

As Introduced

**136th General Assembly
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S. B. No. 152

**Senator Brenner
Cosponsor: Senator Lang**

To amend sections 4729.01, 4729.531, 4729.532,
4729.54, and 4729.55 of the Revised Code to
allow wild animal rehabilitation facilities to
receive a limited license to administer
euthanasia drugs.

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

Section 1. That sections 4729.01, 4729.531, 4729.532,
4729.54, and 4729.55 of the Revised Code be amended to read as
follows:

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;	20
(3) Compounding drugs;	21
(4) Counseling individuals with regard to their drug	22
therapy, recommending drug therapy related devices, and	23
assisting in the selection of drugs and appliances for treatment	24
of common diseases and injuries and providing instruction in the	25
proper use of the drugs and appliances;	26
(5) Performing drug regimen reviews with individuals by	27
discussing all of the drugs that the individual is taking and	28
explaining the interactions of the drugs;	29
(6) Performing drug utilization reviews with licensed	30
health professionals authorized to prescribe drugs when the	31
pharmacist determines that an individual with a prescription has	32
a drug regimen that warrants additional discussion with the	33
prescriber;	34
(7) Advising an individual and the health care	35
professionals treating an individual with regard to the	36
individual's drug therapy;	37
(8) Acting pursuant to a consult agreement, if an	38
agreement has been established;	39
(9) Engaging in the administration of immunizations to the	40
extent authorized by section 4729.41 of the Revised Code;	41
(10) Engaging in the administration of drugs to the extent	42
authorized by section 4729.45 of the Revised Code.	43
(C) "Compounding" means the preparation, mixing,	44
assembling, packaging, and labeling of one or more drugs in any	45
of the following circumstances:	46

- (1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 47 48
- (2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 49 50
- (3) As an incident to research, teaching activities, or chemical analysis; 51 52
- (4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 53 54 55
- (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: 56 57 58 59 60
- (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. 61 62 63 64 65
- (b) A limited quantity of the drug is compounded and provided to the professional. 66 67
- (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. 68 69 70
- (D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code. 71 72
- (E) "Drug" means: 73

(1) Any article recognized in the United States	74
pharmacopoeia and national formulary, or any supplement to them,	75
intended for use in the diagnosis, cure, mitigation, treatment,	76
or prevention of disease in humans or animals;	77
(2) Any other article intended for use in the diagnosis,	78
cure, mitigation, treatment, or prevention of disease in humans	79
or animals;	80
(3) Any article, other than food, intended to affect the	81
structure or any function of the body of humans or animals;	82
(4) Any article intended for use as a component of any	83
article specified in division (E) (1), (2), or (3) of this	84
section; but does not include devices or their components,	85
parts, or accessories.	86
"Drug" does not include "hemp" or a "hemp product" as	87
those terms are defined in section 928.01 of the Revised Code.	88
(F) "Dangerous drug" means any of the following:	89
(1) Any drug to which either of the following applies:	90
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	91
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	92
required to bear a label containing the legend "Caution: Federal	93
law prohibits dispensing without prescription" or "Caution:	94
Federal law restricts this drug to use by or on the order of a	95
licensed veterinarian" or any similar restrictive statement, or	96
the drug may be dispensed only upon a prescription;	97
(b) Under Chapter 3715. or 3719. of the Revised Code, the	98
drug may be dispensed only upon a prescription.	99
(2) Any drug that contains a schedule V controlled	100
substance and that is exempt from Chapter 3719. of the Revised	101

