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Representatives Sprague, Anielski

Cosponsors: Representatives Blessing, Dever, Grossman, Hackett, Henne, Rezabek, Romanchuk, Thompson, Huffman, Antonio, Barnes, Bishoff, Brown, Butler, Johnson, T., Kuhns, LaTourette, Sykes, Antani, Arndt, Baker, Boccieri, Boose, Boyd, Burkley, Clyde, Dovilla, Fedor, Ginter, Green, Hagan, Hall, Hambley, Johnson, G., Lepore-Hagan, Maag, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Perales, Ramos, Reineke, Roegner, Ruhl, Ryan, Schuring, Sheehy, Young

A BILL

To amend sections 4729.01, 4729.291, 4729.51, 1
4729.57, 4731.22, and 4731.227 and to enact 2
sections 4729.88 and 4731.96 of the Revised Code 3
to permit a patient with a terminal condition to 4
be treated with a drug, product, or device that 5
is not approved by the United States Food and 6
Drug Administration. 7

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

Section 1. That sections 4729.01, 4729.291, 4729.51, 8
4729.57, 4731.22, and 4731.227 be amended and sections 4729.88 9
and 4731.96 of the Revised Code be enacted to read as follows: 10

Sec. 4729.01. As used in this chapter: 11

(A) "Pharmacy," except when used in a context that refers 12
to the practice of pharmacy, means any area, room, rooms, place 13
of business, department, or portion of any of the foregoing 14

where the practice of pharmacy is conducted. 15

(B) "Practice of pharmacy" means providing pharmacist care 16
requiring specialized knowledge, judgment, and skill derived 17
from the principles of biological, chemical, behavioral, social, 18
pharmaceutical, and clinical sciences. As used in this division, 19
"pharmacist care" includes the following: 20

(1) Interpreting prescriptions; 21

(2) Dispensing drugs and drug therapy related devices; 22

(3) Compounding drugs; 23

(4) Counseling individuals with regard to their drug 24
therapy, recommending drug therapy related devices, and 25
assisting in the selection of drugs and appliances for treatment 26
of common diseases and injuries and providing instruction in the 27
proper use of the drugs and appliances; 28

(5) Performing drug regimen reviews with individuals by 29
discussing all of the drugs that the individual is taking and 30
explaining the interactions of the drugs; 31

(6) Performing drug utilization reviews with licensed 32
health professionals authorized to prescribe drugs when the 33
pharmacist determines that an individual with a prescription has 34
a drug regimen that warrants additional discussion with the 35
prescriber; 36

(7) Advising an individual and the health care 37
professionals treating an individual with regard to the 38
individual's drug therapy; 39

(8) Acting pursuant to a consult agreement with a 40
physician authorized under Chapter 4731. of the Revised Code to 41
practice medicine and surgery or osteopathic medicine and 42

surgery, if an agreement has been established with the 43
physician; 44

(9) Engaging in the administration of immunizations to the 45
extent authorized by section 4729.41 of the Revised Code. 46

(C) "Compounding" means the preparation, mixing, 47
assembling, packaging, and labeling of one or more drugs in any 48
of the following circumstances: 49

(1) Pursuant to a prescription issued by a licensed health 50
professional authorized to prescribe drugs; 51

(2) Pursuant to the modification of a prescription made in 52
accordance with a consult agreement; 53

(3) As an incident to research, teaching activities, or 54
chemical analysis; 55

(4) In anticipation of orders for drugs pursuant to 56
prescriptions, based on routine, regularly observed dispensing 57
patterns; 58

(5) Pursuant to a request made by a licensed health 59
professional authorized to prescribe drugs for a drug that is to 60
be used by the professional for the purpose of direct 61
administration to patients in the course of the professional's 62
practice, if all of the following apply: 63

(a) At the time the request is made, the drug is not 64
commercially available regardless of the reason that the drug is 65
not available, including the absence of a manufacturer for the 66
drug or the lack of a readily available supply of the drug from 67
a manufacturer. 68

(b) A limited quantity of the drug is compounded and 69
provided to the professional. 70

(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 to manage an individual's drug therapy that has been entered into by a pharmacist and a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(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.

