As Introduced

131st General Assembly Regular Session

2015-2016

H. B. No. 200

Representative Hagan Cosponsors: Representatives Duffey, Becker, Roegner, Blessing, Hackett

A BILL

То	amend sections 4729.51 and 4729.60 and to enact	1
	sections 2925.64, 3728.01, 3728.03, 3728.04,	2
	3728.05, 3728.09, 3728.10, 3728.11, 4723.489,	3
	4729.88, 4730.432, and 4731.96 of the Revised	4
	Code to permit epinephrine autoinjectors for	5
	which no prescriptions have been written to be	6
	stored and accessed for use in case of	7
	emergency.	8

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

Section 1. That sections 4729.51 and 4729.60 be amended	9
and sections 2925.64, 3728.01, 3728.03, 3728.04, 3728.05,	10
3728.09, 3728.10, 3728.11, 4723.489, 4729.88, 4730.432, and	11
4731.96 of the Revised Code be enacted to read as follows:	12
Sec. 2925.64. (A) As used in this section:	13
(1) "Administer epinephrine" means to inject an individual	14
with epinephrine using an autoinjector in a manufactured dosage	15
form.	16
(2) "Prescriber" and "qualified entity" have the same_	17
meanings as in section 3728.01 of the Revised Code.	18

(B) An individual or qualified entity is not subject to	19
criminal prosecution for a violation of section 4731.41 of the	20
Revised Code or criminal prosecution under this chapter if the	21
individual or entity, acting in good faith and in accordance	22
with Chapter 3728. of the Revised Code, administers epinephrine	23
or provides an epinephrine autoinjector to an individual who	24
appears to be experiencing or at risk of experiencing	25
anaphalaxis or to the parent, guardian, or custodian of such an	26
individual.	27
Sec. 3728.01. As used in this chapter:	28
(A) "Administer epinephrine" means to inject an individual	29
with epinephrine using an autoinjector in a manufactured dosage	30
form.	31
(B) "Prescriber" means an individual who is authorized by	32
law to prescribe drugs or dangerous drugs or drug therapy	33
related devices in the course of the individual's professional	34
practice, including only the following:	35
(1) A clinical nurse specialist, certified nurse-midwife,	36
or certified nurse practitioner who holds a certificate to	37
prescribe issued under section 4723.48 of the Revised Code;	38
(2) A physician authorized under Chapter 4731. of the	39
Revised Code to practice medicine and surgery, osteopathic	40
medicine and surgery, or podiatric medicine and surgery;	41
(3) A physician assistant who holds a certificate to	42
prescribe issued under Chapter 4730. of the Revised Code.	43
(C) "Qualified entity" means any public or private entity	44
that is associated with a location where allergens capable of	45
causing anaphylaxis may be present, including child day-care	46
centers, colleges and universities, places of employment,	47

restaurants, amusement parks, recreation camps, sports playing	48
fields and arenas, and other similar locations, except that	4.9
"qualified entity" does not include either of the following:	50
(1) A chartered or nonchartered nonpublic school;	51
community school; science, technology, engineering, and	52
mathematics school; or a school operated by the board of	53
education of a city, local, exempted village, or joint	54
vocational school district;	55
(2) A camp described in section 5101.76 of the Revised	56
Code.	57
Sec. 3728.03. (A) A qualified entity may acquire and	58
maintain a supply of epinephrine autoinjectors pursuant to a	59
prescription issued under section 4723.489, 4730.432, or 4731.96	60
of the Revised Code.	61
(B) Epinephrine autoinjectors acquired pursuant to this	62
section shall be stored in a location readily accessible in an	63
emergency and maintained in accordance with the manufacturer's	64
instructions and any additional requirements that may be	65
established by the department of health under section 3728.11 of	66
the Revised Code.	67
(C) A qualified entity that acquires epinephrine	68
autoinjectors pursuant to this section shall designate one or	69
more individuals who are employees or agents of the entity and	70
have successfully completed anaphylaxis training in accordance	71
with section 3728.04 of the Revised Code to be responsible for	72
oversight of the epinephrine autoinjectors, including storage,	73
maintenance, and control. The qualified entity may authorize	74
those individuals and other individuals who have successfully	75
completed the anaphylaxis training to administer epinephrine.	76