Code or to which that chapter does not apply;	102
(3) Any drug intended for administration by injection into	103
the human body other than through a natural orifice of the human	104
body;	105
(4) Any drug that is a biological product, as defined in	106
section 3715.01 of the Revised Code.	107
(G) "Federal drug abuse control laws" has the same meaning	108
as in section 3719.01 of the Revised Code.	109
(H) "Prescription" means all of the following:	110
(1) A written, electronic, or oral order for drugs or	111
combinations or mixtures of drugs to be used by a particular	112
individual or for treating a particular animal, issued by a	113
licensed health professional authorized to prescribe drugs;	114
(2) For purposes of sections 4723.4810, 4729.282,	115
4730.432, and 4731.93 of the Revised Code, a written,	116
electronic, or oral order for a drug to treat chlamydia,	117
gonorrhea, or trichomoniasis issued to and in the name of a	118
patient who is not the intended user of the drug but is the	119
sexual partner of the intended user;	120
(3) For purposes of sections 3313.7110, 3313.7111,	121
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433,	122
4731.96, and 5101.76 of the Revised Code, a written, electronic,	123
or oral order for an epinephrine autoinjector issued to and in	124
the name of a school, school district, or camp;	125
(4) For purposes of Chapter 3728. and sections 4723.483,	126
4729.88, 4730.433, and 4731.96 of the Revised Code, a written,	127
electronic, or oral order for an epinephrine autoinjector issued	128
to and in the name of a qualified entity, as defined in section	129

3728.01 of the Revised Code;	130
(5) For purposes of sections 3313.7115, 3313.7116,	131
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and	132
5101.78 of the Revised Code, a written, electronic, or oral	133
order for injectable or nasally administered glucagon in the	134
name of a school, school district, or camp.	135
(I) "Licensed health professional authorized to prescribe	136
drugs" or "prescriber" means an individual who is authorized by	137
law to prescribe drugs or dangerous drugs or drug therapy	138
related devices in the course of the individual's professional	139
practice, including only the following:	140
(1) A dentist licensed under Chapter 4715. of the Revised	141
Code;	142
(2) A clinical nurse specialist, certified nurse-midwife,	143
or certified nurse practitioner who holds a current, valid	144
license issued under Chapter 4723. of the Revised Code to	145
practice nursing as an advanced practice registered nurse;	146
(3) A certified registered nurse anesthetist who holds a	147
current, valid license issued under Chapter 4723. of the Revised	148
Code to practice nursing as an advanced practice registered	149
nurse, but only to the extent of the nurse's authority under	150
sections 4723.43 and 4723.434 of the Revised Code;	151
(4) An optometrist licensed under Chapter 4725. of the	152
Revised Code to practice optometry;	153
(5) A physician authorized under Chapter 4731. of the	154
Revised Code to practice medicine and surgery, osteopathic	155
medicine and surgery, or podiatric medicine and surgery;	156
(6) A physician assistant who holds a license to practice	157

as a physician assistant issued under Chapter 4730. of the 158
Revised Code, holds a valid prescriber number issued by the 159
state medical board, and has been granted physician-delegated 160
prescriptive authority; 161

(7) A veterinarian licensed under Chapter 4741. of the 162
Revised Code; 163

(8) A certified mental health assistant licensed under 164
Chapter 4772. of the Revised Code who has been granted 165
physician-delegated prescriptive authority by the physician 166
supervising the certified mental health assistant. 167

(J) "Sale" or "sell" includes any transaction made by any 168
person, whether as principal proprietor, agent, or employee, to 169
do or offer to do any of the following: deliver, distribute, 170
broker, exchange, gift or otherwise give away, or transfer, 171
whether the transfer is by passage of title, physical movement, 172
or both. 173

(K) "Wholesale sale" and "sale at wholesale" mean any sale 174
in which the purpose of the purchaser is to resell the article 175
purchased or received by the purchaser. 176

(L) "Retail sale" and "sale at retail" mean any sale other 177
than a wholesale sale or sale at wholesale. 178

(M) "Retail seller" means any person that sells any 179
dangerous drug to consumers without assuming control over and 180
responsibility for its administration. Mere advice or 181
instructions regarding administration do not constitute control 182
or establish responsibility. 183

(N) "Price information" means the price charged for a 184
prescription for a particular drug product and, in an easily 185
understandable manner, all of the following: 186

