

**As Reported by the Senate Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 70**

**Representatives Fowler Arthur, Gross**

**Cosponsors: Representatives Johnson, Brennan, Williams, Ferguson, Jordan, Dean, Bird, Abrams, Callender, Cross, Dell'Aquila, Dobos, Grim, Jones, Liston, Lorenz, Miller, J., Miller, M., Mohamed, Ray, Robb Blasdel, Stein, Upchurch**

**Senator Brenner**

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**A BILL**

To amend section 3313.713 of the Revised Code to  
require schools to adopt a policy regarding the  
administration of over-the-counter drugs.

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

**Section 1.** That section 3313.713 of the Revised Code be  
amended to read as follows:

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

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

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

~~(3)~~ (2) "Over-the-counter drug" means a drug, as defined  
in section 4729.01 of the Revised Code, that may be legally sold

without a prescription and that is administered without the 16  
instruction of a prescriber. 17

(3) "Prescriber" has the same meaning as in section 18  
4729.01 of the Revised Code. 19

(4) "Prescription drug" means a drug, as defined in 20  
section 4729.01 of the Revised Code, that is to be administered 21  
pursuant to the instructions of the prescriber, whether or not 22  
required by law to be sold only upon a prescription. 23

(B) The board of education of each city, local, exempted 24  
village, and joint vocational school district and the governing 25  
authority of each chartered nonpublic school shall adopt a 26  
policy on the authority of its employees, when acting in 27  
situations other than those governed by sections 2305.23, 28  
2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, and 29  
3313.7115 of the Revised Code, to administer prescription drugs 30  
prescribed to students enrolled in the schools of the district 31  
or the chartered nonpublic school. The policy shall provide 32  
either that: 33

(1) Except as otherwise required by federal law, no person 34  
employed by the board or governing authority shall, in the 35  
course of such employment, administer any prescription drug 36  
prescribed to any student enrolled in the schools of the 37  
district or the chartered nonpublic school. 38

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

professional and considered appropriate by the board or 45  
governing authority, may administer to a student a prescription 46  
drug prescribed for the student. Except as otherwise provided by 47  
federal law, the board's or governing authority's policy may 48  
provide that certain prescription drugs or types of prescription 49  
drugs shall not be administered or that no employee shall use 50  
certain procedures, such as injection, to administer a 51  
prescription drug to a student. 52

(C) No prescription drug prescribed for a student shall be 53  
administered pursuant to federal law or a policy adopted under 54  
division (B) of this section until the following occur: 55

(1) The board or governing authority, or a person 56  
designated by the board or governing authority, receives a 57  
written request, signed by the parent, guardian, or other person 58  
having care or charge of the student, that the prescription drug 59  
be administered to the student. 60

(2) The board or governing authority, or a person 61  
designated by the board or governing authority, receives a 62  
statement, signed by the prescriber, that includes all of the 63  
following information: 64

(a) The name and address of the student; 65

(b) The school and class in which the student is enrolled; 66

(c) The name of the prescription drug and the dosage to be 67  
administered; 68

(d) The times or intervals at which each dosage of the 69  
prescription drug is to be administered; 70

(e) The date the administration of the prescription drug 71  
is to begin; 72

(f) The date the administration of the <u>prescription drug</u>	73
is to cease;	74
(g) Any severe adverse reactions that should be reported	75
to the prescriber and one or more phone numbers at which the	76
prescriber can be reached in an emergency;	77
(h) Special instructions for administration of the	78
<u>prescription drug</u> , including sterile conditions and storage.	79
(3) The parent, guardian, or other person having care or	80
charge of the student agrees to submit a revised statement	81
signed by the prescriber to the board or governing authority or	82
a person designated by the board or governing authority if any	83
of the information provided by the prescriber pursuant to	84
division (C) (2) of this section changes.	85
(4) The person authorized by the board or governing	86
authority to administer the <u>prescription drug</u> receives a copy of	87
the statement required by division (C) (2) or (3) of this	88
section.	89
(5) The <u>prescription drug</u> is received by the person	90
authorized to administer the <u>prescription drug</u> to the student	91
for whom the drug is prescribed in the container in which it was	92
dispensed by the prescriber or a licensed pharmacist.	93
(6) Any other procedures required by the board or	94
governing authority are followed.	95
(D) If a <u>prescription drug</u> is administered to a student,	96
the board of education or governing authority of the chartered	97
nonpublic school shall acquire and retain copies of the written	98
requests required by division (C) (1) and the statements required	99
by divisions (C) (2) and (3) of this section and shall ensure	100
that by the next school day following the receipt of any such	101

statement a copy is given to the person authorized to administer 102  
prescription drugs to the student for whom the statement has 103  
been received. The board or governing authority, or a person 104  
designated by the board or governing authority, shall establish 105  
a location in each school building for the storage of 106  
prescription drugs to be administered under this section and 107  
federal law. All such drugs shall be stored in that location in 108  
a locked storage place, except that drugs that require 109  
refrigeration may be kept in a refrigerator in a place not 110  
commonly used by students. 111

