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Representative Richardson

Cosponsors: Representatives Schmidt, Deeter, Somani, Baker, Barhorst, Brownlee, Gross, King, Miller, M., Abrams, Bird, Brennan, Bryant Bailey, Cockley, Daniels, Dovilla, Ghanbari, Glassburn, Grim, Hall, D., Hall, T., Lawson-Rowe, Lear, Lett, Manning, Mathews, A., Mathews, T., Mohamed, Odioso, Oelslager, Plummer, Rader, Ray, Robb Blasdel, Robinson, Russo, Salvo, Sigrist, Sims, Stephens, Tims, Upchurch, White, A., White, E., Williams, Willis

Senators Huffman, Brenner, Ingram, Antonio, Blackshear, Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Johnson, Koehler, Landis, Liston, Manning, Patton, Reineke, Roegner, Romanchuk, Smith, Timken, Weinstein, Wilkin

To amend sections 3301.135, 3313.718, 3313.719, 1
3313.7110, 3313.7111, 3314.141, 3314.143, 2
3326.28, 3328.24, 3328.29, 3728.01, 4723.483, 3
4729.01, 4729.51, 4729.513, 4729.541, 4729.88, 4
4730.433, 4731.96, 4731.961, and 5180.26 and to 5
enact section 4729.262 of the Revised Code to 6
authorize the procurement and emergency use of 7
additional types of epinephrine delivery systems 8
by schools, school districts, and camps. 9

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

Section 1. That sections 3301.135, 3313.718, 3313.719, 10
3313.7110, 3313.7111, 3314.141, 3314.143, 3326.28, 3328.24, 11
3328.29, 3728.01, 4723.483, 4729.01, 4729.51, 4729.513, 12
4729.541, 4729.88, 4730.433, 4731.96, 4731.961, and 5180.26 be 13
amended and section 4729.262 of the Revised Code be enacted to 14

read as follows: 15

Sec. 3301.135. (A) As used in this section: 16

(1) "Epinephrine delivery system" has the same meaning as 17
in section 3313.718 of the Revised Code. 18

(2) "Other public school" has the same meaning as in 19
section 3301.0711 of the Revised Code. 20

(B) The department of education and workforce annually 21
shall compile a list of organizations and companies that offer 22
free and reduced cost epinephrine ~~autoinjectors~~ delivery systems 23
to qualifying school districts, other public schools, and 24
chartered nonpublic schools. The department shall make this 25
information readily available on ~~their~~ its web site and send a 26
copy of the list by mail or electronically to each school 27
district, other public school, and chartered nonpublic school. 28

~~As used in this section, "other public school" has the~~ 29
~~same meaning as in section 3301.0711 of the Revised Code.~~ 30

Sec. 3313.718. (A) As used in this section, ~~"prescriber":~~ 31

(1) "Epinephrine delivery system" means any device or 32
other product that contains a premeasured dose of epinephrine 33
and enables the dose to be administered through any route of 34
administration into the human body to prevent or treat a life- 35
threatening allergic reaction. "Epinephrine delivery system" 36
includes all of the following: 37

(a) Autoinjectors; 38

(b) Intranasal sprays; 39

(c) Any device or other product designated by the state 40
board of pharmacy in rules adopted under section 4729.262 of the 41

<u>Revised Code.</u>	42
(2) " <u>Prescriber</u> " has the same meaning as in section 4729.01 of the Revised Code.	43 44
(B) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section, a student of a school operated by a city, local, exempted village, or joint vocational school district or a student of a chartered nonpublic school may possess and use an epinephrine autoinjector <u>delivery system</u> to treat anaphylaxis, if all of the following conditions are satisfied:	45 46 47 48 49 50 51
(1) The student has the written approval of the prescriber of the autoinjector <u>delivery system</u> and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The prescriber's written approval shall include at least all of the following information:	52 53 54 55 56 57
(a) The student's name and address;	58
(b) The names and dose of the medication <u>epinephrine</u> contained in the autoinjector <u>delivery system</u> ;	59 60
(c) The date the <u>that</u> administration of the medication <u>epinephrine through the delivery system</u> is <u>authorized</u> to begin;	61 62
(d) The date, if known, that the administration of the medication <u>authority to administer epinephrine through the delivery system</u> is to cease;	63 64 65
(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector <u>delivery system</u> appropriately and has provided the student with training in the proper use of the autoinjector <u>delivery system</u> ;	66 67 68 69

- (f) Circumstances in which the ~~autoinjector~~-delivery system should be used; 70
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- (g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer ~~the anaphylaxis medication~~ epinephrine through the delivery system or the medication does not produce the expected relief from the student's anaphylaxis; 72
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- (h) Any severe adverse reactions that may occur to the ~~child student~~ using the ~~autoinjector~~ epinephrine delivery system that should be reported to the prescriber; 77
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- (i) Any severe adverse reactions that may occur to another ~~child student~~, for whom the ~~autoinjector~~ epinephrine delivery system is not prescribed, should such a ~~child student~~ receive a dose of ~~the medication~~ epinephrine; 80
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- (j) At least one emergency telephone number for contacting the prescriber in an emergency; 84
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- (k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency; 86
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- (l) Any other special instructions from the prescriber. 89
- (2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (B) (1) of this section. 90
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- (3) The school principal or, if a school nurse is assigned to the student's school building, the school nurse has received a backup ~~dose of the anaphylaxis medication~~ epinephrine delivery system from the parent, guardian, or other person having care or 94
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charge of the student or, if the student is not a minor, from 98
the student. 99

If these conditions are satisfied, the student may possess 100
and use the ~~autoinjector~~ epinephrine delivery system at school 101
or at any activity, event, or program sponsored by or in which 102
the student's school is a participant. 103

(C) Whenever a student uses an ~~autoinjector~~ epinephrine 104
delivery system at school or at any activity, event, or program 105
sponsored by or in which the student's school is a participant 106
or whenever a school employee administers ~~anaphylaxis medication~~ 107
epinephrine to a student through an epinephrine delivery system 108
that was possessed by the student pursuant to the written 109
approvals described in division (B) (1) of this section, a school 110
employee shall immediately request assistance from an emergency 111
medical service provider. 112

(D) (1) A school district, member of a school district 113
board of education, or school district employee is not liable in 114
damages in a civil action for injury, death, or loss to person 115
or property allegedly arising from a district employee's 116
prohibiting a student from using an ~~autoinjector~~ epinephrine 117
delivery system because of the employee's good faith belief that 118
the conditions of division (B) of this section had not been 119
satisfied. A school district, member of a school district board 120
of education, or school district employee is not liable in 121
damages in a civil action for injury, death, or loss to person 122
or property allegedly arising from a district employee's 123
permitting a student to use an ~~autoinjector~~ epinephrine delivery 124
system because of the employee's good faith belief that the 125
conditions of division (B) of this section had been satisfied. 126
Furthermore, when a school district is required by this section 127

to permit a student to possess and use an ~~autoinjector~~ 128
epinephrine delivery system because the conditions of division 129
(B) of this section have been satisfied, the school district, 130
any member of the school district board of education, or any 131
school district employee is not liable in damages in a civil 132
action for injury, death, or loss to person or property 133
allegedly arising from the use of the ~~autoinjector~~ epinephrine 134
delivery system by a student for whom it was not prescribed. 135

This section does not eliminate, limit, or reduce any 136
other immunity or defense that a school district, member of a 137
school district board of education, or school district employee 138
may be entitled to under Chapter 2744. or any other provision of 139
the Revised Code or under the common law of this state. 140