(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.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means both 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 ~~section~~ sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(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:	127
(1) A dentist licensed under Chapter 4715. of the Revised Code;	128 129
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	130 131 132
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	133 134 135
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	136 137 138
(5) 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;	139 140 141 142 143
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	144 145
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	146 147 148 149
(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.	150 151 152
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	153 154

(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" means a person engaged in the sale of dangerous drugs at wholesale and

includes any agent or employee of such a person authorized by 184
the person to engage in the sale of dangerous drugs at 185
wholesale. 186

(P) "Manufacturer of dangerous drugs" means a person, 187
other than a pharmacist, who manufactures dangerous drugs and 188
who is engaged in the sale of those dangerous drugs within this 189
state. 190

(Q) "Terminal distributor of dangerous drugs" means a 191
person who is engaged in the sale of dangerous drugs at retail, 192
or any person, other than a wholesale distributor or a 193
pharmacist, who has possession, custody, or control of dangerous 194
drugs for any purpose other than for that person's own use and 195
consumption, and includes pharmacies, hospitals, nursing homes, 196
and laboratories and all other persons who procure dangerous 197
drugs for sale or other distribution by or under the supervision 198
of a pharmacist or licensed health professional authorized to 199
prescribe drugs. 200

(R) "Promote to the public" means disseminating a 201
representation to the public in any manner or by any means, 202
other than by labeling, for the purpose of inducing, or that is 203
likely to induce, directly or indirectly, the purchase of a 204
dangerous drug at retail. 205

(S) "Person" includes any individual, partnership, 206
association, limited liability company, or corporation, the 207
state, any political subdivision of the state, and any district, 208
department, or agency of the state or its political 209
subdivisions. 210

(T) "Finished dosage form" has the same meaning as in 211
section 3715.01 of the Revised Code. 212

(U) "Generically equivalent drug" has the same meaning as 213
in section 3715.01 of the Revised Code. 214

(V) "Animal shelter" means a facility operated by a humane 215
society or any society organized under Chapter 1717. of the 216
Revised Code or a dog pound operated pursuant to Chapter 955. of 217
the Revised Code. 218

(W) "Food" has the same meaning as in section 3715.01 of 219
the Revised Code. 220

(X) "Pain management clinic" has the same meaning as in 221
section 4731.054 of the Revised Code. 222

(Y) "Investigational drug or product" means a drug or 223
product that has successfully completed phase one of the United 224
States food and drug administration clinical trials and remains 225
under clinical trial, but has not been approved for general use 226
by the United States food and drug administration. 227
"Investigational drug or product" does not include controlled 228
substances in schedule I, as established pursuant to section 229
3719.41 of the Revised Code, and as amended. 230

(Z) "Product," when used in reference to an 231
investigational drug or product, means a biological product, 232
other than a drug, that is made from a natural human, animal, or 233
microorganism source and is intended to treat a disease or 234
medical condition. 235

Sec. 4729.291. (A) ~~When~~ Except when provided under section 236
4731.96 of the Revised Code, when a licensed health professional 237
authorized to prescribe drugs personally furnishes drugs to a 238
patient pursuant to division (B) of section 4729.29 of the 239
Revised Code, the prescriber shall ensure that the drugs are 240
labeled and packaged in accordance with state and federal drug 241

laws and any rules and regulations adopted pursuant to those 242
laws. Records of purchase and disposition of all drugs 243
personally furnished to patients shall be maintained by the 244
prescriber in accordance with state and federal drug statutes 245
and any rules adopted pursuant to those statutes. 246

(B) When personally furnishing to a patient RU-486 247
(mifepristone), a prescriber is subject to section 2919.123 of 248
the Revised Code. A prescription for RU-486 (mifepristone) shall 249
be in writing and in accordance with section 2919.123 of the 250
Revised Code. 251

(C) (1) Except as provided in division (D) of this section, 252
no prescriber shall do either of the following: 253

(a) In any thirty-day period, personally furnish to or for 254
patients, taken as a whole, controlled substances in an amount 255
that exceeds a total of two thousand five hundred dosage units; 256

(b) In any seventy-two-hour period, personally furnish to 257
or for a patient an amount of a controlled substance that 258
exceeds the amount necessary for the patient's use in a seventy- 259
two-hour period. 260

(2) The state board of pharmacy may impose a fine of not 261
more than five thousand dollars on a prescriber who fails to 262
comply with the limits established under division (C) (1) of this 263
section. A separate fine may be imposed for each instance of 264
failing to comply with the limits. In imposing the fine, the 265
board's actions shall be taken in accordance with Chapter 119. 266
of the Revised Code. 267

(D) (1) None of the following shall be counted in 268
determining whether the amounts specified in division (C) (1) of 269
this section have been exceeded: 270

(a) Methadone provided to patients for the purpose of 271
treating drug dependence or addiction, if the prescriber meets 272
the conditions specified in 21 C.F.R. 1306.07; 273