(1) The proprietary name of the drug product;	187
(2) The established (generic) name of the drug product;	188
(3) The strength of the drug product if the product	189
contains a single active ingredient or if the drug product	190
contains more than one active ingredient and a relevant strength	191
can be associated with the product without indicating each	192
active ingredient. The established name and quantity of each	193
active ingredient are required if such a relevant strength	194
cannot be so associated with a drug product containing more than	195
one ingredient.	196
(4) The dosage form;	197
(5) The price charged for a specific quantity of the drug	198
product. The stated price shall include all charges to the	199
consumer, including, but not limited to, the cost of the drug	200
product, professional fees, handling fees, if any, and a	201
statement identifying professional services routinely furnished	202
by the pharmacy. Any mailing fees and delivery fees may be	203
stated separately without repetition. The information shall not	204
be false or misleading.	205
(O) "Wholesale distributor of dangerous drugs" or	206
"wholesale distributor" means a person engaged in the sale of	207
dangerous drugs at wholesale and includes any agent or employee	208
of such a person authorized by the person to engage in the sale	209
of dangerous drugs at wholesale.	210
(P) "Manufacturer of dangerous drugs" or "manufacturer"	211
means a person, other than a pharmacist or prescriber, who	212
manufactures dangerous drugs and who is engaged in the sale of	213
those dangerous drugs.	214
(Q) "Terminal distributor of dangerous drugs" or "terminal	215

distributor" means a person who is engaged in the sale of 216
dangerous drugs at retail, or any person, other than a 217
manufacturer, repackager, outsourcing facility, third-party 218
logistics provider, wholesale distributor, or pharmacist, who 219
has possession, custody, or control of dangerous drugs for any 220
purpose other than for that person's own use and consumption. 221
"Terminal distributor" includes pharmacies, hospitals, nursing 222
homes, and laboratories and all other persons who procure 223
dangerous drugs for sale or other distribution by or under the 224
supervision of a pharmacist, licensed health professional 225
authorized to prescribe drugs, or other person authorized by the 226
state board of pharmacy. 227

(R) "Promote to the public" means disseminating a 228
representation to the public in any manner or by any means, 229
other than by labeling, for the purpose of inducing, or that is 230
likely to induce, directly or indirectly, the purchase of a 231
dangerous drug at retail. 232

(S) "Person" includes any individual, partnership, 233
association, limited liability company, or corporation, the 234
state, any political subdivision of the state, and any district, 235
department, or agency of the state or its political 236
subdivisions. 237

(T) (1) "Animal shelter" means a facility operated by a 238
humane society or any society organized under Chapter 1717. of 239
the Revised Code or a dog pound operated pursuant to Chapter 240
955. of the Revised Code. 241

(2) "County dog warden" means a dog warden or deputy dog 242
warden appointed or employed under section 955.12 of the Revised 243
Code. 244

(3) "Wild animal rehabilitation facility" means a facility 245
that holds a permit issued by the chief of the division of 246
wildlife for rehabilitation purposes in accordance with section 247
1533.08 of the Revised Code or rules adopted by the chief. 248

(U) "Food" has the same meaning as in section 3715.01 of 249
the Revised Code. 250

(V) "Pain management clinic" has the same meaning as in 251
section 4731.054 of the Revised Code. 252

(W) "Investigational drug or product" means a drug or 253
product that has successfully completed phase one of the United 254
States food and drug administration clinical trials and remains 255
under clinical trial, but has not been approved for general use 256
by the United States food and drug administration. 257
"Investigational drug or product" does not include controlled 258
substances in schedule I, as defined in section 3719.01 of the 259
Revised Code. 260

(X) "Product," when used in reference to an 261
investigational drug or product, means a biological product, 262
other than a drug, that is made from a natural human, animal, or 263
microorganism source and is intended to treat a disease or 264
medical condition. 265

(Y) "Third-party logistics provider" means a person that 266
provides or coordinates warehousing or other logistics services 267
pertaining to dangerous drugs including distribution, on behalf 268
of a manufacturer, wholesale distributor, or terminal 269
distributor of dangerous drugs, but does not take ownership of 270
the drugs or have responsibility to direct the sale or 271
disposition of the drugs. 272

(Z) "Repackager of dangerous drugs" or "repackager" means 273

a person that repacks and relabels dangerous drugs for sale or distribution. 274
275

(AA) "Outsourcing facility" means a facility that is 276
engaged in the compounding and sale of sterile drugs and is 277
registered as an outsourcing facility with the United States 278
food and drug administration. 279