(2) A chartered nonpublic school or any officer, director, 141
or employee of the school is not liable in damages in a civil 142
action for injury, death, or loss to person or property 143
allegedly arising from a school employee's prohibiting a student 144
from using an ~~autoinjector~~ epinephrine delivery system because 145
of the employee's good faith belief that the conditions of 146
division (B) of this section had not been satisfied. A chartered 147
nonpublic school or any officer, director, or employee of the 148
school is not liable in damages in a civil action for injury, 149
death, or loss to person or property allegedly arising from a 150
school employee's permitting a student to use an ~~autoinjector~~ 151
epinephrine delivery system because of the employee's good faith 152
belief that the conditions of division (B) of this section had 153
been satisfied. Furthermore, when a chartered nonpublic school 154
is required by this section to permit a student to possess and 155
use an ~~autoinjector~~ epinephrine delivery system because the 156
conditions of division (B) of this section have been satisfied, 157
the chartered nonpublic school or any officer, director, or 158

employee of the school is not liable in damages in a civil 159
action for injury, death, or loss to person or property 160
allegedly arising from the use of the ~~autoinjector~~ epinephrine
delivery system by a student for whom it was not prescribed. 161
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Sec. 3313.719. (A) As used in this section: 163

(1) "Epinephrine delivery system" has the same meaning as 164
in section 3313.718 of the Revised Code. 165

(2) "Licensed health professional authorized to prescribe 166
drugs" has the same meaning as in section 4729.01 of the Revised 167
Code. 168

(B) The board of education of each city, local, exempted 169
village, and joint vocational school district and the governing 170
authority of each chartered nonpublic school shall establish a 171
written policy with respect to protecting students with food 172
allergies. The policy shall be developed in consultation with 173
parents, school nurses and other school employees, school 174
volunteers, students, and community members. 175

~~(B)~~ (C) Each school district board may create training for 176
all staff members and age-appropriate instruction for students 177
in grades kindergarten through twelve on food allergies and ways 178
in which to assist an individual experiencing an allergic 179
reaction. 180

~~(C)~~ Training completed under division (B) of this section 181
The training may include instruction in food allergies, signs 182
and symptoms of anaphylaxis, prevention of allergic reactions, 183
management and administration of epinephrine, and follow-up and 184
reporting procedures. 185

(D) Training completed under division ~~(B)~~ (C) of this 186
section shall qualify as a professional development activity for 187

the renewal of educator licenses, in addition to activities 188
approved by local professional development committees under 189
division (F) of section 3319.22 of the Revised Code. 190

(E) (1) The following are not liable in damages in a civil 191
action for injury, death, or loss to person or property that 192
allegedly arise from an act or omission associated with any 193
training under ~~divisions (B) and~~ division (C) of this section, 194
unless the act or omission constitutes willful or wanton 195
misconduct: 196

(a) A school or school district; 197

(b) A member of a district board of education; 198

(c) A district or school employee or contractor; 199

(d) A licensed health professional authorized to prescribe 200
drugs who personally furnishes or prescribes epinephrine 201
~~autoinjectors~~ delivery systems, who consults with a 202
superintendent, or who issues a protocol pursuant to section 203
3313.7110 of the Revised Code; 204

(e) An anaphylaxis training organization and its personnel 205
where leadership includes a physician authorized under Chapter 206
4731. of the Revised Code to practice medicine and surgery or 207
osteopathic medicine and surgery who is board-certified in 208
allergy and immunology as that designation is issued by a 209
medical specialty certifying board recognized by the American 210
board of medical specialties or American osteopathic 211
association. 212

(2) This section does not eliminate, limit, or reduce any 213
other immunity or defense that a school or school district, 214
member of a district board of education, district or school 215
employee or contractor, or licensed health professional may be 216

entitled to under Chapter 2744. or any other provision of the 217
Revised Code or under the common law of this state. 218

Sec. 3313.7110. (A) The board of education of each city, 219
local, exempted village, or joint vocational school district may 220
procure epinephrine ~~autoinjectors~~ delivery systems for each 221
school operated by the district to have on the school premises 222
for use in emergency situations identified under division (C) (5) 223
of this section by doing one of the following: 224

(1) Having a licensed health professional authorized to 225
prescribe drugs, acting in accordance with section 4723.483, 226
4730.433, or 4731.96 of the Revised Code, personally furnish the 227
epinephrine ~~autoinjectors~~ delivery systems to the school or 228
school district or issue a prescription for them in the name of 229
the school or district; 230

(2) Having the district's superintendent obtain a 231
prescriber-issued protocol that includes definitive orders for 232
epinephrine ~~autoinjectors~~ delivery systems and the dosages of 233
epinephrine to be administered through them. 234

A district board that elects to procure epinephrine 235
~~autoinjectors~~ delivery systems under this section is encouraged 236
to maintain, at all times, at least two epinephrine 237
~~autoinjectors~~ delivery systems at each school operated by the 238
district. 239

(B) A district board that elects to procure epinephrine 240
~~autoinjectors~~ delivery systems under this section shall require 241
the district's superintendent to adopt a policy governing their 242
maintenance and use. Before adopting the policy, the 243
superintendent shall consult with a licensed health professional 244
authorized to prescribe drugs. 245

(C) The policy adopted under division (B) of this section shall do all of the following:	246 247
(1) Identify the one or more locations in each school operated by the district in which an epinephrine autoinjector <u>delivery system</u> must be stored;	248 249 250
(2) Specify the conditions under which an epinephrine autoinjector <u>delivery system</u> must be stored, replaced, and disposed;	251 252 253
(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse or an athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector <u>delivery system</u> to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;	254 255 256 257 258 259 260
(4) Specify any training that employees or contractors specified under division (C) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine autoinjector <u>delivery system</u> ;	261 262 263 264 265
(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector <u>delivery system</u> ;	266 267 268 269 270
(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector <u>delivery system</u> is used;	271 272 273
(7) Specify the individuals, in addition to students,	274

school employees or contractors, and school visitors, to whom a 275
dosage of epinephrine may be administered through an epinephrine 276
~~autoinjector~~ delivery system in an emergency situation specified 277
under division (C) (5) of this section. 278

(D) (1) The following are not liable in damages in a civil 279
action for injury, death, or loss to person or property that 280
allegedly arises from an act or omission associated with 281
procuring, maintaining, accessing, or using an epinephrine 282
~~autoinjector~~ delivery system under this section, unless the act 283
or omission constitutes willful or wanton misconduct: 284

(a) A school or school district; 285

(b) A member of a district board of education; 286

(c) A district or school employee or contractor; 287

(d) A licensed health professional authorized to prescribe 288
drugs who personally furnishes or prescribes epinephrine 289
~~autoinjectors~~ delivery systems, consults with a superintendent, 290
or issues a protocol pursuant to this section. 291

(2) This section does not eliminate, limit, or reduce any 292
other immunity or defense that a school or school district, 293
member of a district board of education, district or school 294
employee or contractor, or licensed health professional may be 295
entitled to under Chapter 2744. or any other provision of the 296
Revised Code or under the common law of this state. 297

(E) A school district board of education may accept 298
donations of epinephrine ~~autoinjectors~~ delivery systems from a 299
wholesale distributor of dangerous drugs or a manufacturer of 300
dangerous drugs, ~~as defined in section 4729.01 of the Revised~~ 301
~~Code,~~ and may accept donations of money from any person to 302
purchase epinephrine ~~autoinjectors~~ delivery systems. 303

(F) A district board that elects to procure epinephrine ~~autoinjectors~~ delivery systems under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine ~~autoinjector~~ delivery system is used from a school's supply of epinephrine ~~autoinjectors~~ delivery systems.

(G) As used in this section, ~~"licensed-:~~

(1) "Epinephrine delivery system" has the same meaning as in section 3313.718 of the Revised Code.

(2) "Licensed health professional authorized to prescribe drugs," and "prescriber" "prescriber," "manufacturer of dangerous drugs," and "wholesale distributor of dangerous drugs" have the same meanings as in section 4729.01 of the Revised Code.

Sec. 3313.7111. (A) As used in this section:

(1) "Epinephrine delivery system" has the same meaning as in section 3313.718 of the Revised Code.