(b) Buprenorphine provided to patients for the purpose of 274
treating drug dependence or addiction as part of an opioid 275
treatment program that is the subject of a current, valid 276
certification from the substance abuse and mental health 277
services administration of the United States department of 278
health and human services pursuant to 42 C.F.R. 8.11 and 279
distributes both buprenorphine and methadone; 280

(c) Controlled substances provided to research subjects by 281
a facility conducting clinical research in studies approved by a 282
hospital-based institutional review board or an institutional 283
review board accredited by the association for the accreditation 284
of human research protection programs. 285

(2) Division (C)(1) of this section does not apply to a 286
prescriber who is a veterinarian. 287

Sec. 4729.51. (A)(1) Except as provided in division (A)(2) 288
of this section, no person other than a registered wholesale 289
distributor of dangerous drugs shall possess for sale, sell, 290
distribute, or deliver, at wholesale, dangerous drugs or 291
investigational drugs or products, except as follows: 292

(a) A pharmacist who is a licensed terminal distributor of 293
dangerous drugs or who is employed by a licensed terminal 294
distributor of dangerous drugs may make occasional sales of 295
dangerous drugs or investigational drugs or products at 296
wholesale. 297

(b) A licensed terminal distributor of dangerous drugs 298
having more than one establishment or place may transfer or 299

deliver dangerous drugs from one establishment or place for 300
which a license has been issued to the terminal distributor to 301
another establishment or place for which a license has been 302
issued to the terminal distributor if the license issued for 303
each establishment or place is in effect at the time of the 304
transfer or delivery. 305

(c) A licensed terminal distributor of dangerous drugs may 306
make occasional sales of naloxone at wholesale to a state or 307
local law enforcement agency if the terminal distributor is any 308
of the following: 309

(i) A board of health of a city or general health 310
district; 311

(ii) An authority having the duties of a board of health 312
under section 3709.05 of the Revised Code; 313

(iii) A health department operated by such a board or 314
authority. 315

(2) A manufacturer of dangerous drugs may donate inhalers, 316
as defined in section 3313.7113 of the Revised Code, and 317
epinephrine autoinjectors to any of the following: 318

(a) The board of education of a city, local, exempted 319
village, or joint vocational school district; 320

(b) A community school established under Chapter 3314. of 321
the Revised Code; 322

(c) A STEM school established under Chapter 3326. of the 323
Revised Code; 324

(d) A college-preparatory boarding school established 325
under Chapter 3328. of the Revised Code; 326

(e) A chartered or nonchartered nonpublic school.	327
(B) (1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs <u>or investigational drugs or products</u> to any person other than the following:	328 329 330 331
(a) Except as provided in division (B) (2) (a) of this section and division (B) of section 4729.541 of the Revised Code, a licensed health professional authorized to prescribe drugs;	332 333 334 335
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	336 337 338
(c) A registered wholesale distributor of dangerous drugs;	339
(d) A manufacturer of dangerous drugs;	340
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	341 342
(f) Carriers or warehouses for the purpose of carriage or storage;	343 344
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	345 346 347
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes	348 349 350 351 352 353 354

education is within the individual's scope of practice under 355
statutes and rules regulating the individual's profession; 356

(i) An individual who holds a valid certificate issued by 357
a nationally recognized S.C.U.B.A. diving certifying 358
organization approved by the state board of pharmacy in rule, 359
but only with respect to medical oxygen that will be used for 360
the purpose of emergency care or treatment at the scene of a 361
diving emergency; 362

(j) Except as provided in division (B) (2) (b) of this 363
section and division (A) of section 4729.541 of the Revised 364
Code, a business entity that is a corporation formed under 365
division (B) of section 1701.03 of the Revised Code, a limited 366
liability company formed under Chapter 1705. of the Revised 367
Code, or a professional association formed under Chapter 1785. 368
of the Revised Code if the entity has a sole shareholder who is 369
a licensed health professional authorized to prescribe drugs and 370
is authorized to provide the professional services being offered 371
by the entity; 372

(k) Except as provided in division (B) (2) (c) of this 373
section and division (A) of section 4729.541 of the Revised 374
Code, a business entity that is a corporation formed under 375
division (B) of section 1701.03 of the Revised Code, a limited 376
liability company formed under Chapter 1705. of the Revised 377
Code, a partnership or a limited liability partnership formed 378
under Chapter 1775. of the Revised Code, or a professional 379
association formed under Chapter 1785. of the Revised Code, if, 380
to be a shareholder, member, or partner, an individual is 381
required to be licensed, certified, or otherwise legally 382
authorized under Title XLVII of the Revised Code to perform the 383
professional service provided by the entity and each such 384

individual is a licensed health professional authorized to 385
prescribe drugs; 386