(BB) "Laboratory" means a laboratory licensed under this 280
chapter as a terminal distributor of dangerous drugs and 281
entrusted to have custody of any of the following drugs and to 282
use the drugs for scientific and clinical purposes and for 283
purposes of instruction: dangerous drugs that are not controlled 284
substances, as defined in section 3719.01 of the Revised Code; 285
dangerous drugs that are controlled substances, as defined in 286
that section; and controlled substances in schedule I, as 287
defined in that section. 288

(CC) "Overdose reversal drug" means both of the following: 289

(1) Naloxone; 290

(2) Any other drug that the state board of pharmacy, 291
through rules adopted in accordance with Chapter 119. of the 292
Revised Code, designates as a drug that is approved by the 293
federal food and drug administration for the reversal of a known 294
or suspected opioid-related overdose. 295

Sec. 4729.531. (A) The state board of pharmacy may issue a 296
limited license to an animal shelter, a wild animal 297
rehabilitation facility, or county dog warden solely for the 298
purpose of purchasing, possessing, and administering drugs that 299
are distributed in a manufactured dosage form as described in 300
section 4729.532 of the Revised Code. Unless otherwise approved 301
by the board, no such license shall authorize or permit the 302

distribution of these drugs to any person other than the 303
originating wholesale distributor of the drugs. An application 304
for licensure shall include the information the board requires 305
by rule under this section. If the application meets the 306
requirements of the rules adopted under this section, the board 307
shall issue the license. 308

(B) The board, in accordance with Chapter 119. of the 309
Revised Code, shall adopt any rules necessary to administer and 310
enforce this section. The rules shall do all of the following: 311

(1) Require as a condition of licensure that an agent or 312
employee of an animal shelter or wild animal rehabilitation 313
facility or an agent or employee of a county dog warden, other 314
than a registered veterinary technician as defined in section 315
4741.01 of the Revised Code, has successfully completed a 316
euthanasia technician certification course described in section 317
4729.532 of the Revised Code; 318

(2) Specify the information the animal shelter, wild 319
animal rehabilitation facility, or county dog warden must 320
provide the board for issuance or renewal of a license; 321

(3) Address any other matters the board considers 322
necessary or appropriate for the administration and enforcement 323
of this section. 324

Sec. 4729.532. (A) No agent or employee of an animal 325
shelter, no agent or employee of a wild animal rehabilitation 326
facility, and no county dog warden or agent or employee of a 327
county dog warden shall perform euthanasia by means of lethal 328
injection on an animal by use of any substance other than a 329
substance in a manufactured dosage form that the state 330
veterinary medical licensing board, in consultation with the 331

state board of pharmacy, approves by rule adopted in accordance 332
with Chapter 119. of the Revised Code. 333

The agent or employee of an animal shelter or wild animal 334
rehabilitation facility, county dog warden, or agent or employee 335
of a county dog warden when using a lethal solution to perform 336
euthanasia on an animal shall use the solution in accordance 337
with the following methods: 338

(1) Intravenous injection by hypodermic needle; 339

(2) Intraperitoneal injection by hypodermic needle; 340

(3) Intracardial injection by hypodermic needle, but only 341
on an animal verified to be unconscious; 342

(4) Oral administration of solution or powder. 343

(B) Before euthanasia, a euthanasia technician may 344
administer a solution of one or more drugs exclusively for the 345
purpose of inducing anesthesia, sedation, or unconsciousness 346
prior to euthanasia. Only those drugs that have been approved by 347
rule adopted in accordance with Chapter 119. of the Revised Code 348
by the state board of pharmacy, in consultation with the state 349
veterinary medical licensing board, may be used. 350

(C) No agent or employee of an animal shelter or wild 351
animal rehabilitation facility and no county dog warden or agent 352
or employee of a county dog warden, other than a registered 353
veterinary technician as defined in section 4741.01 of the 354
Revised Code, shall perform euthanasia by means of lethal 355
injection on an animal or administer pre-euthanasia drugs that 356
induce anesthesia, sedation, or unconsciousness unless the agent 357
or employee or county dog warden has received certification 358
after successfully completing a euthanasia technician 359
certification course as described in this division. 360

The curriculum for a euthanasia technician certification 361
course shall be one that has been approved by the state 362
veterinary medical licensing board, shall be at least sixteen 363
hours in length, and shall include information in at least all 364
of the following areas: 365