Sec. 3728.04. (A) The anaphylaxis training required by	77
section 3728.03 of the Revised Code may be any of the following:	78
(1) Training conducted by a nationally recognized	79
organization that has experience in providing training in	80
emergency health care to individuals who are not health care	81
professionals;	82
(2) Training by individuals or organizations approved by	83
the department of health under section 3728.11 of the Revised	84
Code;	85
(3) Classes approved by the department under section	86
3728.11 of the Revised Code.	87
(B) Training may be completed in person or through an	88
online system. The training must cover all of the following and	89
may include any other material the organization or individual	90
conducting it or the department considers appropriate:	91
(1) Ways of recognizing the signs and symptoms of severe	92
allergic reactions, including anaphylaxis;	93
(2) Standards and procedures for administration of	94
epinephrine and storage of epinephrine autoinjectors;	95
(3) Emergency follow-up procedures.	96
(C) An individual must successfully complete training	97
before being authorized to administer epinephrine under section	98
3728.03 of the Revised Code and every two years thereafter. A	99
qualified entity may authorize an individual to administer	100
epinephrine only if the individual provides the entity with a	101
certificate issued by the organization or individual conducting	102
the training attesting to successful completion. The certificate	103
must be on a form developed by the department of health under	104

section 3728.11 of the Revised Code.	105
Sec. 3728.05. (A) An individual who has completed the	106
anaphylaxsis training required by section 3728.03 of the Revised	107
Code and is authorized by a qualified entity may use an	108
epinephrine autoinjector from a supply maintained under section	109
3728.03 of the Revised Code to do either of the following:	110
(1) Administer epinephrine to an individual believed in	111
good faith to be experiencing anaphylaxis;	112
(2) Provide, for immediate administration, an epinephrine	113
autoinjector to an individual believed in good faith to be	114
experiencing anaphylaxis or to the parent, guardian, or	115
caregiver of such an individual.	116
(B) Epinephrine may be administered under this section	117
regardless of whether the individual believed to be experiencing	118
anaphylaxis has a prescription for an epinephrine autoinjector	119
or has previously been diagnosed with an allergy.	120
Sec. 3728.09. (A) The following are not liable in damages	121
in a civil action for injury, death, or loss to person or	122
property that allegedly arises from an act or omission	123
associated with administering epinephrine or acquiring,	124
maintaining, accessing, or using an epinephrine autoinjector	125
under this chapter, unless the act or omission constitutes	126
willful or wanton misconduct:	127
(1) A qualified entity that maintains a supply of	128
epinephrine autoinjectors as authorized in accordance with	129
section 3728.03 of the Revised Code, and any employees or agents	130
of the qualified entity;	131
(2) A trained individual who administers epinephrine or	132
accesses an epinephrine autoinjector as authorized in accordance	133

with section 3728.05 of the Revised Code;	134
(3) An individual or organization that conducts	135
anaphylaxis training in accordance with section 3728.04 of the	136
Revised Code.	137
(B) This section does not eliminate, limit, or reduce any	138
other immunity or defense a person may be entitled to under any	139
other provision of the Revised Code or under the common law of	140
this state.	141
(C) A person located in this state is not liable for	142
injury, death, or loss to person or property that allegedly	143
arises from an act or omission associated with acquiring,	144
maintaining, accessing, or using an epinephrine autoinjector	145
outside of this state if either of the following is the case:	146
(1) The person would not have been liable had the act or	147
<pre>omission occurred within this state;</pre>	148
(2) The person is not liable under the law of the state in	149
which the act or omission occurred.	150
Sec. 3728.10. A qualified entity that maintains and makes	151
available epinephrine autoinjectors as authorized in accordance	152
with this chapter shall annually report to the department of	153
health, on a form developed by the department, each	154
administration of epinephrine or provision of an epinephrine	155
autoinjector under section 3728.05 of the Revised Code.	156
Sec. 3728.11. (A) The department of health shall do all of	157
<pre>the following:</pre>	158
(1) Prescribe a form to be used by an individual or	159
organization to certify successful completion of anaphylaxis	160
training under section 3728.04 of the Revised Code;	161