(E) No person who has been authorized by a board of 112  
education or governing authority of a chartered nonpublic school 113  
to administer a prescription drug and has a copy of the most 114  
recent statement required by division (C) (2) or (3) of this 115  
section given to the person in accordance with division (D) of 116  
this section prior to administering the prescription drug is 117  
liable in civil damages for administering or failing to 118  
administer the prescription drug, unless such person acts in a 119  
manner that constitutes gross negligence or wanton or reckless 120  
misconduct. 121

(F) The board of education of each city, local, exempted 122  
village, and joint vocational school district and the governing 123  
authority of each chartered nonpublic school shall adopt a 124  
policy on the authority of its employees, when acting in 125  
situations other than those governed by sections 2305.23, 126  
2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, and 127  
3313.7115 of the Revised Code, to administer over-the-counter 128  
drugs to students enrolled in the schools of the district or the 129  
chartered nonpublic school. The policy may include provisions on 130  
the following: 131

(1) Whether the district or school will authorize any 132  
employees, in the course of their employment, to administer any 133  
over-the-counter drugs to students; 134

(2) Whether the permission of a parent or guardian will be 135  
required before a district or school employee may administer an 136  
over-the-counter drug to a student. 137

(G) A board of education or governing authority of a 138  
chartered nonpublic school may designate a person or persons to 139  
perform any function or functions in connection with a 140  
prescription or over-the-counter drug policy adopted under this 141  
section either by name or by position, training, qualifications, 142  
or similar distinguishing factors. 143

~~(G)~~ (H) A policy adopted by a board of education or 144  
governing authority of a chartered nonpublic school pursuant to 145  
this section may be changed, modified, or revised by action of 146  
the board or the governing authority. 147

~~(H)~~ (I) Nothing in this section shall be construed to 148  
require a person employed by a board of education or governing 149  
authority of a chartered nonpublic school to administer a 150  
prescription or over-the-counter drug to a student unless the 151  
board's or governing authority's policy adopted in compliance 152  
with this section establishes such a requirement. A board or 153  
governing authority shall not require an employee to administer 154  
a prescription or over-the-counter drug to a student if the 155  
employee objects, on the basis of religious convictions, to 156  
administering the drug. 157

Nothing in this section affects the application of section 158  
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 159  
3313.7115 of the Revised Code to the administration of emergency 160

care or treatment to a student. 161

Nothing in this section affects the ability of a public or 162  
nonpublic school to participate in a school-based fluoride mouth 163  
rinse program established by the director of health pursuant to 164  
section 3701.136 of the Revised Code. Nothing in this section 165  
affects the ability of a person who is employed by, or who 166  
volunteers for, a school that participates in such a program to 167  
administer fluoride mouth rinse to a student in accordance with 168  
section 3701.136 of the Revised Code and any rules adopted by 169  
the director under that section. 170

~~(I)~~ (J) Nothing in this section shall be construed to 171  
require a school district or chartered nonpublic school to 172  
obtain written authorization or instructions from a health care 173  
provider to apply nonprescription topical ointments designed to 174  
prevent sunburn. Furthermore, nothing in this section shall be 175  
construed to prohibit a student to possess and self-apply 176  
nonprescription topical ointment designed to prevent sunburn 177  
while on school property or at a school-sponsored event without 178  
written authorization or instructions from a healthcare 179  
provider. The ~~policy~~ policies adopted by a school district or 180  
chartered nonpublic school pursuant to this section shall not 181  
require written authorization from a health care provider, but 182  
may require parental authorization, for the possession or 183  
application of such sunscreen. A designated person employed by 184  
the board of education of a school district or governing 185  
authority of a chartered nonpublic school shall apply sunscreen 186  
to a student in accordance with the school district's or 187  
governing authority's policy upon request. 188

**Section 2.** That existing section 3313.713 of the Revised 189  
Code is hereby repealed. 190