(2) "Licensed health professional authorized to prescribe drugs," "manufacturer of dangerous drugs," and "wholesale distributor of dangerous drugs" have the same meanings as in section 4729.01 of the Revised Code.

(B) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure epinephrine ~~autoinjectors~~ delivery systems in the manner prescribed by section 3313.7110 of the Revised Code. A chartered or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

~~(B)~~ (1) (C) (1) The following are not liable in damages in a 332
civil action for injury, death, or loss to person or property 333
that allegedly arises from an act or omission associated with 334
procuring, maintaining, accessing, or using an epinephrine 335
~~autoinjector~~ delivery system under this section, unless the act 336
or omission constitutes willful or wanton misconduct: 337

(a) A chartered or nonchartered nonpublic school; 338

(b) A member of a chartered or nonchartered nonpublic 339
school governing authority; 340

(c) An employee or contractor of the school; 341

(d) A licensed health professional authorized to prescribe 342
drugs who personally furnishes or prescribes epinephrine 343
~~autoinjectors~~ delivery systems, provides a consultation, or 344
issues a protocol pursuant to this section. 345

(2) This division does not eliminate, limit, or reduce any 346
other immunity or defense that a chartered or nonchartered 347
nonpublic school or governing authority, member of a chartered 348
or nonchartered nonpublic school governing authority, chartered 349
or nonchartered nonpublic school employee or contractor, or 350
licensed health professional may be entitled to under any other 351
provision of the Revised Code or the common law of this state. 352

~~(C)~~ (D) A chartered or nonchartered nonpublic school may 353
accept donations of epinephrine ~~autoinjectors~~ delivery systems 354
from a wholesale distributor of dangerous drugs or a 355
manufacturer of dangerous drugs, ~~as defined in section 4729.01~~ 356
~~of the Revised Code,~~ and may accept donations of money from any 357
person to purchase epinephrine ~~autoinjectors~~ delivery systems. 358

~~(D)~~ (E) A chartered or nonchartered nonpublic school that 359
elects to procure epinephrine ~~autoinjectors~~ delivery systems 360

under this section shall report to the department of education 361
and workforce each procurement and occurrence in which an 362
epinephrine ~~autoinjector~~ delivery system is used from the 363
school's supply of epinephrine ~~autoinjectors~~ delivery systems. 364

Sec. 3314.141. (A) As used in this section, "epinephrine 365
delivery system" has the same meaning as in section 3313.718 of 366
the Revised Code. 367

(B) A community school, community school governing 368
authority, or community school employee is not liable in damages 369
in a civil action for harm allegedly arising from a community 370
school employee's prohibiting a student from using an 371
~~autoinjector~~ epinephrine delivery system described in section 372
3313.718 of the Revised Code because of the employee's good 373
faith belief that the conditions of division (B) of that section 374
had not been satisfied. A community school, community school 375
governing authority, or community school employee is not liable 376
in damages in a civil action for harm allegedly arising from a 377
community school employee's permitting a student to use an 378
~~autoinjector~~ epinephrine delivery system described in that 379
section because of the employee's good faith belief that the 380
conditions of division (B) of that section had been satisfied. 381
Furthermore, when a community school is required in accordance 382
with that section to permit a student to possess and use an 383
~~autoinjector~~ epinephrine delivery system because the conditions 384
of division (B) of that section have been satisfied, the 385
community school, any member of the community school governing 386
authority, or any community school employee is not liable in 387
damages in a civil action for injury, death, or loss to person 388
or property allegedly arising from the use of the ~~autoinjector~~ 389
epinephrine delivery system by a student for whom it was not 390
prescribed. 391

(C) This section does not eliminate, limit, or reduce any 392
other immunity or defense that a community school, community 393
school governing authority, or community school employee may be 394
entitled to under Chapter 2744. or any other provision of the 395
Revised Code or under the common law of this state. 396

Sec. 3314.143. (A) As used in this section: 397

(1) "Epinephrine delivery system" has the same meaning as 398
in section 3313.718 of the Revised Code. 399

(2) "Licensed health professional authorized to prescribe 400
drugs," "manufacturer of dangerous drugs," and "wholesale 401
distributor of dangerous drugs" have the same meanings as in 402
section 4729.01 of the Revised Code. 403

(B) With the approval of its governing authority, a 404
community school established under this chapter may procure 405
epinephrine ~~autoinjectors~~ delivery systems in the manner 406
prescribed by section 3313.7110 of the Revised Code. A community 407
school that elects to do so shall comply with all provisions of 408
that section as if it were a school district. 409

~~(B) (1)~~ (C) (1) The following are not liable in damages in a 410
civil action for injury, death, or loss to person or property 411
that allegedly arises from an act or omission associated with 412
procuring, maintaining, accessing, or using an epinephrine 413
~~autoinjector~~ delivery system under this section, unless the act 414
or omission constitutes willful or wanton misconduct: 415

(a) A community school; 416

(b) A member of a community school governing authority; 417

(c) A community school employee or contractor; 418

(d) A licensed health professional authorized to prescribe 419

drugs who personally furnishes or prescribes epinephrine 420
~~autoinjectors~~delivery systems, provides a consultation, or 421
issues a protocol pursuant to this section. 422

(2) This division does not eliminate, limit, or reduce any 423
other immunity or defense that a community school or governing 424
authority, member of a community school governing authority, 425
community school employee or contractor, or licensed health 426
professional may be entitled to under Chapter 2744. or any other 427
provision of the Revised Code or under the common law of this 428
state. 429

~~(C)~~(D) A community school may accept donations of 430
epinephrine ~~autoinjectors~~delivery systems from a wholesale 431
distributor of dangerous drugs or a manufacturer of dangerous 432
drugs, ~~as defined in section 4729.01 of the Revised Code,~~ and 433
may accept donations of money from any person to purchase 434
epinephrine ~~autoinjectors~~delivery systems. 435

~~(D)~~(E) A community school that elects to procure 436
epinephrine ~~autoinjectors~~delivery systems under this section 437
shall report to the department of education and workforce each 438
procurement and occurrence in which an epinephrine ~~autoinjector~~- 439
delivery system is used from the school's supply of epinephrine 440
~~autoinjectors~~delivery systems. 441

Sec. 3326.28. (A) As used in this section: 442

(1) "Epinephrine delivery system" has the same meaning as 443
in section 3313.718 of the Revised Code. 444

(2) "Licensed health professional authorized to prescribe 445
drugs," "manufacturer of dangerous drugs," and "wholesale 446
distributor of dangerous drugs" have the same meanings as in 447
section 4729.01 of the Revised Code. 448

(B) With the approval of its governing body, a STEM school 449
established under this chapter may procure epinephrine 450
~~autoinjectors~~ delivery systems in the manner prescribed by 451
section 3313.7110 of the Revised Code. A STEM school that elects 452
to do so shall comply with all provisions of that section as if 453
it were a school district. 454

~~(B)(1)~~ (C)(1) The following are not liable in damages in a 455
civil action for injury, death, or loss to person or property 456
that allegedly arises from an act or omission associated with 457
procuring, maintaining, accessing, or using an epinephrine 458
~~autoinjector~~ delivery system under this section, unless the act 459
or omission constitutes willful or wanton misconduct: 460

(a) A STEM school; 461

(b) A member of a STEM school governing body; 462

(c) A STEM school employee or contractor; 463

(d) A licensed health professional authorized to prescribe 464
drugs who personally furnishes or prescribes epinephrine 465
~~autoinjectors~~ delivery systems, provides a consultation, or 466
issues a protocol pursuant to this section. 467

(2) This division does not eliminate, limit, or reduce any 468
other immunity or defense that a STEM school or governing body, 469
member of a STEM school governing body, STEM school employee or 470
contractor, or licensed health professional may be entitled to 471
under Chapter 2744. or any other provision of the Revised Code 472
or under the common law of this state. 473

