the Revised Code, and 1912
may distribute injectable or nasally administered glucagon for 1913
use in accordance with section 3313.7115 of the Revised Code. 1914

Sec. 4729.541. (A) Except as provided in divisions (B) to 1915
(D) of this section, all of the following are exempt from 1916
licensure as a terminal distributor of dangerous drugs: 1917

(1) A licensed health professional authorized to prescribe 1918
drugs; 1919

(2) A business entity that is a corporation formed under 1920
division (B) of section 1701.03 of the Revised Code, a limited 1921
liability company formed under former Chapter 1705. of the 1922
Revised Code as that chapter existed prior to February 11, 2022, 1923
or Chapter 1706. of the Revised Code, or a professional 1924
association formed under Chapter 1785. of the Revised Code if 1925
the entity has a sole shareholder who is a prescriber and is 1926
authorized to provide the professional services being offered by 1927

the entity; 1928

(3) A business entity that is a corporation formed under 1929
division (B) of section 1701.03 of the Revised Code, a limited 1930
liability company formed under former Chapter 1705. of the 1931
Revised Code as that chapter existed prior to February 11, 2022, 1932
or Chapter 1706. of the Revised Code, a partnership or a limited 1933
liability partnership formed under Chapter 1775. of the Revised 1934
Code, or a professional association formed under Chapter 1785. 1935
of the Revised Code, if, to be a shareholder, member, or 1936
partner, an individual is required to be licensed, certified, or 1937
otherwise legally authorized under Title XLVII of the Revised 1938
Code to perform the professional service provided by the entity 1939
and each such individual is a prescriber; 1940

(4) An individual who holds a current license, 1941
certificate, or registration issued under Title XLVII of the 1942
Revised Code and has been certified to conduct diabetes 1943
education by a national certifying body specified in rules 1944
adopted by the state board of pharmacy under section 4729.68 of 1945
the Revised Code, but only with respect to insulin that will be 1946
used for the purpose of diabetes education and only if diabetes 1947
education is within the individual's scope of practice under 1948
statutes and rules regulating the individual's profession; 1949

(5) An individual who holds a valid certificate issued by 1950
a nationally recognized S.C.U.B.A. diving certifying 1951
organization approved by the state board of pharmacy under rules 1952
adopted by the board, but only with respect to medical oxygen 1953
that will be used for the purpose of emergency care or treatment 1954
at the scene of a diving emergency; 1955

(6) With respect to epinephrine autoinjectors that may be 1956
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 1957

or 3328.29 of the Revised Code, any of the following: the board 1958
of education of a city, local, exempted village, or joint 1959
vocational school district; a chartered or nonchartered 1960
nonpublic school; a community school established under Chapter 1961
3314. of the Revised Code; a STEM school established under 1962
Chapter 3326. of the Revised Code; or a college-preparatory 1963
boarding school established under Chapter 3328. of the Revised 1964
Code; 1965

(7) With respect to epinephrine autoinjectors that may be 1966
possessed under section 5101.76 of the Revised Code, any of the 1967
following: a residential camp, as defined in section 2151.011 of 1968
the Revised Code; a child day camp, as defined in section 1969
5104.01 of the Revised Code; or a child day camp operated by any 1970
county, township, municipal corporation, township park district 1971
created under section 511.18 of the Revised Code, park district 1972
created under section 1545.04 of the Revised Code, or joint 1973
recreation district established under section 755.14 of the 1974
Revised Code; 1975

(8) With respect to epinephrine autoinjectors that may be 1976
possessed under Chapter 3728. of the Revised Code, a qualified 1977
entity, as defined in section 3728.01 of the Revised Code; 1978

(9) With respect to inhalers that may be possessed under 1979
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 1980
the Revised Code, any of the following: the board of education 1981
of a city, local, exempted village, or joint vocational school 1982
district; a chartered or nonchartered nonpublic school; a 1983
community school established under Chapter 3314. of the Revised 1984
Code; a STEM school established under Chapter 3326. of the 1985
Revised Code; or a college-preparatory boarding school 1986
established under Chapter 3328. of the Revised Code; 1987

(10) With respect to inhalers that may be possessed under 1988
section 5101.77 of the Revised Code, any of the following: a 1989
residential camp, as defined in section 2151.011 of the Revised 1990
Code; a child day camp, as defined in section 5104.01 of the 1991
Revised Code; or a child day camp operated by any county, 1992
township, municipal corporation, township park district created 1993
under section 511.18 of the Revised Code, park district created 1994
under section 1545.04 of the Revised Code, or joint recreation 1995
district established under section 755.14 of the Revised Code; 1996

(11) With respect to naloxone that may be possessed ~~under~~ 1997
for the purposes described in section 2925.61-3715.50 of the 1998
Revised Code, ~~a law enforcement agency and its peace officers~~ 1999
any person or government entity exercising the authority 2000
conferred by that section; 2001

(12) With respect to naloxone that may be possessed for 2002
use in personally furnishing supplies of the drug pursuant to a 2003
protocol established under section 4729.514-3715.503 of the 2004
Revised Code ~~for use in emergency situations or for personally~~ 2005
~~furnishing supplies of naloxone, a service entity, as defined in~~ 2006
any individual exercising the authority conferred by that 2007
section; 2008

(13) ~~A facility that is owned and operated by the United~~ 2009
~~States department of defense, the United States department of~~ 2010
~~veterans affairs, or any other federal agency;~~ 2011