(2) Prescribe a form to be used to report each	162
administration of epinephrine or provision of an ephinephrine	163
autoinjector as required by section 3728.10 of the Revised Code;	164
(3) Annually publish a report summarizing and analyzing	165
all reports received by the department under section 3728.10 of	166
the Revised Code in the previous year.	167
(B) The department may do either of the following:	168
(1) Approve individuals or organizations to conduct	169
anaphylaxis training under section 3728.04 of the Revised Code	170
or approve certain classes offered by an individual or	171
organization;	172
(2) Adopt rules in accordance with Chapter 119. of the	173
Revised Code specifying standards and procedures for storage and	174
maintenance of epinephrine autoinjectors acquired pursuant to	175
section 3728.03 of the Revised Code.	176
Sec. 4723.489. (A) As used in this section, "qualified	177
entity" has the same meaning as in section 3728.01 of the	178
Revised Code.	179
(B) (1) Subject to division (B) (2) of this section, and	180
notwithstanding any provision of this chapter or rule adopted by	181
the board of nursing, a clinical nurse specialist, certified	182
nurse-midwife, or certified nurse practitioner who holds a	183
certificate to prescribe issued under section 4723.48 of the	184
Revised Code may do either of the following without having	185
examined an individual to whom epinephrine may be administered	186
under Chapter 3728. of the Revised Code:	187
(a) Personally furnish a supply of epinephrine	188
autoinjectors to a qualified entity for use in accordance with	189
sections 3728.03 to 3728.05 of the Revised Code;	190

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(b) Issue a prescription for epinephrine autoinjectors to	191
a qualified entity for use in accordance with sections 3728.03	192
to 3728.05 of the Revised Code.	193
(2) An epinephrine autoinjector personally furnished or	194
prescribed under division (B)(1) of this section must be	195
furnished or prescribed in such a manner that it may be	196
administered only in a manufactured dosage form.	197
(C) A nurse who acts in good faith in accordance with this	198
section is not liable for or subject to any of the following for	199
any action or omission of a qualified entity to which an	200
epinephrine autoinjector is furnished or a prescription is	201
issued: damages in any civil action, prosecution in any criminal	202
proceeding, or professional disciplinary action.	203
Sec. 4729.51. (A) (1) Except as provided in division (A) (2)	204
of this section, no person other than a registered wholesale	205
distributor of dangerous drugs shall possess for sale, sell,	206
distribute, or deliver, at wholesale, dangerous drugs, except as	207
follows:	208
(a) A pharmacist who is a licensed terminal distributor of	209
dangerous drugs or who is employed by a licensed terminal	210
distributor of dangerous drugs may make occasional sales of	211
dangerous drugs at wholesale;	212
(b) A licensed terminal distributor of dangerous drugs	213
having more than one establishment or place may transfer or	214
deliver dangerous drugs from one establishment or place for	215
which a license has been issued to the terminal distributor to	216
another establishment or place for which a license has been	217
issued to the terminal distributor if the license issued for	218
each establishment or place is in effect at the time of the	219

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transfer or delivery.	220
(2) A manufacturer of dangerous drugs may donate	221
epinephrine autoinjectors to any of the following:	222
(a) The board of education of a city, local, exempted	223
village, or joint vocational school district;	224
(b) A community school established under Chapter 3314. of	225
the Revised Code;	226
(c) A STEM school established under Chapter 3326. of the	227
Revised Code;	228
(d) A college-preparatory boarding school established	229
under Chapter 3328. of the Revised Code;	230
(e) A chartered or nonchartered nonpublic school.	231
(B)(1) No registered wholesale distributor of dangerous	232
drugs shall possess for sale, or sell, at wholesale, dangerous	233
drugs to any person other than the following:	234
(a) Except as provided in division (B)(2)(a) of this	235
section, a licensed health professional authorized to prescribe	236
drugs;	237
(b) An optometrist licensed under Chapter 4725. of the	238
Revised Code who holds a topical ocular pharmaceutical agents	239
certificate;	240
(c) A registered wholesale distributor of dangerous drugs;	241
(d) A manufacturer of dangerous drugs;	242
(e) Subject to division (B)(3) of this section, a licensed	243
terminal distributor of dangerous drugs;	244
(f) Carriers or warehouses for the purpose of carriage or	245

