As Reported by the Senate Health Committee

136th General Assembly
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2025-2026

Senator Romanchuk
Cosponsors: Senators Liston, Ingram

To amend sections 1751.91, 3923.89, 4729.01, 5164.14, and 5167.051 and to enact sections 4729.392 and 4729.393 of the Revised Code to authorize pharmacists to screen, test, and provide treatment for certain respiratory health conditions.

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

Section 1. That sections 1751.91, 3923.89, 4729.01, 5164.14, and 5167.051 be amended and sections 4729.392 and 4729.393 of the Revised Code be enacted to read as follows:

Sec. 1751.91. ~~A~~ (A) Notwithstanding section 3901.71 of the Revised Code, a health insuring corporation ~~may~~ shall provide payment or reimbursement to a pharmacist for providing a health care service to a patient ~~if both of the following are the case:~~

~~(A) The pharmacist provided the health care service to the patient in accordance with~~ , in the same manner that it provides payment or reimbursement to any other health care provider for providing a health care service that is the equivalent of the pharmacist-provided health care service, as long as the patient's individual or group health insuring corporation

policy, contract, or agreement includes coverage of that type of health care service.

(B) Division (A) of this section applies in the case of any health care service that a pharmacist is authorized by Chapter 4729. of the Revised Code to provide, including any of the following ~~services~~:

(1) Managing drug therapy under a consult agreement pursuant to section 4729.39 of the Revised Code;

(2) Conducting screenings, ordering and administering laboratory and diagnostic tests, evaluating the results of such screenings and tests, and treating health conditions, to the extent that the foregoing activities are authorized by section 4729.392 of the Revised Code;

(3) Administering immunizations ~~in accordance with~~ pursuant to section 4729.41 of the Revised Code;

~~(3)~~ (4) Administering drugs ~~in accordance with~~ by injection pursuant to section 4729.45 of the Revised Code.

~~(B) The patient's individual or group health insuring corporation policy, contract, or agreement provides for payment or reimbursement of the service.~~

Sec. 3923.89. ~~A~~ (A) Notwithstanding section 3901.71 of the Revised Code, a sickness and accident insurer or public employee benefit plan ~~may~~ shall provide payment or reimbursement to a pharmacist for providing a health care service to a patient ~~if both of the following are the case:~~

~~(A) The pharmacist provided the health care service to the patient in accordance with~~ , in the same manner that it provides payment or reimbursement to any other health care provider for

providing a health care service that is the equivalent of the pharmacist-provided health care service, as long as the patient's individual or group sickness and accident insurance policy or public employee benefit plan includes coverage of that type of health care service.

(B) Division (A) of this section applies in the case of any health care service that a pharmacist is authorized by Chapter 4729. of the Revised Code to provide, including any of the following ~~services~~:

(1) Managing drug therapy under a consult agreement pursuant to section 4729.39 of the Revised Code;

(2) Conducting screenings, ordering and administering laboratory and diagnostic tests, evaluating the results of such screenings and tests, and treating health conditions, to the extent that the foregoing activities are authorized by section 4729.392 of the Revised Code;

(3) Administering immunizations ~~in accordance with~~ pursuant to section 4729.41 of the Revised Code;

~~(3)~~ (4) Administering drugs ~~in accordance with~~ by injection pursuant to section 4729.45 of the Revised Code.

~~(B) The patient's individual or group policy of sickness and accident insurance or public employee benefit plan provides for payment or reimbursement of the service.~~

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) Conducting screenings, ordering and administering laboratory and diagnostic tests, evaluating the results of such

screenings and tests, and treating health conditions, to the extent that the foregoing activities are authorized by section 4729.392 of the Revised Code;

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

~~(10)~~ (11) Engaging in the administration by injection 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 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 section 4723.43 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.

Sec. 4729.392. (A) Pursuant to the statewide written protocol developed by the state board of pharmacy under section 4729.393 of the Revised Code, a pharmacist may conduct screenings, order and administer laboratory and diagnostic tests, evaluate the results of the screenings conducted and tests that are ordered and administered, and provide treatment to an individual who is five years of age or older for the following health conditions:

(1) Influenza;

(2) Pharyngitis caused by the bacteria known as "group A Streptococcus";

(3) COVID-19.

(B) All of the following apply with respect to a pharmacist's authority established by this section to conduct screenings and to order and administer laboratory and diagnostic tests:

(1) A pharmacist may use any established procedures that can safely be performed by a pharmacist.

(2) A pharmacist may use any tests to guide diagnosis or clinical decision-making that qualify for a waiver under the "Clinical Laboratory Improvement Amendments of 1988," 42 U.S.C. 263a, or the federal regulations adopted thereunder, as determined by the United States centers for medicare and medicaid services.

(3) Notwithstanding any provision of the Revised Code to the contrary, a pharmacist may delegate technical and

administrative tasks associated with screening and testing to a pharmacy intern, registered pharmacy technician, or certified pharmacy technician, as long as the person to whom the tasks are delegated is acting under the direct supervision of the pharmacist.