~~(14)~~ With respect to injectable or nasally administered 2012
glucagon that may be possessed under sections 3313.7115, 2013
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 2014
any of the following: the board of education of a city, local, 2015
exempted village, or joint vocational school district; a 2016
chartered or nonchartered nonpublic school; a community school 2017

established under Chapter 3314. of the Revised Code; a STEM 2018
school established under Chapter 3326. of the Revised Code; or a 2019
college-preparatory boarding school established under Chapter 2020
3328. of the Revised Code; 2021

~~(15)~~(14) With respect to injectable or nasally 2022
administered glucagon that may be possessed under section 2023
5101.78 of the Revised Code, any of the following: a residential 2024
camp, as defined in section 2151.011 of the Revised Code; a 2025
child day camp, as defined in section 5104.01 of the Revised 2026
Code; or a child day camp operated by any county, township, 2027
municipal corporation, township park district created under 2028
section 511.18 of the Revised Code, park district created under 2029
section 1545.04 of the Revised Code, or joint recreation 2030
district established under section 755.14 of the Revised Code; 2031

(15) A facility that is owned and operated by the United 2032
States department of defense, the United States department of 2033
veterans affairs, or any other federal agency. 2034

(B) If a person described in division (A) of this section 2035
is a pain management clinic or is operating a pain management 2036
clinic, the person shall hold a license as a terminal 2037
distributor of dangerous drugs with a pain management clinic 2038
classification issued under section 4729.552 of the Revised 2039
Code. 2040

(C) If a person described in division (A) of this section 2041
is operating a facility, clinic, or other location described in 2042
division (B) of section 4729.553 of the Revised Code that must 2043
hold a category III terminal distributor of dangerous drugs 2044
license with an office-based opioid treatment classification, 2045
the person shall hold a license with that classification. 2046

(D) Any of the persons described in divisions (A) (1) to 2047
~~(12)~~ (14) of this section shall hold a license as a terminal 2048
distributor of dangerous drugs in order to possess, have custody 2049
or control of, and distribute any of the following: 2050

(1) Dangerous drugs that are compounded or used for the 2051
purpose of compounding; 2052

(2) A schedule I, II, III, IV, or V controlled substance, 2053
as defined in section 3719.01 of the Revised Code. 2054

Sec. 4729.60. (A) (1) Before a licensee identified in 2055
division (B) (1) (a) of section 4729.52 of the Revised Code may 2056
sell or distribute dangerous drugs at wholesale to any person, 2057
except as provided in division (A) (2) of this section, the 2058
licensee shall query the roster established pursuant to section 2059
4729.59 of the Revised Code to determine whether the purchaser 2060
is a licensed terminal distributor of dangerous drugs. 2061

If no documented query is conducted before a sale is made, 2062
it shall be presumed that the sale of dangerous drugs by the 2063
licensee is in violation of division (B) of section 4729.51 of 2064
the Revised Code and the purchase of dangerous drugs by the 2065
purchaser is in violation of division (E) of section 4729.51 of 2066
the Revised Code. If a licensee conducts a documented query and 2067
relies on the results of the query in selling or distributing 2068
dangerous drugs at wholesale to the terminal distributor of 2069
dangerous drugs, the licensee shall be deemed not to have 2070
violated division (B) of section 4729.51 of the Revised Code in 2071
making the sale. 2072

(2) Division (A) (1) of this section does not apply when a 2073
licensee identified in division (B) (1) (a) of section 4729.52 of 2074
the Revised Code sells or distributes dangerous drugs at 2075

wholesale to any of the following:	2076
(a) A person specified in division (B) (4) of section 4729.51 of the Revised Code;	2077 2078
(b) Any of the persons described in divisions (A) (1) to (15) <u>division (A)</u> of section 4729.541 of the Revised Code, but only if the purchaser is not required to obtain licensure as provided in divisions (B) to (D) of that section.	2079 2080 2081 2082
(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale.	2083 2084 2085 2086 2087 2088
If no documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs conducts a documented query at least annually and relies on the results of the query in purchasing dangerous drugs at wholesale, the terminal distributor shall be deemed not to have violated division (F) of section 4729.51 of the Revised Code in making the purchase.	2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099
Section 2. That existing sections 149.43, 4729.01, 4729.16, 4729.28, 4729.29, 4729.44, 4729.51, 4729.541, 4729.60, and 4765.44 of the Revised Code are hereby repealed.	2100 2101 2102
Section 3. That sections 2925.61, 3707.56, 3707.561, 3707.562, 4723.484, 4723.485, 4723.486, 4729.514, 4729.515,	2103 2104

4730.434, 4730.435, 4730.436, 4731.94, 4731.941, 4731.942, and 2105
4731.943 of the Revised Code are hereby repealed. 2106

Section 4. The General Assembly, applying the principle 2107
stated in division (B) of section 1.52 of the Revised Code that 2108
amendments are to be harmonized if reasonably capable of 2109
simultaneous operation, finds that the following sections, 2110
presented in this act as composites of the sections as amended 2111
by the acts indicated, are the resulting versions of the 2112
sections in effect prior to the effective date of the sections 2113
as presented in this act: 2114

Section 4729.01 of the Revised Code as amended by H.B. 24, 2115
H.B. 197, H.B. 203, H.B. 231, H.B. 341, and S.B. 57, all of the 2116
133rd General Assembly; 2117

Section 4729.51 of the Revised Code as amended by both 2118
H.B. 231 and H.B. 341 of the 133rd General Assembly; 2119

Section 4729.541 of the Revised Code as amended by H.B. 2120
231, H.B. 341, and S.B. 276, all of the 133rd General Assembly. 2121