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storage;	246
(g) Terminal or wholesale distributors of dangerous drugs	247
who are not engaged in the sale of dangerous drugs within this	248
state;	249
(h) An individual who holds a current license,	250
certificate, or registration issued under Title XLVII of the	251
Revised Code and has been certified to conduct diabetes	252
education by a national certifying body specified in rules	253
adopted by the state board of pharmacy under section 4729.68 of	254
the Revised Code, but only with respect to insulin that will be	255
used for the purpose of diabetes education and only if diabetes	256
education is within the individual's scope of practice under	257
statutes and rules regulating the individual's profession;	258
(i) An individual who holds a valid certificate issued by	259
a nationally recognized S.C.U.B.A. diving certifying	260
organization approved by the state board of pharmacy in rule,	261
but only with respect to medical oxygen that will be used for	262
the purpose of emergency care or treatment at the scene of a	263
diving emergency;	264
(j) Except as provided in division (B)(2)(b) of this	265
section, a business entity that is a corporation formed under	266
division (B) of section 1701.03 of the Revised Code, a limited	267
liability company formed under Chapter 1705. of the Revised	268
Code, or a professional association formed under Chapter 1785.	269
of the Revised Code if the entity has a sole shareholder who is	270
a licensed health professional authorized to prescribe drugs and	271
is authorized to provide the professional services being offered	272
by the entity;	273
(k) Except as provided in division (B)(2)(c) of this	274

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section, a business entity that is a corporation formed under	275
division (B) of section 1701.03 of the Revised Code, a limited	276
liability company formed under Chapter 1705. of the Revised	277
Code, a partnership or a limited liability partnership formed	278
under Chapter 1775. of the Revised Code, or a professional	279
association formed under Chapter 1785. of the Revised Code, if,	280
to be a shareholder, member, or partner, an individual is	281
required to be licensed, certified, or otherwise legally	282
authorized under Title XLVII of the Revised Code to perform the	283
professional service provided by the entity and each such	284
individual is a licensed health professional authorized to	285
prescribe drugs;	286
(1) With respect to epinephrine autoinjectors that may be	287
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28,	288
or 3328.29 of the Revised Code, any of the following: the board	289
of education of a city, local, exempted village, or joint	290
vocational school district; a chartered or nonchartered	291
nonpublic school; a community school established under Chapter	292
3314. of the Revised Code; a STEM school established under	293
Chapter 3326. of the Revised Code; or a college-preparatory	294
boarding school established under Chapter 3328. of the Revised	295
Code;	296
(m) With respect to epinephrine autoinjectors that may be	297
possessed under section 5101.76 of the Revised Code, any of the	298
following: a residential camp, as defined in section 2151.011 of	299
the Revised Code; a child day camp, as defined in section	300
5104.01 of the Revised Code; or a child day camp operated by any	301
county, township, municipal corporation, township park district	302
created under section 511.18 of the Revised Code, park district	303

created under section 1545.04 of the Revised Code, or joint

recreation district established under section 755.14 of the

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Revised Code;	306
(n) With respect to epinephrine autoinjectors that may be	307
possessed under Chapter 3728. of the Revised Code, a qualified	308
entity, as defined in section 3728.01 of the Revised Code.	309
(o) With respect to naloxone that may be possessed under	310
section 2925.61 of the Revised Code, a law enforcement agency	311
and its peace officers.	312
(2) No registered wholesale distributor of dangerous drugs	313
shall possess for sale, or sell, at wholesale, dangerous drugs	314
to any of the following:	315
(a) A prescriber who is employed by a pain management	316
clinic that is not licensed as a terminal distributor of	317
dangerous drugs with a pain management clinic classification	318
issued under section 4729.552 of the Revised Code;	319
(b) A business entity described in division (B)(1)(j) of	320
this section that is, or is operating, a pain management clinic	321
without a license as a terminal distributor of dangerous drugs	322
with a pain management clinic classification issued under	323
section 4729.552 of the Revised Code;	324
(c) A business entity described in division (B)(1)(k) of	325
this section that is, or is operating, a pain management clinic	326
without a license as a terminal distributor of dangerous drugs	327
with a pain management clinic classification issued under	328
section 4729.552 of the Revised Code.	329
(3) No registered wholesale distributor of dangerous drugs	330
shall possess dangerous drugs for sale at wholesale, or sell	331
such drugs at wholesale, to a licensed terminal distributor of	332
dangerous drugs, except as follows:	333