(1) The pharmacology, proper administration, and storage 366
of euthanasia, sedation, and anesthesia solutions; 367

(2) Federal and state laws regulating the storage and 368
accountability of euthanasia, sedation, and anesthesia 369
solutions; 370

(3) Euthanasia technician stress management; 371

(4) Proper disposal of euthanized animals. 372

(D) (1) No agent or employee of an animal shelter or wild 373
animal rehabilitation facility shall perform euthanasia by means 374
of lethal injection on animals or administer pre-euthanasia 375
drugs that induce anesthesia, sedation, or unconsciousness under 376
this section unless the facility in which the agent or employee 377
works or is employed is licensed with the state board of 378
pharmacy under section 4729.531 of the Revised Code. No agent or 379
employee of a county dog warden shall perform euthanasia by 380
means of lethal injection on animals or administer pre- 381
euthanasia drugs that induce anesthesia, sedation, or 382
unconsciousness under this section unless the county dog warden 383
is licensed under section 4729.531 of the Revised Code. 384

(2) Any agent or employee of an animal shelter or wild 385
animal rehabilitation -facility or county dog warden performing 386
euthanasia by means of lethal injection or administering pre- 387
euthanasia drugs that induce anesthesia, sedation, or 388
unconsciousness shall do so only in a humane and proficient 389

manner that is in conformity with the methods described in 390
divisions (A) and (B) of this section and not in violation of 391
Chapter 959. of the Revised Code. 392

(E) Nothing in this section precludes a licensed 393
veterinarian or registered veterinary technician as defined in 394
section 4741.01 of the Revised Code from engaging in the 395
practice of veterinary medicine as authorized in Chapter 4741. 396
of the Revised Code. 397

Sec. 4729.54. (A) As used in this section: 398

(1) "Category II" means any dangerous drug that is not 399
included in category III. 400

(2) "Category III" means any controlled substance that is 401
contained in schedule I, II, III, IV, or V. 402

(3) "Emergency medical service organization" has the same 403
meaning as in section 4765.01 of the Revised Code. 404

(4) "Emergency medical service organization satellite" 405
means a location where dangerous drugs are stored that is 406
separate from, but associated with, the headquarters of an 407
emergency medical service organization. "Emergency medical 408
service organization satellite" does not include the units under 409
the control of the emergency medical service organization. 410

(5) "Person" includes an emergency medical service 411
organization or an emergency medical service organization 412
satellite. 413

(6) "Schedule I," "schedule II," "schedule III," "schedule 414
IV," and "schedule V" have the same meanings as in section 415
3719.01 of the Revised Code. 416

(B) (1) A person seeking to be licensed as a terminal 417

distributor of dangerous drugs shall file with the executive 418
director of the state board of pharmacy a verified application. 419
After it is filed, the application may not be withdrawn without 420
approval of the board. 421

(2) An application shall contain all the following that 422
apply in the applicant's case: 423

(a) Information that the board requires relative to the 424
qualifications of a terminal distributor of dangerous drugs set 425
forth in section 4729.55 of the Revised Code; 426

(b) A statement as to whether the person is seeking to be 427
licensed as a category II, category III, limited category II, or 428
limited category III terminal distributor of dangerous drugs; 429

(c) If the person is seeking to be licensed as a limited 430
category II or limited category III terminal distributor of 431
dangerous drugs, a list of the dangerous drugs that the person 432
is seeking to possess, have custody or control of, and 433
distribute, which list shall also specify the purpose for which 434
those drugs will be used and their source; 435

(d) If the person is an emergency medical service 436
organization, the information that is specified in divisions (C) 437
(1) and (2) of this section, and if the person is an emergency 438
medical service organization satellite, the information required 439
under division (D) of this section; 440

(e) Except with respect to the units under the control of 441
an emergency medical service organization, the identity of the 442
one establishment or place at which the person intends to engage 443
in the sale or other distribution of dangerous drugs at retail, 444
and maintain possession, custody, or control of dangerous drugs 445
for purposes other than the person's own use or consumption; 446

(f) If the application pertains to a pain management 447
clinic, information that demonstrates, to the satisfaction of 448
the board, compliance with division (A) of section 4729.552 of 449
the Revised Code. 450

