(136th General Assembly)
(Substitute House Bill Number 462)

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3301.135, 3313.718, 3313.719, 3313.7110, 3313.7111, 3314.141, 3314.143, 3326.28, 3328.24, 3328.29, 3728.01, 4723.483, 4729.01, 4729.51, 4729.513, 4729.541, 4729.88, 4730.433, 4731.96, 4731.961, and 5180.26 be amended and section 4729.262 of the Revised Code be enacted to read as follows:

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

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

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

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

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

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

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

(a) Autoinjectors;

(b) Intranasal sprays;

(c) Any device or other product designated by the state board of pharmacy in rules adopted

under section 4729.262 of the Revised Code.

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

(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~~ delivery system to treat anaphylaxis, if all of the following conditions are satisfied:

(1) The student has the written approval of the prescriber of the ~~autoinjector~~ delivery system 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:

(a) The student's name and address;

(b) The names and dose of the ~~medication~~ epinephrine contained in the ~~autoinjector~~delivery system;

(c) The date ~~the~~ that administration of ~~the medication~~ epinephrine through the delivery system is authorized to begin;

(d) The date, if known, that ~~the administration of the medication~~ authority to administer epinephrine through the delivery system is to cease;

(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the ~~autoinjector~~ delivery system appropriately and has provided the student with training in the proper use of the ~~autoinjector~~delivery system;

(f) Circumstances in which the ~~autoinjector~~ delivery system should be used;

(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;

(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;

(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;

(j) At least one emergency telephone number for contacting the prescriber in an emergency;

(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;

(l) Any other special instructions from the prescriber.

(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.

(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 charge of the student or, if the student is not a minor, from the student.

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

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

(D)(1) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's prohibiting a student from using an ~~autoinjector~~ epinephrine delivery system because of the employee's good faith belief that the conditions of division (B) of this section had not been satisfied. A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's permitting a student to use an ~~autoinjector~~ epinephrine delivery system because of the employee's good faith belief that the conditions of division (B) of this section had been satisfied. Furthermore, when a school district is required by this section to permit a student to possess and use an ~~autoinjector~~ epinephrine delivery system because the conditions of division (B) of this section have been satisfied, the school district, any member of the school district board of education, or any school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the ~~autoinjector~~ epinephrine delivery system by a student for whom it was not prescribed.

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

(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's prohibiting a student from using an ~~autoinjector~~ epinephrine delivery system because of the employee's good faith belief that the conditions of division (B) of this section had not been satisfied. A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's permitting a student to use an ~~autoinjector~~ epinephrine delivery system because of the employee's good faith belief that the conditions of division (B) of this section had been satisfied. Furthermore, when a chartered nonpublic school is required by this

section to permit a student to possess and use an ~~autoinjector~~ epinephrine delivery system because the conditions of division (B) of this section have been satisfied, the chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the ~~autoinjector~~ epinephrine delivery system by a student for whom it was not prescribed.

Sec. 3313.719. (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" has the same meaning as in section 4729.01 of the Revised Code.

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

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

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

(D) Training completed under division ~~(B)~~(C) of this section shall qualify as a professional development activity for the renewal of educator licenses, in addition to activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code.

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

(a) A school or school district;

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

(c) A district or school employee or contractor;

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

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

medical specialties or American osteopathic association.

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

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

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

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

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

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

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

(1) Identify the one or more locations in each school operated by the district in which an epinephrine ~~autoinjector~~ delivery system must be stored;

(2) Specify the conditions under which an epinephrine ~~autoinjector~~ delivery system must be stored, replaced, and disposed;

(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~~ delivery system 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, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine ~~autoinjector~~delivery system;

(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~~delivery system;

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

(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine ~~autoinjector~~ delivery system 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~~ delivery system under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A school or school district;

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

(c) A district or school employee or contractor;

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

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

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

(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 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~~ delivery system under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A chartered or nonchartered nonpublic school;

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

(c) An employee or contractor of the school;

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

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

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

~~(D)~~(E) A chartered or nonchartered nonpublic school 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 the school's supply of epinephrine ~~autoinjectors~~delivery systems.

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

(B) A community school, community school governing authority, or community school employee is not liable in damages in a civil action for harm allegedly arising from a community school employee's prohibiting a student from using an ~~autoinjector~~ epinephrine delivery system described in section 3313.718 of the Revised Code because of the employee's good faith belief that the conditions of division (B) of that section had not been satisfied. A community school, community school governing authority, or community school employee is not liable in damages in a

civil action for harm allegedly arising from a community school employee's permitting a student to use an ~~autoinjector~~ epinephrine delivery system described in that section because of the employee's good faith belief that the conditions of division (B) of that section had been satisfied. Furthermore, when a community school is required in accordance with that section to permit a student to possess and use an ~~autoinjector~~ epinephrine delivery system because the conditions of division (B) of that section have been satisfied, the community school, any member of the community school governing authority, or any community school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the ~~autoinjector~~ epinephrine delivery system by a student for whom it was not prescribed.