(C) As part of a pharmacist's authority established by this section to provide treatment, a pharmacist may initiate drug therapy, notwithstanding the definition of "licensed health professional authorized to prescribe drugs" in section 4729.01 of the Revised Code.

(D) The state board of pharmacy may adopt rules as it considers necessary to implement this section. Any rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) This section is an alternative to the authority granted by sections 4729.39 and 4729.42 of the Revised Code.

Sec. 4729.393. (A) The state board of pharmacy shall develop a statewide written protocol for pharmacists to use when conducting screenings, ordering and administering laboratory and diagnostic tests, evaluating the results of the screenings conducted and tests that are ordered and administered, and providing treatment for health conditions pursuant to section 4729.392 of the Revised Code. The protocol shall include all of the following:

(1) Specific categories of patients a pharmacist is authorized to test or screen;

(2) Instructions for obtaining relevant patient medical history information to identify disqualifying health conditions, adverse reactions, and contraindications to a treatment;

(3) Instructions for treatment based on a patient's age, symptoms, and test and screening results, including negative results;

(4) Requirements for notifying a patient's primary care provider of the tests and screenings ordered or performed and the treatment provided;

(5) Clinical criteria requiring referral to a physician or other health care provider;

(6) Dangerous drugs authorized as the approved course of treatment for specific conditions;

(7) Any other provisions that the board considers appropriate.

(B) All of the following procedures apply to the development of a protocol under this section:

(1) Before the protocol is finalized, the state board of pharmacy shall submit a draft protocol to the state medical board for review.

(2) During the sixty-day period immediately following receipt of the draft protocol, the state medical board may submit comments to the state board of pharmacy. Any comments from the state medical board shall be submitted in writing.

(3) If no comments are submitted by the state medical board, the state board of pharmacy shall proceed with finalizing the protocol.

(4) If comments are submitted by the state medical board, the state board of pharmacy shall review the comments. If it determines that revisions will not be made to incorporate or otherwise address the comments, the state board of pharmacy

shall submit to the state medial board an explanation of the reasons for not making the revisions. Thereafter, the state board of pharmacy shall proceed with finalizing the protocol.

(5) To finalize the protocol, a copy shall be delivered to the president of the state board of pharmacy for the president's signature. Once the president has signed the protocol, the protocol is finalized and remains in effect until any revisions are made under division (C) of this section.

(C) The state board of pharmacy shall review the protocol every two years and shall make revisions as the board considers necessary. If the board considers revisions to be necessary, the board shall make the revisions by following the same procedures that are described in division (B) of this section for developing the protocol.

(D) The state board of pharmacy, through electronic communication, shall inform all individuals licensed by the board when the initial protocol and any revised protocol are finalized. The board shall maintain on its internet web site a copy of the version of the protocol that is in effect.

(E) The state board of pharmacy and state medical board are not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the protocol, unless an act or omission by the applicable board in developing, commenting on, revising, or finalizing the protocol constitutes willful or wanton misconduct.

Sec. 5164.14. (A) The medicaid program ~~may cover a health care service that~~ shall provide payment to a pharmacist ~~provides to~~ for providing a health care service to a medicaid recipient ~~in accordance with~~, in the same manner that it provides payment

to any other health care provider for providing a health care service that is the equivalent of the pharmacist-provided health care service, as long as the medicaid program covers that type of health care service.

(B) Division (A) of this section applies in the case of any health care service that a pharmacist is authorized by Chapter 4729. of the Revised Code to provide, including any of the following ~~services~~:

~~(A)~~ (1) Managing drug therapy under a consult agreement pursuant to section 4729.39 of the Revised Code;

~~(B)~~ (2) Conducting screenings, ordering and administering laboratory and diagnostic tests, evaluating the results of such screenings and tests, and treating health conditions, to the extent that the foregoing activities are authorized by section 4729.392 of the Revised Code;

(3) Administering immunizations ~~in accordance with~~ pursuant to section 4729.41 of the Revised Code;

~~(C)~~ (4) Administering drugs ~~in accordance with~~ by injection pursuant to section 4729.45 of the Revised Code.

Sec. 5167.051. ~~If the medicaid program covers the pharmacist services described in~~ Under the care management system, payments to a pharmacist for providing a health care service are subject to the same requirements that apply to medicaid payments under section 5164.14 of the Revised Code~~, the department of medicaid may include the services in the care management system~~.

Section 2. That existing sections 1751.91, 3923.89, 4729.01, 5164.14, and 5167.051 of the Revised Code are hereby repealed.

Section 3. Sections 1751.91 and 3923.89 of the Revised Code, as amended by this act, apply to contracts, policies, agreements, and plans that are delivered, issued for delivery, modified, or renewed on or after the effective date of this section.

Section 4. Section 4729.01 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 52, H.B. 96, S.B. 56, and S.B. 152, all of the 136th General Assembly. 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 composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.