(C) (1) Each emergency medical service organization that 451
applies for a terminal distributor of dangerous drugs license 452
shall submit with its application all of the following: 453

(a) A copy of its standing orders or protocol, which 454
orders or protocol shall be signed by a physician; 455

(b) A list of the dangerous drugs that the units under its 456
control may carry, expressed in standard dose units, which shall 457
be signed by a physician; 458

(c) A list of the personnel employed or used by the 459
organization to provide emergency medical services in accordance 460
with Chapter 4765. of the Revised Code. 461

In accordance with Chapter 119. of the Revised Code, the 462
board shall adopt rules specifying when an emergency medical 463
service organization that is licensed as a terminal distributor 464
must notify the board of any changes in its documentation 465
submitted pursuant to division (C) (1) of this section. 466

(2) An emergency medical service organization seeking to 467
be licensed as a terminal distributor of dangerous drugs shall 468
list in its application for licensure the following additional 469
information: 470

(a) The units under its control that the organization 471
determines will possess dangerous drugs for the purpose of 472
administering emergency medical services in accordance with 473
Chapter 4765. of the Revised Code; 474

(b) With respect to each such unit, whether the dangerous 475
drugs that the organization determines the unit will possess are 476
in category II or III. 477

(3) An emergency medical service organization that is 478
licensed as a terminal distributor of dangerous drugs shall file 479
a new application for such licensure if there is any change in 480
the number or location of any of its units or if there is any 481
change in the category of the dangerous drugs that any unit will 482
possess. 483

(4) A unit listed in an application for licensure pursuant 484
to division (C)(2) of this section may obtain the dangerous 485
drugs it is authorized to possess from its emergency medical 486
service organization or, on a replacement basis, from a hospital 487
pharmacy. If units will obtain dangerous drugs from a hospital 488
pharmacy, the organization shall file, and maintain in current 489
form, the following items with the pharmacist who is responsible 490
for the hospital's terminal distributor of dangerous drugs 491
license: 492

(a) A copy of its standing orders or protocol; 493

(b) A list of the personnel employed or used by the 494
organization to provide emergency medical services in accordance 495
with Chapter 4765. of the Revised Code, who are authorized to 496
possess the drugs, which list also shall indicate the personnel 497
who are authorized to administer the drugs. 498

(D) Each emergency medical service organization satellite 499
that applies for a terminal distributor of dangerous drugs 500
license shall submit with its application all of the information 501
that the board requires to be submitted with the application, as 502
specified in rules the board shall adopt in accordance with 503

Chapter 119. of the Revised Code. 504

(E) There shall be four categories of terminal distributor 505
of dangerous drugs licenses. The categories are as follows: 506

(1) Category II license. A person who obtains this license 507
may possess, have custody or control of, and distribute only the 508
dangerous drugs described in category II. 509

(2) Limited category II license. A person who obtains this 510
license may possess, have custody or control of, and distribute 511
only the dangerous drugs described in category II that were 512
listed in the application for licensure. 513

(3) Category III license, which may include a pain 514
management clinic classification issued under section 4729.552 515
of the Revised Code. A person who obtains this license may 516
possess, have custody or control of, and distribute the 517
dangerous drugs described in category II and category III. If 518
the license includes a pain management clinic classification, 519
the person may operate a pain management clinic. 520

(4) Limited category III license. A person who obtains 521
this license may possess, have custody or control of, and 522
distribute only the dangerous drugs described in category II or 523
category III that were listed in the application for licensure. 524

(F) Except for an application made by a county dog warden 525
or on behalf of an animal shelter or wild animal rehabilitation 526
facility, if an applicant for a limited category II license or 527
limited category III license intends to administer dangerous 528
drugs to a person or animal, the applicant shall submit, with 529
the application, a copy of its protocol or standing orders. The 530
protocol or orders shall be signed by a licensed health 531
professional authorized to prescribe drugs, specify the 532

dangerous drugs to be administered, and list personnel who are 533
authorized to administer the dangerous drugs in accordance with 534
federal law or the law of this state. 535