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

Sec. 3314.143. (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 community school established under this chapter may procure epinephrine ~~autoinjectors~~ delivery systems in the manner prescribed by section 3313.7110 of the Revised Code. A community 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 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~~ delivery system under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A community school;

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

(c) A community school employee or contractor;

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

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

~~(C)~~(D) A community school may accept donations of epinephrine ~~autoinjectors~~ delivery

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

~~(D)~~(E) A community school 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 the school's supply of epinephrine ~~autoinjectors~~delivery systems.

Sec. 3326.28. (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 body, a STEM school established under this chapter may procure epinephrine ~~autoinjectors~~ delivery systems in the manner prescribed by section 3313.7110 of the Revised Code. A STEM school that elects to do so shall comply with all provisions of that section as if it were a school district.

~~(B)(1)~~(C)(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~~ delivery system under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A STEM school;

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

(c) A STEM school employee or contractor;

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

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

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

~~(D)~~(E) A STEM school 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 the school's supply of

epinephrine ~~autoinjectors~~delivery systems.

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

Sec. 3328.29. (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 board of trustees, a college-preparatory boarding school established under this chapter may procure epinephrine ~~autoinjectors~~ delivery systems in the manner prescribed by section 3313.7110 of the Revised Code. A college-preparatory boarding 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 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~~ delivery system under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A college-preparatory boarding school;

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

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

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

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

~~(C)~~(D) A college-preparatory boarding school may accept donations of epinephrine ~~autoinjectors~~ delivery systems from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs~~, as defined in section 4729.01 of the Revised Code,~~ and may accept donations of

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

~~(D)~~(E) A college-preparatory boarding school 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.

Sec. 3728.01. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) Either of the following served by a peace officer: a law enforcement agency or other entity described in division (A) of section 109.71 of the Revised Code~~.

Sec. 4723.483. ~~(A)(1)~~(A) As used in this section, "epinephrine delivery system" has the

same meaning as in section 3313.718 of the Revised Code.

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

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

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

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

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

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

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

Sec. 4729.01. As used in this chapter:

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

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

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;

(3) Compounding drugs;

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

(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the

individual is taking and explaining the interactions of the drugs;

(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;

(8) Acting pursuant to a consult agreement, if an agreement has been established;

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

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

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

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

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

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

(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:

(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.

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

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

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

(E) "Drug" means:

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

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

(3) Any article, other than food, intended to affect the structure or any function of the body

of humans or animals;

(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

"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:

(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;

(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;

(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~~ delivery system issued to and in the name of a school, school district, or camp;

(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;

(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.

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

(1) A dentist licensed under Chapter 4715. of the Revised Code;

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

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

(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;

(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;

(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;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(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 supervising the certified mental health assistant.

(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.

(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.

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

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

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

(1) The proprietary name of the drug product;

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

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with

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

(4) The dosage form;

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

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

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

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

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

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

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

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

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

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

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

(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 use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

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

(1) Naloxone;

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

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

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

Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale

distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:

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

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

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

(a) Overdose reversal drugs;

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

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

(B) 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 any person other than the following:

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

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

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

(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.

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

(1) A prescriber who is employed by 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;

(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.

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

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

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

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

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

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

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

(c) Possess dangerous drugs.

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

(i) A licensed terminal distributor of dangerous drugs;

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., 4741., and 4772. of the Revised Code;

(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.

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

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

(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.

(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:

(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.

(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.

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

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

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

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

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

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

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

(D) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(E) A chartered or nonchartered nonpublic school;

(F) A residential camp, as defined in section 2151.011 of the Revised Code;

(G) A child day camp, as defined in section 5104.01 of the Revised Code;

(H) A child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

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

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

(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under former Chapter 1705. of the Revised

Code as that chapter existed prior to February 11, 2022, or Chapter 1706. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a prescriber and is authorized to provide the professional services being offered by the entity;

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

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

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

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

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

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

(9) With respect to inhalers that may be possessed under section 3313.7113, 3313.7114,

3314.144, 3326.30, or 3328.30 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(10) With respect to inhalers that may be possessed under section 5180.261 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

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

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

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

(14) With respect to injectable or nasally administered glucagon that may be possessed under section 5180.262 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

(B)(1) Subject to division ~~(A)(2)~~(B)(2) of this section, and notwithstanding any conflicting provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a license issued under this chapter and a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may do ~~either~~ any of the following without having examined an individual to whom epinephrine may be administered:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine delivery system, including an autoinjector, is furnished or a prescription is issued: damages in any

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

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

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

Sec. 5180.26. (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine ~~autoinjectors~~ delivery systems for use in emergency situations identified under division (C)(5) of this section by doing one of the following:

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

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

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

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

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

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

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

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

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

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

(F) A camp that elects to procure epinephrine ~~autoinjectors~~ delivery systems under this section shall report to the department of children and youth each procurement and occurrence in which an epinephrine autoinjector is used from a camp'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," and "wholesale distributor of dangerous drugs" have the same meanings as in section 4729.01 of the Revised Code.

SECTION 2. That existing sections 3301.135, 3313.718, 3313.719, 3313.7110, 3313.7111, 3314.141, 3314.143, 3326.28, 3328.24, 3328.29, 3728.01, 4723.483, 4729.01, 4729.51, 4729.513, 4729.541, 4729.88, 4730.433, 4731.96, 4731.961, and 5180.26 of the Revised Code are hereby repealed.

SECTION 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of

simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

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

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

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____