(a) In the case of a terminal distributor with a category	334
I license, only dangerous drugs described in category I, as	335
defined in division (A)(1) of section 4729.54 of the Revised	336
Code;	337
(b) In the case of a terminal distributor with a category	338
II license, only dangerous drugs described in category I and	339
category II, as defined in divisions (A)(1) and (2) of section	340
4729.54 of the Revised Code;	341
(c) In the case of a terminal distributor with a category	342
III license, dangerous drugs described in category I, category	343
II, and category III, as defined in divisions (A)(1), (2), and	344
(3) of section 4729.54 of the Revised Code;	345
(d) In the case of a terminal distributor with a limited	346
category I, II, or III license, only the dangerous drugs	347
specified in the certificate furnished by the terminal	348
distributor in accordance with section 4729.60 of the Revised	349
Code.	350
(C)(1) Except as provided in division (C)(4) of this	351
section, no person shall sell, at retail, dangerous drugs.	352
(2) Except as provided in division (C)(4) of this section,	353
no person shall possess for sale, at retail, dangerous drugs.	354
(3) Except as provided in division (C)(4) of this section,	355
no person shall possess dangerous drugs.	356
(4) Divisions (C)(1), (2), and (3) of this section do not	357
apply to a registered wholesale distributor of dangerous drugs,	358
a licensed terminal distributor of dangerous drugs, or a person	359
who possesses, or possesses for sale or sells, at retail, a	360
dangerous drug in accordance with Chapters 3719., 4715., 4723.,	361
4725., 4729., 4730., 4731., and 4741. of the Revised Code.	362

Divisions (C) (1) , (2) , and (3) of this section do not	363
apply to an individual who holds a current license, certificate,	364
or registration issued under Title XLVII of the Revised Code and	365
has been certified to conduct diabetes education by a national	366
certifying body specified in rules adopted by the state board of	367
pharmacy under section 4729.68 of the Revised Code, but only to	368
the extent that the individual possesses insulin or personally	369
supplies insulin solely for the purpose of diabetes education	370
and only if diabetes education is within the individual's scope	371
of practice under statutes and rules regulating the individual's	372
profession.	373
Divisions (C)(1), (2), and (3) of this section do not	374
apply to an individual who holds a valid certificate issued by a	375
nationally recognized S.C.U.B.A. diving certifying organization	376
approved by the state board of pharmacy in rule, but only to the	377
extent that the individual possesses medical oxygen or	378
personally supplies medical oxygen for the purpose of emergency	379
care or treatment at the scene of a diving emergency.	380
Division (C)(3) of this section does not apply to the	381
board of education of a city, local, exempted village, or joint	382
vocational school district, a school building operated by a	383
school district board of education, a chartered or nonchartered	384
nonpublic school, a community school, a STEM school, or a	385
college-preparatory boarding school for the purpose of	386
possessing epinephrine autoinjectors under section 3313.7110,	387
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code.	388
Division (C)(3) of this section does not apply to a	389
residential camp, as defined in section 2151.011 of the Revised	390
Code, a child day camp, as defined in section 5104.01 of the	391