~~(C)~~ (D) A STEM school may accept donations of epinephrine 474
~~autoinjectors~~ delivery systems from a wholesale distributor of 475
dangerous drugs or a manufacturer of dangerous drugs, ~~as defined~~ 476
~~in section 4729.01 of the Revised Code,~~ and may accept donations 477

of money from any person to purchase epinephrine 478
~~autoinjectors~~delivery systems. 479

~~(D)~~(E) A STEM school that elects to procure epinephrine 480
~~autoinjectors~~delivery systems under this section shall report 481
to the department of education and workforce each procurement 482
and occurrence in which an epinephrine ~~autoinjector~~delivery 483
system is used from the school's supply of epinephrine 484
~~autoinjectors~~delivery systems. 485

Sec. 3328.24. A college-preparatory boarding school 486
established under this chapter and its board of trustees shall 487
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 488
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 489
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 490
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 491
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 492
3313.718, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.8110, 493
3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 494
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 495
3320.04, 3323.251, and 5502.262, and Chapter 3365. of the 496
Revised Code as if the school were a school district and the 497
school's board of trustees were a district board of education. 498

Sec. 3328.29. (A) As used in this section: 499

(1) "Epinephrine delivery system" has the same meaning as 500
in section 3313.718 of the Revised Code. 501

(2) "Licensed health professional authorized to prescribe 502
drugs," "manufacturer of dangerous drugs," and "wholesale 503
distributor of dangerous drugs" have the same meanings as in 504
section 4729.01 of the Revised Code. 505

(B) With the approval of its board of trustees, a college- 506

preparatory boarding school established under this chapter may 507
procure epinephrine ~~autoinjectors~~ delivery systems in the manner 508
prescribed by section 3313.7110 of the Revised Code. A college- 509
preparatory boarding school that elects to do so shall comply 510
with all provisions of that section as if it were a school 511
district. 512

~~(B)~~ (1) (C) (1) The following are not liable in damages in a 513
civil action for injury, death, or loss to person or property 514
that allegedly arises from an act or omission associated with 515
procuring, maintaining, accessing, or using an epinephrine 516
~~autoinjector~~ delivery system under this section, unless the act 517
or omission constitutes willful or wanton misconduct: 518

(a) A college-preparatory boarding school; 519

(b) A member of a college-preparatory boarding school 520
board of trustees; 521

(c) A college-preparatory boarding school employee or 522
contractor; 523

(d) A licensed health professional authorized to prescribe 524
drugs who personally furnishes or prescribes epinephrine 525
~~autoinjectors~~ delivery systems, provides a consultation, or 526
issues a protocol pursuant to this section. 527

(2) This division does not eliminate, limit, or reduce any 528
other immunity or defense that a college-preparatory boarding 529
school or board of trustees, member of a college-preparatory 530
boarding school board of trustees, college-preparatory boarding 531
school employee or contractor, or licensed health professional 532
may be entitled to under Chapter 2744. or any other provision of 533
the Revised Code or under the common law of this state. 534

~~(C)~~ (D) A college-preparatory boarding school may accept 535

donations of epinephrine ~~autoinjectors~~ delivery systems from a 536
wholesale distributor of dangerous drugs or a manufacturer of 537
dangerous drugs, ~~as defined in section 4729.01 of the Revised~~ 538
~~Code,~~ and may accept donations of money from any person to 539
purchase epinephrine ~~autoinjectors~~ delivery systems. 540

~~(D)~~ (E) A college-preparatory boarding school that elects 541
to procure epinephrine ~~autoinjectors~~ delivery systems under this 542
section shall report to the department of education and 543
workforce each procurement and occurrence in which an 544
epinephrine ~~autoinjector~~ delivery system is used from a school's 545
supply of epinephrine ~~autoinjectors~~ delivery systems. 546

Sec. 3728.01. As used in this chapter: 547

(A) "Administer epinephrine" means to inject an individual 548
with epinephrine using an autoinjector in a manufactured dosage 549
form. 550

(B) "Peace officer" has the same meaning as in section 551
109.71 of the Revised Code and also includes a sheriff. 552

(C) "Prescriber" means an individual who is authorized by 553
law to prescribe drugs or dangerous drugs or drug therapy 554
related devices in the course of the individual's professional 555
practice, including only the following: 556

(1) A clinical nurse specialist, certified nurse-midwife, 557
or certified nurse practitioner ~~who holds a certificate to~~ 558
~~prescribe issued under section 4723.48 of the Revised Code;~~ 559

(2) A physician authorized under Chapter 4731. of the 560
Revised Code to practice medicine and surgery, osteopathic 561
medicine and surgery, or podiatric medicine and surgery; 562

(3) A physician assistant who is licensed under Chapter 563

4730. of the Revised Code, holds a valid prescriber number 564
issued by the state medical board, and has been granted 565
physician-delegated prescriptive authority. 566

~~(D)~~ (D) (1) "Qualified entity" means either of the 567
following: 568

~~(1)~~ (a) Any public or private entity that is associated 569
with a location where allergens capable of causing anaphylaxis 570
may be present, including child care centers, colleges and 571
universities, places of employment, restaurants, amusement 572
parks, recreation camps, sports playing fields and arenas, and 573
other similar locations, ~~except that "qualified;~~ 574

(b) Either of the following served by a peace officer: a 575
law enforcement agency or other entity described in division (A) 576
of section 109.71 of the Revised Code. 577

(2) "Qualified entity" does not include either of the 578
following: 579

(a) A chartered or nonchartered nonpublic school; 580
community school; science, technology, engineering, and 581
mathematics school; college-preparatory boarding school; or a 582
school operated by the board of education of a city, local, 583
exempted village, or joint vocational school district, as those 584
entities are otherwise authorized to procure epinephrine 585
~~autoinjectors~~ delivery systems pursuant to sections 3313.7110, 586
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code; 587

(b) A camp described in section 5180.26 of the Revised 588
Code that is authorized to procure epinephrine ~~autoinjectors~~ 589
delivery systems pursuant to that section. 590

~~(2) Either of the following served by a peace officer: a 591
law enforcement agency or other entity described in division (A) 592~~

~~of section 109.71 of the Revised Code.~~ 593

Sec. 4723.483. ~~(A)(1)~~ (A) As used in this section, 594
"epinephrine delivery system" has the same meaning as in section 595
3313.718 of the Revised Code. 596

(B)(1) Subject to division ~~(A)(2)~~ (B)(2) of this section, 597
and notwithstanding any conflicting provision of this chapter or 598
rule adopted by the board of nursing, a clinical nurse 599
specialist, certified nurse-midwife, or certified nurse 600
practitioner ~~who holds a certificate to prescribe issued under~~ 601
~~section 4723.48 of the Revised Code~~ may do either any of the 602
following without having examined an individual to whom 603
epinephrine may be administered: 604

(a) Personally furnish a supply of epinephrine 605
autoinjectors for use in accordance with ~~sections 3313.7110,~~ 606
~~3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and~~ 607
~~5180.26 Chapter 3728.~~ of the Revised Code; 608

(b) Personally furnish a supply of epinephrine delivery 609
systems for use in accordance with sections 3313.7110, 610
3313.7111, 3314.143, 3326.28, 3328.29, and 5180.26 of the 611
Revised Code; 612

(c) Issue a prescription for epinephrine autoinjectors for 613
use in accordance with ~~sections 3313.7110, 3313.7111, 3314.143,~~ 614
~~3326.28, 3328.29, 3728.03 to 3728.05, and 5180.26 Chapter 3728.~~ 615
of the Revised Code; 616

(d) Issue a prescription for epinephrine delivery systems 617
for use in accordance with sections 3313.7110, 3313.7111, 618
3314.143, 3326.28, 3328.29, and 5180.26 of the Revised Code. 619