An application made by a county dog warden or on behalf of 536
an animal shelter or wild animal rehabilitation facility shall 537
include a list of the dangerous drugs to be administered to 538
animals and the personnel who are authorized to administer the 539
drugs to animals in accordance with section 4729.532 of the 540
Revised Code. 541

In accordance with Chapter 119. of the Revised Code, the 542
board shall adopt rules specifying when a licensee must notify 543
the board of any changes in its documentation submitted pursuant 544
to this division. 545

(G) (1) Except as provided in division (G) (3) of this 546
section, each applicant for licensure as a terminal distributor 547
of dangerous drugs shall submit, with the application, a license 548
fee. The amount assessed shall not be returned to the applicant 549
if the applicant fails to qualify for the license. 550

(2) The following fees apply under division (G) (1) of this 551
section: 552

(a) Except as provided in division (G) (2) (b) of this 553
section: 554

(i) Three hundred twenty dollars for a category II or 555
limited category II license; 556

(ii) Four hundred forty dollars for a category III 557
license, including a license with a pain management clinic 558
classification issued under section 4729.552 of the Revised 559
Code, or a limited category III license. 560

(b) One hundred twenty dollars for all of the following: 561

(i) A person who is required to hold a license as a 562
terminal distributor of dangerous drugs pursuant to division (C) 563
of section 4729.541 of the Revised Code; 564

(ii) A professional association, corporation, partnership, 565
or limited liability company organized for the purpose of 566
practicing veterinary medicine that is not included in division 567
(G) (2) (b) (i) of this section; 568

(iii) An emergency medical service organization satellite. 569

(3) No fee applies for a license issued to a charitable 570
pharmacy, as defined in section 3719.811 of the Revised Code, if 571
the charitable pharmacy is participating in the drug repository 572
program established under section 3715.87 of the Revised Code. 573

(H) (1) The board shall issue a terminal distributor of 574
dangerous drugs license to each person who submits an 575
application for such licensure in accordance with this section, 576
pays the required license fee, is determined by the board to 577
meet the requirements set forth in section 4729.55 of the 578
Revised Code, and satisfies any other applicable requirements of 579
this section. 580

(2) Except for the license of a county dog warden, the 581
license shall describe the one establishment or place at which 582
the licensee may engage in the sale or other distribution of 583
dangerous drugs at retail and maintain possession, custody, or 584
control of dangerous drugs for purposes other than the 585
licensee's own use or consumption. The one establishment or 586
place shall be that which is identified in the application for 587
licensure. 588

No such license shall authorize or permit the terminal 589

distributor of dangerous drugs named in it to engage in the sale 590
or other distribution of dangerous drugs at retail or to 591
maintain possession, custody, or control of dangerous drugs for 592
any purpose other than the distributor's own use or consumption, 593
at any establishment or place other than that described in the 594
license, except that an agent or employee of an animal shelter 595
or wild animal rehabilitation facility or county dog warden may 596
possess and use dangerous drugs in the course of business as 597
provided in section 4729.532 of the Revised Code. 598

(3) The license of an emergency medical service 599
organization shall cover the organization's headquarters and, in 600
addition, shall cover and describe all the units of the 601
organization listed in its application for licensure. 602

(I) (1) All licenses issued or renewed pursuant to this 603
section shall be effective for a period specified by the board 604
in rules adopted under section 4729.26 of the Revised Code. The 605
effective period for an initial or renewed license shall not 606
exceed twenty-four months unless the board extends the period in 607
rules to adjust license renewal schedules. A license shall be 608
renewed by the board according to the provisions of this 609
section, the standard renewal procedure of Chapter 4745. of the 610
Revised Code, and rules adopted by the board under section 611
4729.26 of the Revised Code. A person seeking to renew a license 612
shall submit an application for renewal and pay the required fee 613
on or before the date specified in the rules adopted by the 614
board. The fee required for the renewal of a license shall be 615
the same as the license fee that applies under division (G) (2) 616
of this section. 617

(2) (a) Subject to division (I) (2) (b) of this section, a 618
license that has not been renewed by the date specified in rules 619

adopted by the board may be reinstated only upon payment of the 620
required renewal fee and a penalty fee of one hundred ten 621
dollars. 622