Revised Code, or a child day camp operated by any county,

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township, municipal corporation, township park district created	393
under section 511.18 of the Revised Code, park district created	394
under section 1545.04 of the Revised Code, or joint recreation	395
district established under section 755.14 of the Revised Code	396
for the purpose of possessing epinephrine autoinjectors under	397
section 5101.76 of the Revised Code.	398
Division (C)(3) of this section does not apply to a	399
qualified entity, as defined in section 3728.01 of the Revised	400
Code, for the purpose of possessing epinephrine autoinjectors	401
under Chapter 3728. of the Revised Code.	402
Division (C)(3) of this section does not apply to a law	403
enforcement agency or the agency's peace officers if the agency	404
or officers possess naloxone for administration to individuals	405
who are apparently experiencing opioid-related overdoses.	406
(D) No licensed terminal distributor of dangerous drugs	407
shall purchase for the purpose of resale dangerous drugs from	408
any person other than a registered wholesale distributor of	409
dangerous drugs, except as follows:	410
(1) A licensed terminal distributor of dangerous drugs may	411
make occasional purchases of dangerous drugs for resale from a	412
pharmacist who is a licensed terminal distributor of dangerous	413
drugs or who is employed by a licensed terminal distributor of	414
dangerous drugs;	415
(2) A licensed terminal distributor of dangerous drugs	416
having more than one establishment or place may transfer or	417
receive dangerous drugs from one establishment or place for	418
which a license has been issued to the terminal distributor to	419
another establishment or place for which a license has been	420
issued to the terminal distributor if the license issued for	121

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each establishment or place is in effect at the time of the	422
transfer or receipt.	423
(E) No licensed terminal distributor of dangerous drugs	424
shall engage in the sale or other distribution of dangerous	425
drugs at retail or maintain possession, custody, or control of	426
dangerous drugs for any purpose other than the distributor's	427
personal use or consumption, at any establishment or place other	428
than that or those described in the license issued by the state	429
board of pharmacy to such terminal distributor.	430
board of pharmacy to such terminal distributor.	430
(F) Nothing in this section shall be construed to	431
interfere with the performance of official duties by any law	432
enforcement official authorized by municipal, county, state, or	433
federal law to collect samples of any drug, regardless of its	434
nature or in whose possession it may be.	435
(G) Notwithstanding anything to the contrary in this	436
section, the board of education of a city, local, exempted	437
village, or joint vocational school district may deliver	438
epinephrine autoinjectors to a school under its control for the	439
purpose of possessing epinephrine autoinjectors under section	440
3313.7110 of the Revised Code.	441
3313.7110 Of the Revised Code.	441
Sec. 4729.60. (A) Before a registered wholesale	442
distributor of dangerous drugs may sell dangerous drugs at	443
wholesale to any person, other than the persons specified in	444
divisions (B)(1)(a) to (d), (f) to (h), $\underline{\text{and}}$ (1), $\underline{\text{and}}$ (m) to (n)	445
of section 4729.51 of the Revised Code, such wholesale	446
distributor shall obtain from the purchaser and the purchaser	447
shall furnish to the wholesale distributor a certificate	448
indicating that the purchaser is a licensed terminal distributor	449
of dangerous drugs. The certificate shall be in the form that	450
the state board of pharmacy shall prescribe, and shall set forth	451

the name of the licensee, the number of the license, a	452
description of the place or establishment or each place or	453
establishment for which the license was issued, the category of	454
licensure, and, if the license is a limited category I, II, or	455
III license, the dangerous drugs that the licensee is authorized	456
to possess, have custody or control of, and distribute.	457
If no certificate is obtained or furnished before a sale	458
is made, it shall be presumed that the sale of dangerous drugs	459
by the wholesale distributor is in violation of division (B) of	460
section 4729.51 of the Revised Code and the purchase of	461
dangerous drugs by the purchaser is in violation of division (C)	462
of section 4729.51 of the Revised Code. If a registered	463
wholesale distributor of dangerous drugs obtains or is furnished	464
a certificate from a terminal distributor of dangerous drugs and	465
relies on the certificate in selling dangerous drugs at	466
wholesale to the terminal distributor of dangerous drugs, the	467
wholesale distributor of dangerous drugs shall be deemed not to	468
have violated division (B) of section 4729.51 of the Revised	469
Code in making the sale.	470
(B) Before a licensed terminal distributor of dangerous	471
drugs may purchase dangerous drugs at wholesale, the terminal	472
distributor shall obtain from the seller and the seller shall	473
furnish to the terminal distributor the number of the seller's	474
registration certificate to engage in the sale of dangerous	475
drugs at wholesale.	476
If no registration number is obtained or furnished before	477
a purchase is made, it shall be presumed that the purchase of	478
dangerous drugs by the terminal distributor is in violation of	479
division (D) of section 4729.51 of the Revised Code and the sale	480

of dangerous drugs by the seller is in violation of division (A)