(2) An epinephrine autoinjector personally furnished or 620
prescribed under division ~~(A)(1)~~ (B)(1)(a) or (c) of this section 621

must be furnished or prescribed in such a manner that it may be 622
administered only in a manufactured dosage form. 623

~~(B)~~(C) A nurse who acts in good faith in accordance with 624
this section is not liable for or subject to any of the 625
following for any action or omission of an entity to which an 626
epinephrine delivery system, including an autoinjector, is 627
furnished or a prescription is issued: damages in any civil 628
action, prosecution in any criminal proceeding, or professional 629
disciplinary action. 630

Sec. 4729.01. As used in this chapter: 631

(A) "Pharmacy," except when used in a context that refers 632
to the practice of pharmacy, means any area, room, rooms, place 633
of business, department, or portion of any of the foregoing 634
where the practice of pharmacy is conducted. 635

(B) "Practice of pharmacy" means providing pharmacist care 636
requiring specialized knowledge, judgment, and skill derived 637
from the principles of biological, chemical, behavioral, social, 638
pharmaceutical, and clinical sciences. As used in this division, 639
"pharmacist care" includes the following: 640

(1) Interpreting prescriptions; 641

(2) Dispensing drugs and drug therapy related devices; 642

(3) Compounding drugs; 643

(4) Counseling individuals with regard to their drug 644
therapy, recommending drug therapy related devices, and 645
assisting in the selection of drugs and appliances for treatment 646
of common diseases and injuries and providing instruction in the 647
proper use of the drugs and appliances; 648

(5) Performing drug regimen reviews with individuals by 649

discussing all of the drugs that the individual is taking and	650
explaining the interactions of the drugs;	651
(6) Performing drug utilization reviews with licensed	652
health professionals authorized to prescribe drugs when the	653
pharmacist determines that an individual with a prescription has	654
a drug regimen that warrants additional discussion with the	655
prescriber;	656
(7) Advising an individual and the health care	657
professionals treating an individual with regard to the	658
individual's drug therapy;	659
(8) Acting pursuant to a consult agreement, if an	660
agreement has been established;	661
(9) Engaging in the administration of immunizations to the	662
extent authorized by section 4729.41 of the Revised Code;	663
(10) Engaging in the administration of drugs to the extent	664
authorized by section 4729.45 of the Revised Code.	665
(C) "Compounding" means the preparation, mixing,	666
assembling, packaging, and labeling of one or more drugs in any	667
of the following circumstances:	668
(1) Pursuant to a prescription issued by a licensed health	669
professional authorized to prescribe drugs;	670
(2) Pursuant to the modification of a prescription made in	671
accordance with a consult agreement;	672
(3) As an incident to research, teaching activities, or	673
chemical analysis;	674
(4) In anticipation of orders for drugs pursuant to	675
prescriptions, based on routine, regularly observed dispensing	676

patterns;	677
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	678 679 680 681 682
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	683 684 685 686 687
(b) A limited quantity of the drug is compounded and provided to the professional.	688 689
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	690 691 692
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	693 694
(E) "Drug" means:	695
(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;	696 697 698 699
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	700 701 702
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	703 704

(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.

"Drug" does not include "hemp" as that term is defined in section 928.01 of the Revised Code.

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

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

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

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

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

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

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

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

(H) "Prescription" means all of the following:	732
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	733 734 735 736
(2) 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;	737 738 739 740 741 742
(3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5180.26 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector <u>delivery system</u> issued to and in the name of a school, school district, or camp;	743 744 745 746 747
(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;	748 749 750 751 752
(5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 5180.262 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.	753 754 755 756 757
(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	758 759 760

related devices in the course of the individual's professional practice, including only the following:	761 762
(1) A dentist licensed under Chapter 4715. of the Revised Code;	763 764
(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;	765 766 767 768
(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;	769 770 771 772 773
(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	774 775
(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;	776 777 778
(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;	779 780 781 782 783
(7) A veterinarian licensed under Chapter 4741. of the Revised Code;	784 785
(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician	786 787 788

supervising the certified mental health assistant.	789
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	790 791 792 793 794 795
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	796 797 798
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	799 800
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	801 802 803 804 805
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	806 807 808
(1) The proprietary name of the drug product;	809
(2) The established (generic) name of the drug product;	810
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength	811 812 813 814 815 816

cannot be so associated with a drug product containing more than 817
one ingredient. 818

(4) The dosage form; 819

(5) The price charged for a specific quantity of the drug 820
product. The stated price shall include all charges to the 821
consumer, including, but not limited to, the cost of the drug 822
product, professional fees, handling fees, if any, and a 823
statement identifying professional services routinely furnished 824
by the pharmacy. Any mailing fees and delivery fees may be 825
stated separately without repetition. The information shall not 826
be false or misleading. 827

(O) "Wholesale distributor of dangerous drugs" or 828
"wholesale distributor" means a person engaged in the sale of 829
dangerous drugs at wholesale and includes any agent or employee 830
of such a person authorized by the person to engage in the sale 831
of dangerous drugs at wholesale. 832

(P) "Manufacturer of dangerous drugs" or "manufacturer" 833
means a person, other than a pharmacist or prescriber, who 834
manufactures dangerous drugs and who is engaged in the sale of 835
those dangerous drugs. 836

(Q) "Terminal distributor of dangerous drugs" or "terminal 837
distributor" means a person who is engaged in the sale of 838
dangerous drugs at retail, or any person, other than a 839
manufacturer, repackager, outsourcing facility, third-party 840
logistics provider, wholesale distributor, or pharmacist, who 841
has possession, custody, or control of dangerous drugs for any 842
purpose other than for that person's own use and consumption. 843
"Terminal distributor" includes pharmacies, hospitals, nursing 844
homes, and laboratories and all other persons who procure 845

dangerous drugs for sale or other distribution by or under the 846
supervision of a pharmacist, licensed health professional 847
authorized to prescribe drugs, or other person authorized by the 848
state board of pharmacy. 849

(R) "Promote to the public" means disseminating a 850
representation to the public in any manner or by any means, 851
other than by labeling, for the purpose of inducing, or that is 852
likely to induce, directly or indirectly, the purchase of a 853
dangerous drug at retail. 854

(S) "Person" includes any individual, partnership, 855
association, limited liability company, or corporation, the 856
state, any political subdivision of the state, and any district, 857
department, or agency of the state or its political 858
subdivisions. 859

(T) (1) "Animal shelter" means a facility operated by a 860
humane society or any society organized under Chapter 1717. of 861
the Revised Code or a dog pound operated pursuant to Chapter 862
955. of the Revised Code. 863

(2) "County dog warden" means a dog warden or deputy dog 864
warden appointed or employed under section 955.12 of the Revised 865
Code. 866

(3) "Wild animal rehabilitation facility" means a facility 867
that holds a permit issued by the chief of the division of 868
wildlife for rehabilitation purposes in accordance with section 869
1533.08 of the Revised Code or rules adopted by the chief. 870

(U) "Food" has the same meaning as in section 3715.01 of 871
the Revised Code. 872

(V) "Pain management clinic" has the same meaning as in 873
section 4731.054 of the Revised Code. 874

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

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

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

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

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

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

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and

entrusted to have custody of any of the following drugs and to 904
use the drugs for scientific and clinical purposes and for 905
purposes of instruction: dangerous drugs that are not controlled 906
substances, as defined in section 3719.01 of the Revised Code; 907
dangerous drugs that are controlled substances, as defined in 908
that section; and controlled substances in schedule I, as 909
defined in that section. 910

(CC) "Overdose reversal drug" means both of the following: 911

(1) Naloxone; 912

(2) Any other drug that the state board of pharmacy, 913
through rules adopted in accordance with Chapter 119. of the 914
Revised Code, designates as a drug that is approved by the 915
federal food and drug administration for the reversal of a known 916
or suspected opioid-related overdose. 917