(b) If an application for renewal has not been submitted 623
by the sixty-first day after the renewal date specified in rules 624
adopted by the board, the license is considered void and cannot 625
be renewed, but the license holder may reapply for licensure. 626

(3) A terminal distributor of dangerous drugs that fails 627
to renew licensure in accordance with this section and rules 628
adopted by the board is prohibited from engaging in the retail 629
sale, possession, or distribution of dangerous drugs until a 630
valid license is issued by the board. 631

(J) (1) No emergency medical service organization that is 632
licensed as a terminal distributor of dangerous drugs shall fail 633
to comply with division (C) (1), (3), or (4) of this section. 634

(2) No licensed terminal distributor of dangerous drugs 635
shall possess, have custody or control of, or distribute 636
dangerous drugs that the terminal distributor is not entitled to 637
possess, have custody or control of, or distribute by virtue of 638
its category of licensure. 639

(3) No licensee that is required by division (F) of this 640
section to notify the board of changes in its protocol or 641
standing orders, or in personnel, shall fail to comply with that 642
division. 643

(K) The board may enter into agreements with other states, 644
federal agencies, and other entities to exchange information 645
concerning licensing and inspection of terminal distributors of 646
dangerous drugs located within or outside this state and to 647
investigate alleged violations of the laws and rules governing 648

distribution of drugs by terminal distributors. Any information 649
received pursuant to such an agreement is subject to the same 650
confidentiality requirements applicable to the agency or entity 651
from which it was received and shall not be released without 652
prior authorization from that agency or entity. 653

Sec. 4729.55. No license shall be issued to an applicant 654
for licensure as a terminal distributor of dangerous drugs 655
unless the applicant has furnished satisfactory proof to the 656
state board of pharmacy that: 657

(A) The applicant is equipped as to land, buildings, and 658
equipment to properly carry on the business of a terminal 659
distributor of dangerous drugs within the category of licensure 660
approved by the board. 661

(B) One of the following will maintain supervision and 662
control over the possession and custody of dangerous drugs and 663
controlled substances that may be acquired by or on behalf of 664
the applicant: 665

(1) A pharmacist, licensed health professional authorized 666
to prescribe drugs, or other person authorized by the board; 667

(2) An animal shelter, wild animal rehabilitation 668
facility, or county dog warden licensed under section 4729.531 669
of the Revised Code; ~~or;~~ 670

~~(3) A laboratory will maintain supervision and control~~ 671
~~over the possession and custody of dangerous drugs and~~ 672
~~controlled substances that may be acquired by or on behalf of~~ 673
~~the applicant.~~ 674

(C) Adequate safeguards are assured to prevent the sale or 675
other distribution of dangerous drugs by any person other than a 676
pharmacist or licensed health professional authorized to 677

prescribe drugs. 678

(D) Adequate safeguards are assured that the applicant 679
will carry on the business of a terminal distributor of 680
dangerous drugs in a manner that allows pharmacists and pharmacy 681
interns employed by the terminal distributor to practice 682
pharmacy in a safe and effective manner. 683

(E) If the applicant, or any agent or employee of the 684
applicant, has been found guilty of violating section 4729.51 of 685
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 686
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 687
control laws, Chapter 2925., 3715., 3719., or 4729. of the 688
Revised Code, or any rule of the board, adequate safeguards are 689
assured to prevent the recurrence of the violation. 690

(F) If the application is made on behalf of an animal 691
shelter, wild animal rehabilitation facility, or county dog 692
warden, at least one of the agents or employees of the animal 693
shelter or county dog warden is certified in compliance with 694
section 4729.532 of the Revised Code. 695

(G) In the case of an applicant who is a retail seller of 696
peritoneal dialysis solutions in original packages labeled as 697
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 698
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 699
supervision and control over the possession, custody, and retail 700
sale of the peritoneal dialysis solutions. 701

(H) In the case of an applicant who is a pain management 702
clinic, the applicant meets the requirements to receive a 703
license with a pain management clinic classification issued 704
under section 4729.552 of the Revised Code. 705

Section 2. That existing sections 4729.01, 4729.531, 706

4729.532, 4729.54, and 4729.55 of the Revised Code are hereby
repealed.

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