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of section 4729.51 of the Revised Code. If a licensed terminal	482
distributor of dangerous drugs obtains or is furnished a	483
registration number from a wholesale distributor of dangerous	484
drugs and relies on the registration number in purchasing	485
dangerous drugs at wholesale from the wholesale distributor of	486
dangerous drugs, the terminal distributor shall be deemed not to	487
have violated division (D) of section 4729.51 of the Revised	488
Code in making the purchase.	489
Sec. 4729.88. Notwithstanding any provision of this	490
chapter or rule adopted by the state board of pharmacy, a	491
pharmacist may dispense epinephrine autoinjectors pursuant to a_	492
prescription issued under section 4723.489, 4730.432, or 4731.96	493
of the Revised Code.	494
A pharmacist who in good faith dispenses epinephrine	495
autoinjectors under this section is not liable for or subject to	496
any of the following for any action or omission of an entity to	497
which an epinephrine autoinjector is dispensed: damages in any	498
civil action, prosecution in any criminal proceeding, or	499
professional disciplinary action.	500
Sec. 4730.432. (A) As used in this section, "qualified	501
entity" has the same meaning as in section 3728.01 of the	502
Revised Code.	503
(B) (1) Subject to division (B) (2) of this section, and	504
notwithstanding any provision of this chapter or rule adopted by	505
the state medical board, a physician assistant who holds a	506
certificate to prescribe issued under section 4730.44 of the	507
Revised Code may do either of the following without having	508
examined an individual to whom epinephrine may be administered	509
under Chapter 3728. of the Revised Code:	510

(a) Personally furnish a supply of epinephrine	511
autoinjectors to a qualified entity for use in accordance with	512
sections 3728.03 to 3728.05 of the Revised Code;	513
(b) Issue a prescription for epinephrine autoinjectors to	514
a qualified entity for use in accordance with sections 3728.03	515
to 3728.05 of the Revised Code.	516
(2) An epinephrine autoinjector personally furnished or	517
prescribed under division (B)(1) of this section must be	518
furnished or prescribed in such a manner that it may be	519
administered only in a manufactured dosage form.	520
(C) A physician assistant who acts in good faith in	521
accordance with this section is not liable for or subject to any	522
of the following for any action or omission of an entity to	523
which an epinephrine autoinjector is furnished or a prescription	524
is issued: damages in any civil action, prosecution in any	525
criminal proceeding, or professional disciplinary action.	526
Sec. 4731.96. (A) As used in this section:	527
(1) "Physician" means an individual authorized under this	528
chapter to practice medicine and surgery, osteopathic medicine	529
and surgery, or podiatric medicine and surgery.	530
(2) "Qualified entity" has the same meaning as in section	531
3728.01 of the Revised Code.	532
(B) (1) Subject to division (B) (2) of this section, and	533
notwithstanding any provision of this chapter or rule adopted by	534
the state medical board, a physician may do either of the	535
following without having examined an individual to whom	536
epinephrine may be administered under Chapter 3728. of the	537
Revised Code:	538

(a) Personally furnish a supply of epinephrine	539
autoinjectors to a qualified entity for use in accordance with	540
sections 3728.03 to 3728.05 of the Revised Code;	541
(b) Issue a prescription for epinephrine autoinjectors to	542
a qualified entity for use in accordance with sections 3728.03	543
to 3728.05 of the Revised Code.	544
(2) An epinephrine autoinjector personally furnished or	545
prescribed under division (B)(1) of this section must be	546
furnished or prescribed in such a manner that it may be	547
administered only in a manufactured dosage form.	548
(C) A physician who acts in good faith in accordance with	549
this section is not liable for or subject to any of the	550
following for any action or omission of an entity to which an	551
epinephrine autoinjector is furnished or a prescription is	552
issued: damages in any civil action, prosecution in any criminal	553
proceeding, or professional disciplinary action.	554
Section 2. That existing sections 4729.51 and 4729.60 of	555
the Revised Code are hereby repealed.	556