(DD) "Epinephrine delivery system" has the same meaning as 918
in section 3313.718 of the Revised Code. 919

Sec. 4729.262. The state board of pharmacy shall adopt 920
rules designating the devices or other products that are 921
approved by the United States food and drug administration for 922
use in administering a premeasured dose of epinephrine through 923
any route of administration into the human body. The rules shall 924
be adopted in accordance with Chapter 119. of the Revised Code. 925

Sec. 4729.51. (A) No person other than a licensed 926
manufacturer of dangerous drugs, outsourcing facility, third- 927
party logistics provider, repackager of dangerous drugs, or 928
wholesale distributor of dangerous drugs shall possess for sale, 929
sell, distribute, or deliver, at wholesale, dangerous drugs or 930
investigational drugs or products, except as follows: 931

(1) A licensed terminal distributor of dangerous drugs 932

that is a pharmacy may make occasional sales of dangerous drugs 933
or investigational drugs or products at wholesale. 934

(2) A licensed terminal distributor of dangerous drugs 935
having more than one licensed location may transfer or deliver 936
dangerous drugs from one licensed location to another licensed 937
location owned by the terminal distributor if the license issued 938
for each location is in effect at the time of the transfer or 939
delivery. 940

(3) A licensed terminal distributor of dangerous drugs 941
that is not a pharmacy may make occasional sales of the 942
following at wholesale: 943

(a) Overdose reversal drugs; 944

(b) Dangerous drugs if the drugs being sold are in 945
shortage, as defined in rules adopted under section 4729.26 of 946
the Revised Code; 947

(c) Dangerous drugs other than those described in 948
divisions (A) (3) (a) and (b) of this section or investigational 949
drugs or products if authorized by rules adopted under section 950
4729.26 of the Revised Code. 951

(B) No licensed manufacturer, outsourcing facility, third- 952
party logistics provider, repackager, or wholesale distributor 953
shall possess for sale, sell, or distribute, at wholesale, 954
dangerous drugs or investigational drugs or products to any 955
person other than the following: 956

(1) Subject to division (D) of this section, a licensed 957
terminal distributor of dangerous drugs; 958

(2) Subject to division (C) of this section, any person 959
exempt from licensure as a terminal distributor of dangerous 960

drugs under section 4729.541 of the Revised Code;	961
(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	962
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(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.	964
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(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:	970
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(1) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;	975
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(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.	979
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(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous	985
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drugs, except as follows:	990
(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;	991 992 993
(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;	994 995 996 997
(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.	998 999 1000
(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:	1001 1002
(a) Sell or distribute, at retail, dangerous drugs;	1003
(b) Possess for sale, at retail, dangerous drugs;	1004
(c) Possess dangerous drugs.	1005
(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:	1006 1007
(i) A licensed terminal distributor of dangerous drugs;	1008
(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., 4741., and 4772. of the Revised Code;	1009 1010 1011 1012
(iii) Any of the persons identified in divisions (A)(1) to (5) and (18) (17) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	1013 1014 1015
(b) Division (E)(1)(c) of this section does not apply to	1016

any of the following: 1017

(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 1018
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(ii) Any of the persons identified in divisions (A) (6) to (16) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 1020
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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: 1023
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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. 1030
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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. 1035
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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 1041
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distributor's personal use or consumption, at any establishment 1046
or place other than that or those described in the license 1047
issued by the state board of pharmacy to such terminal 1048
distributor. 1049

(H) Nothing in this section shall be construed to 1050
interfere with the performance of official duties by any law 1051
enforcement official authorized by municipal, county, state, or 1052
federal law to collect samples of any drug, regardless of its 1053
nature or in whose possession it may be. 1054

(I) Notwithstanding anything to the contrary in this 1055
section, the board of education of a city, local, exempted 1056
village, or joint vocational school district may distribute 1057
epinephrine ~~autoinjectors~~ delivery systems for use in accordance 1058
with section 3313.7110 of the Revised Code, may distribute 1059
inhalers for use in accordance with section 3313.7113 of the 1060
Revised Code, and may distribute injectable or nasally 1061
administered glucagon for use in accordance with section 1062
3313.7115 of the Revised Code. 1063

Sec. 4729.513. A manufacturer of dangerous drugs may 1064
donate inhalers, as defined in section 3313.7113 of the Revised 1065
Code, epinephrine ~~autoinjectors~~ delivery systems, as defined in 1066
section 3313.718 of the Revised Code, or injectable or nasally 1067
administered glucagon to any of the following: 1068

(A) The board of education of a city, local, exempted 1069
village, or joint vocational school district; 1070

(B) A community school established under Chapter 3314. of 1071
the Revised Code; 1072

(C) A STEM school established under Chapter 3326. of the 1073
Revised Code; 1074

(D) A college-preparatory boarding school established	1075
under Chapter 3328. of the Revised Code;	1076
(E) A chartered or nonchartered nonpublic school;	1077
(F) A residential camp, as defined in section 2151.011 of	1078
the Revised Code;	1079
(G) A child day camp, as defined in section 5104.01 of the	1080
Revised Code;	1081
(H) A child day camp operated by any county, township,	1082
municipal corporation, township park district created under	1083
section 511.18 of the Revised Code, park district created under	1084
section 1545.04 of the Revised Code, or joint recreation	1085
district established under section 755.14 of the Revised Code.	1086
Sec. 4729.541. (A) Except as provided in divisions (B) and	1087
(C) of this section, all of the following are exempt from	1088
licensure as a terminal distributor of dangerous drugs:	1089
(1) A licensed health professional authorized to prescribe	1090
drugs;	1091
(2) A business entity that is a corporation formed under	1092
division (B) of section 1701.03 of the Revised Code, a limited	1093
liability company formed under former Chapter 1705. of the	1094
Revised Code as that chapter existed prior to February 11, 2022,	1095
or Chapter 1706. of the Revised Code, or a professional	1096
association formed under Chapter 1785. of the Revised Code if	1097
the entity has a sole shareholder who is a prescriber and is	1098
authorized to provide the professional services being offered by	1099
the entity;	1100
(3) A business entity that is a corporation formed under	1101
division (B) of section 1701.03 of the Revised Code, a limited	1102

liability company formed under former Chapter 1705. of the 1103
Revised Code as that chapter existed prior to February 11, 2022, 1104
or Chapter 1706. of the Revised Code, a partnership or a limited 1105
liability partnership formed under Chapter 1775. of the Revised 1106
Code, or a professional association formed under Chapter 1785. 1107
of the Revised Code, if, to be a shareholder, member, or 1108
partner, an individual is required to be licensed, certified, or 1109
otherwise legally authorized under Title XLVII of the Revised 1110
Code to perform the professional service provided by the entity 1111
and each such individual is a prescriber; 1112

(4) An individual who holds a current license, 1113
certificate, or registration issued under Title XLVII of the 1114
Revised Code and has been certified to conduct diabetes 1115
education by a national certifying body specified in rules 1116
adopted by the state board of pharmacy under section 4729.68 of 1117
the Revised Code, but only with respect to insulin that will be 1118
used for the purpose of diabetes education and only if diabetes 1119
education is within the individual's scope of practice under 1120
statutes and rules regulating the individual's profession; 1121

(5) An individual who holds a valid certificate issued by 1122
a nationally recognized S.C.U.B.A. diving certifying 1123
organization approved by the state board of pharmacy under rules 1124
adopted by the board, but only with respect to medical oxygen 1125
that will be used for the purpose of emergency care or treatment 1126
at the scene of a diving emergency; 1127

(6) With respect to epinephrine ~~autoinjectors~~ delivery 1128
systems that may be possessed under section 3313.7110, 1129
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code, 1130
any of the following: the board of education of a city, local, 1131
exempted village, or joint vocational school district; a 1132

chartered or nonchartered nonpublic school; a community school 1133
established under Chapter 3314. of the Revised Code; a STEM 1134
school established under Chapter 3326. of the Revised Code; or a 1135
college-preparatory boarding school established under Chapter 1136
3328. of the Revised Code; 1137

