

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 59**

**Senator Antonio**

**Cosponsors: Senators Fedor, Kunze, Maharath, O'Brien, Sykes, Thomas,  
Williams, Yuko**

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**A BILL**

To amend section 4729.44 of the Revised Code to 1  
require the State Board of Pharmacy to educate 2  
license holders about the law authorizing 3  
naloxone dispensing without a prescription. 4

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

**Section 1.** That section 4729.44 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4729.44.** (A) As used in this section: 7

(1) "Board of health" means a board of health of a city or 8  
general health district or an authority having the duties of a 9  
board of health under section 3709.05 of the Revised Code. 10

(2) "Physician" means an individual authorized under 11  
Chapter 4731. of the Revised Code to practice medicine and 12  
surgery, osteopathic medicine and surgery, or podiatric medicine 13  
and surgery. 14

(B) If use of the protocol developed pursuant to rules 15  
adopted under division (G) of this section has been authorized 16

under section 3707.56 or 4731.942 of the Revised Code, a 17  
pharmacist or pharmacy intern may dispense naloxone without a 18  
prescription to either of the following in accordance with that 19  
protocol: 20

(1) An individual who there is reason to believe is 21  
experiencing or at risk of experiencing an opioid-related 22  
overdose; 23

(2) A family member, friend, or other individual in a 24  
position to assist an individual who there is reason to believe 25  
is at risk of experiencing an opioid-related overdose. 26

(C) A pharmacist or pharmacy intern who dispenses naloxone 27  
under this section shall instruct the individual to whom 28  
naloxone is dispensed to summon emergency services as soon as 29  
practicable either before or after administering naloxone. 30

(D) A pharmacist may document on a prescription form the 31  
dispensing of naloxone by the pharmacist or a pharmacy intern 32  
supervised by the pharmacist. The form may be assigned a number 33  
for record-keeping purposes. 34

(E) This section does not affect the authority of a 35  
pharmacist or pharmacy intern to fill or refill a prescription 36  
for naloxone. 37

(F) A board of health that in good faith authorizes a 38  
pharmacist or pharmacy intern to dispense naloxone without a 39  
prescription in accordance with a protocol developed pursuant to 40  
rules adopted under division (G) of this section is not liable 41  
for or subject to any of the following for any action or 42  
omission of the individual to whom the naloxone is dispensed: 43  
damages in any civil action, prosecution in any criminal 44  
proceeding, or professional disciplinary action. 45

A physician who in good faith authorizes a pharmacist or pharmacy intern to dispense naloxone without a prescription in accordance with a protocol developed pursuant to rules adopted under division (G) of this section is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

A pharmacist or pharmacy intern authorized under this section to dispense naloxone without a prescription who does so in good faith is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

(G) The state board of pharmacy shall, after consulting with the department of health and state medical board, adopt rules to implement this section. The rules shall specify a protocol under which pharmacists or pharmacy interns may dispense naloxone without a prescription.

All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(H) (1) The state board of pharmacy shall develop a program to educate all of the following about the authority of a pharmacist or pharmacy intern to dispense naloxone without a prescription:

(a) Holders of licenses issued under this chapter;

(b) Registered pharmacy technicians and certified pharmacy technicians registered under section 4729.90 of the Revised

<u>Code;</u>	75
<u>(c) Individuals who are not licensed or registered under this chapter but are employed by license holders.</u>	76 77
<u>(2) As part of the program, the board also shall educate license holders, pharmacy technicians, and employees of license holders about maintaining at all times an adequate supply of naloxone and methods for determining a pharmacy's stock of the drug.</u>	78 79 80 81 82
<u>(3) The board may use its web site to share information under the program.</u>	83 84
<b>Section 2.</b> That existing section 4729.44 of the Revised Code is hereby repealed.	85 86