(7) With respect to epinephrine ~~autoinjectors~~ delivery 1138
systems that may be possessed under section 5180.26 of the 1139
Revised Code, any of the following: a residential camp, as 1140
defined in section 2151.011 of the Revised Code; a child day 1141
camp, as defined in section 5104.01 of the Revised Code; or a 1142
child day camp operated by any county, township, municipal 1143
corporation, township park district created under section 511.18 1144
of the Revised Code, park district created under section 1545.04 1145
of the Revised Code, or joint recreation district established 1146
under section 755.14 of the Revised Code; 1147

(8) With respect to epinephrine autoinjectors that may be 1148
possessed under Chapter 3728. of the Revised Code, a qualified 1149
entity, as defined in section 3728.01 of the Revised Code; 1150

(9) With respect to inhalers that may be possessed under 1151
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 1152
the Revised Code, any of the following: the board of education 1153
of a city, local, exempted village, or joint vocational school 1154
district; a chartered or nonchartered nonpublic school; a 1155
community school established under Chapter 3314. of the Revised 1156
Code; a STEM school established under Chapter 3326. of the 1157
Revised Code; or a college-preparatory boarding school 1158
established under Chapter 3328. of the Revised Code; 1159

(10) With respect to inhalers that may be possessed under 1160
section 5180.261 of the Revised Code, any of the following: a 1161
residential camp, as defined in section 2151.011 of the Revised 1162

Code; a child day camp, as defined in section 5104.01 of the 1163
Revised Code; or a child day camp operated by any county, 1164
township, municipal corporation, township park district created 1165
under section 511.18 of the Revised Code, park district created 1166
under section 1545.04 of the Revised Code, or joint recreation 1167
district established under section 755.14 of the Revised Code; 1168

(11) With respect to overdose reversal drugs that may be 1169
possessed for the purposes described in section 3715.50 of the 1170
Revised Code, any person or government entity exercising the 1171
authority conferred by that section; 1172

(12) With respect to overdose reversal drugs that may be 1173
possessed for use in personally furnishing supplies of the drug 1174
pursuant to a protocol established under section 3715.503 of the 1175
Revised Code, any individual exercising the authority conferred 1176
by that section; 1177

(13) With respect to injectable or nasally administered 1178
glucagon that may be possessed under sections 3313.7115, 1179
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 1180
any of the following: the board of education of a city, local, 1181
exempted village, or joint vocational school district; a 1182
chartered or nonchartered nonpublic school; a community school 1183
established under Chapter 3314. of the Revised Code; a STEM 1184
school established under Chapter 3326. of the Revised Code; or a 1185
college-preparatory boarding school established under Chapter 1186
3328. of the Revised Code; 1187

(14) With respect to injectable or nasally administered 1188
glucagon that may be possessed under section 5180.262 of the 1189
Revised Code, any of the following: a residential camp, as 1190
defined in section 2151.011 of the Revised Code; a child day 1191
camp, as defined in section 5104.01 of the Revised Code; or a 1192

child day camp operated by any county, township, municipal 1193
corporation, township park district created under section 511.18 1194
of the Revised Code, park district created under section 1545.04 1195
of the Revised Code, or joint recreation district established 1196
under section 755.14 of the Revised Code; 1197

(15) A person who possesses nitrous oxide for use as a 1198
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 1199
testing or maintaining a plumbing or heating, ventilation, and 1200
air conditioning system; 1201

(16) A person who possesses medical oxygen, sterile water, 1202
or sterile saline for direct administration to patients or for 1203
the purpose of installation or maintenance of home medical 1204
equipment, as defined in section 4752.01 of the Revised Code; 1205

(17) A facility that is owned and operated by the United 1206
States department of defense, the United States department of 1207
veterans affairs, or any other federal agency. 1208

(B) If a person described in division (A) of this section 1209
is a pain management clinic or is operating a pain management 1210
clinic, the person shall hold a license as a terminal 1211
distributor of dangerous drugs with a pain management clinic 1212
classification issued under section 4729.552 of the Revised 1213
Code. 1214

(C) Any of the persons described in divisions (A) (1) to 1215
(16) of this section shall hold a license as a terminal 1216
distributor of dangerous drugs in order to possess, have custody 1217
or control of, and distribute any of the following: 1218

(1) Dangerous drugs that are compounded or used for the 1219
purpose of compounding; 1220

(2) A schedule I, II, III, IV, or V controlled substance, 1221

as defined in section 3719.01 of the Revised Code. 1222

Sec. 4729.88. (A) Notwithstanding any conflicting 1223
provision of this chapter or rule adopted by the state board of 1224
pharmacy, a pharmacist may dispense epinephrine delivery 1225
systems, including epinephrine autoinjectors, pursuant to a 1226
prescription issued under section 4723.483, 4730.433, or 4731.96 1227
of the Revised Code. 1228

A pharmacist who in good faith dispenses epinephrine 1229
delivery systems, including autoinjectors, under this division 1230
is not liable for or subject to any of the following for any 1231
action or omission of an entity to which an epinephrine delivery 1232
system, including an autoinjector, is dispensed: damages in any 1233
civil action, prosecution in any criminal proceeding, or 1234
professional disciplinary action. 1235

(B) Notwithstanding any conflicting provision of this 1236
chapter or rule adopted by the state board of pharmacy, a 1237
pharmacist may dispense injectable or nasally administered 1238
glucagon pursuant to a prescription issued under section 1239
4723.4811, 4730.437, or 4731.92 of the Revised Code. 1240

A pharmacist who in good faith dispenses injectable or 1241
nasally administered glucagon under this division is not liable 1242
for or subject to any of the following for any action or 1243
omission of an entity to which the drug is dispensed: damages in 1244
any civil action, prosecution in any criminal proceeding, or 1245
professional disciplinary action. 1246

Sec. 4730.433. ~~(A)(1)~~ (A) As used in this section, 1247
"epinephrine delivery system" has the same meaning as in section 1248
3313.718 of the Revised Code. 1249

(B) (1) Subject to division ~~(A) (2)~~ (B) (2) of this section, 1250

and notwithstanding any conflicting provision of this chapter or 1251
rule adopted by the state medical board, a physician assistant 1252
who holds a license issued under this chapter and a valid 1253
prescriber number issued by the state medical board and has been 1254
granted physician-delegated prescriptive authority may do ~~either~~ 1255
any of the following without having examined an individual to 1256
whom epinephrine may be administered: 1257

(a) Personally furnish a supply of epinephrine 1258
autoinjectors for use in accordance with ~~sections 3313.7110,~~ 1259
~~3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and~~ 1260
~~5180.26 Chapter 3728.~~ of the Revised Code; 1261

(b) Personally furnish a supply of epinephrine delivery 1262
systems for use in accordance with sections 3313.7110, 1263
3313.7111, 3314.143, 3326.28, 3328.29, and 5180.26 of the 1264
Revised Code; 1265

(c) Issue a prescription for epinephrine autoinjectors for 1266
use in accordance with ~~sections 3313.7110, 3313.7111, 3314.143,~~ 1267
~~3326.28, 3328.29, 3728.03 to 3728.05, and 5180.26 Chapter 3728.~~ 1268
of the Revised Code; 1269

(d) Issue a prescription for epinephrine delivery systems 1270
for use in accordance with sections 3313.7110, 3313.7111, 1271
3314.143, 3326.28, 3328.29, and 5180.26 of the Revised Code. 1272

(2) An epinephrine autoinjector personally furnished or 1273
prescribed under division ~~(A) (1)~~ (B) (1) (a) or (c) of this section 1274
must be furnished or prescribed in such a manner that it may be 1275
administered only in a manufactured dosage form. 1276

~~(B)~~ (C) A physician assistant who acts in good faith in 1277
accordance with this section is not liable for or subject to any 1278
of the following for any action or omission of an entity to 1279

which an epinephrine delivery system, including an autoinjector, 1280
is furnished or a prescription is issued: damages in any civil 1281
action, prosecution in any criminal proceeding, or professional 1282
disciplinary action. 1283

Sec. 4731.96. (A) As used in this section ~~and section~~ 1284
~~4731.961 of the Revised Code, "physician":~~ 1285

(1) "Epinephrine delivery system" has the same meaning as 1286
in section 3313.718 of the Revised Code. 1287

(2) "Physician" means an individual authorized under this 1288
chapter to practice medicine and surgery, osteopathic medicine 1289
and surgery, or podiatric medicine and surgery. 1290

(B) (1) Subject to division (B) (2) of this section, and 1291
notwithstanding any conflicting provision of this chapter or 1292
rule adopted by the state medical board, a physician may do 1293
~~either any~~ of the following without having examined an 1294
individual to whom epinephrine may be administered: 1295

(a) Personally furnish a supply of epinephrine 1296
autoinjectors for use in accordance with ~~sections 3313.7110,~~ 1297
~~3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and~~ 1298
~~5180.26 Chapter 3728.~~ of the Revised Code; 1299

(b) Personally furnish a supply of epinephrine delivery 1300
systems for use in accordance with sections 3313.7110, 1301
3313.7111, 3314.143, 3326.28, 3328.29, and 5180.26 of the 1302
Revised Code; 1303

(c) Issue a prescription for epinephrine autoinjectors for 1304
use in accordance with ~~sections 3313.7110, 3313.7111, 3314.143,~~ 1305
~~3326.28, 3328.29, 3728.03 to 3728.05, and 5180.26 Chapter 3728.~~ 1306
of the Revised Code; 1307

(d) Issue a prescription for epinephrine delivery systems 1308
for use in accordance with sections 3313.7110, 3313.7111, 1309
3314.143, 3326.28, 3328.29, and 5180.26 of the Revised Code. 1310

(2) An epinephrine autoinjector personally furnished or 1311
prescribed under division ~~(B) (1)~~ (B) (1) (a) or (c) of this section 1312
must be furnished or prescribed in such a manner that it may be 1313
administered only in a manufactured dosage form. 1314

(C) A physician who acts in good faith in accordance with 1315
this section is not liable for or subject to any of the 1316
following for any action or omission of an entity to which an 1317
epinephrine delivery system, including an autoinjector, is 1318
furnished or a prescription is issued: damages in any civil 1319
action, prosecution in any criminal proceeding, or professional 1320
disciplinary action. 1321

Sec. 4731.961. ~~A~~ As used in this section, "physician" has 1322
the same meaning as in section 4731.96 of the Revised Code. 1323

A physician who has established a protocol that meets the 1324
requirements specified by the state board of pharmacy in rules 1325
adopted under section 4729.47 of the Revised Code may authorize 1326
one or more pharmacists and any of the pharmacy interns 1327
supervised by the pharmacist or pharmacists to use the protocol 1328
for the purpose of dispensing epinephrine under section 4729.47 1329
of the Revised Code. 1330

Sec. 5180.26. (A) A residential camp, as defined in 1331
section 2151.011 of the Revised Code, a child day camp, as 1332
defined in section 5104.01 of the Revised Code, or a child day 1333
camp operated by any county, township, municipal corporation, 1334
township park district created under section 511.18 of the 1335
Revised Code, park district created under section 1545.04 of the 1336

Revised Code, or joint recreation district established under 1337
section 755.14 of the Revised Code may procure epinephrine 1338
~~autoinjectors~~ delivery systems for use in emergency situations 1339
identified under division (C) (5) of this section by doing one of 1340
the following: 1341

(1) Having a licensed health professional authorized to 1342
prescribe drugs, acting in accordance with section 4723.483, 1343
4730.433, or 4731.96 of the Revised Code, personally furnish the 1344
epinephrine ~~autoinjectors~~ delivery systems to the camp or issue 1345
a prescription for them in the name of the camp; 1346

(2) Obtaining a prescriber-issued protocol that includes 1347
definitive orders for epinephrine ~~autoinjectors~~ delivery systems 1348
and the dosages of epinephrine to be administered through them. 1349

A camp that elects to procure epinephrine ~~autoinjectors~~ 1350
delivery systems under this section is encouraged to maintain at 1351
least two epinephrine ~~autoinjectors~~ delivery systems at all 1352
times. 1353

(B) A camp that elects to procure epinephrine 1354
~~autoinjectors~~ delivery systems under this section shall adopt a 1355
policy governing their maintenance and use. Before adopting the 1356
policy, the camp shall consult with a licensed health 1357
professional authorized to prescribe drugs. 1358

(C) The policy adopted under division (B) of this section 1359
shall do all of the following: 1360

(1) Identify the one or more locations in which an 1361
epinephrine autoinjector must be stored; 1362

(2) Specify the conditions under which an epinephrine 1363
autoinjector must be stored, replaced, and disposed; 1364

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(4) Specify any training that employees or contractors specified under division (C) (3) of this section must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee or contractor;

(c) A licensed health professional authorized to prescribe 1393
drugs who personally furnishes or prescribes epinephrine 1394
~~autoinjectors~~delivery systems, provides a consultation, or 1395
issues a protocol pursuant to this section. 1396

(2) This section does not eliminate, limit, or reduce any 1397
other immunity or defense that a camp or camp employee or 1398
contractor or licensed health professional may be entitled to 1399
under Chapter 2744. or any other provision of the Revised Code 1400
or under the common law of this state. 1401

(E) A camp may accept donations of epinephrine 1402
~~autoinjectors~~delivery systems from a wholesale distributor of 1403
dangerous drugs, as defined in section 4729.01 of the Revised 1404
Code, and may accept donations of money from any person to 1405
purchase epinephrine ~~autoinjectors~~delivery systems. 1406

(F) A camp that elects to procure epinephrine 1407
~~autoinjectors~~delivery systems under this section shall report 1408
to the department of children and youth each procurement and 1409
occurrence in which an epinephrine autoinjector is used from a 1410
camp's supply of epinephrine ~~autoinjectors~~delivery systems. 1411

(G) As used in this section, ~~"licensed~~ : 1412

(1) "Epinephrine delivery system" has the same meaning as 1413
in section 3313.718 of the Revised Code. 1414

(2) "Licensed health professional authorized to prescribe 1415
drugs" and "prescriber" "prescriber," and "wholesale distributor 1416
of dangerous drugs" have the same meanings as in section 4729.01 1417
of the Revised Code. 1418

Section 2. That existing sections 3301.135, 3313.718, 1419
3313.719, 3313.7110, 3313.7111, 3314.141, 3314.143, 3326.28, 1420
3328.24, 3328.29, 3728.01, 4723.483, 4729.01, 4729.51, 4729.513, 1421

4729.541, 4729.88, 4730.433, 4731.96, 4731.961, and 5180.26 of 1422
the Revised Code are hereby repealed. 1423

Section 3. The General Assembly, applying the principle 1424
stated in division (B) of section 1.52 of the Revised Code that 1425
amendments are to be harmonized if reasonably capable of 1426
simultaneous operation, finds that the following sections, 1427
presented in this act as composites of the sections as amended 1428
by the acts indicated, are the resulting versions of the 1429
sections in effect prior to the effective date of the sections 1430
as presented in this act: 1431

Section 3328.24 of the Revised Code as amended by both 1432
H.B. 10 and H.B. 96 of the 136th General Assembly. 1433

Section 4729.01 of the Revised Code as amended by H.B. 96, 1434
S.B. 56, and S.B. 152, all of the 136th General Assembly. 1435