(l) With respect to epinephrine autoinjectors that may be 387
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 388
or 3328.29 of the Revised Code, any of the following: the board 389
of education of a city, local, exempted village, or joint 390
vocational school district; a chartered or nonchartered 391
nonpublic school; a community school established under Chapter 392
3314. of the Revised Code; a STEM school established under 393
Chapter 3326. of the Revised Code; or a college-preparatory 394
boarding school established under Chapter 3328. of the Revised 395
Code; 396

(m) With respect to epinephrine autoinjectors that may be 397
possessed under section 5101.76 of the Revised Code, any of the 398
following: a residential camp, as defined in section 2151.011 of 399
the Revised Code; a child day camp, as defined in section 400
5104.01 of the Revised Code; or a child day camp operated by any 401
county, township, municipal corporation, township park district 402
created under section 511.18 of the Revised Code, park district 403
created under section 1545.04 of the Revised Code, or joint 404
recreation district established under section 755.14 of the 405
Revised Code; 406

(n) With respect to naloxone that may be possessed under 407
section 2925.61 of the Revised Code, a law enforcement agency 408
and its peace officers; 409

(o) With respect to inhalers that may be possessed under 410
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 411
the Revised Code, any of the following: the board of education 412
of a city, local, exempted village, or joint vocational school 413
district; a chartered or nonchartered nonpublic school; a 414

community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(p) With respect to inhalers that may be possessed under section 5101.77 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

(2) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs or investigational drugs or products to any of the following:

(a) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A business entity described in division (B) (1) (j) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(c) A business entity described in division (B) (1) (k) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under

section 4729.552 of the Revised Code. 444

(3) No registered wholesale distributor of dangerous drugs 445
shall possess dangerous drugs or investigational drugs or 446
products for sale at wholesale, or sell such drugs at wholesale, 447
to a licensed terminal distributor of dangerous drugs, except as 448
follows: 449

(a) In the case of a terminal distributor with a category 450
I license, only dangerous drugs described in category I, as 451
defined in division (A)(1) of section 4729.54 of the Revised 452
Code; 453

(b) In the case of a terminal distributor with a category 454
II license, only dangerous drugs described in category I and 455
category II, as defined in divisions (A)(1) and (2) of section 456
4729.54 of the Revised Code; 457

(c) In the case of a terminal distributor with a category 458
III license, dangerous drugs described in category I, category 459
II, and category III, as defined in divisions (A)(1), (2), and 460
(3) of section 4729.54 of the Revised Code; 461

(d) In the case of a terminal distributor with a limited 462
category I, II, or III license, only the dangerous drugs 463
specified in the certificate furnished by the terminal 464
distributor in accordance with section 4729.60 of the Revised 465
Code. 466

(C)(1) Except as provided in division (C)(4) of this 467
section, no person shall sell, at retail, dangerous drugs. 468

(2) Except as provided in division (C)(4) of this section, 469
no person shall possess for sale, at retail, dangerous drugs. 470

(3) Except as provided in division (C)(4) of this section, 471

no person shall possess dangerous drugs. 472

(4) Divisions (C) (1), (2), and (3) of this section do not 473
apply to a registered wholesale distributor of dangerous drugs 474
or a licensed terminal distributor of dangerous drugs. 475

Divisions (C) (1), (2), and (3) of this section do not 476
apply to a person who possesses, or possesses for sale or sells, 477
at retail, a dangerous drug in accordance with Chapters 3719., 478
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the 479
Revised Code. 480

Divisions (C) (1), (2), and (3) of this section do not 481
apply to an individual who holds a current license, certificate, 482
or registration issued under Title XLVII of the Revised Code and 483
has been certified to conduct diabetes education by a national 484
certifying body specified in rules adopted by the state board of 485
pharmacy under section 4729.68 of the Revised Code, but only to 486
the extent that the individual possesses insulin or personally 487
supplies insulin solely for the purpose of diabetes education 488
and only if diabetes education is within the individual's scope 489
of practice under statutes and rules regulating the individual's 490
profession. 491

Divisions (C) (1), (2), and (3) of this section do not 492
apply to an individual who holds a valid certificate issued by a 493
nationally recognized S.C.U.B.A. diving certifying organization 494
approved by the state board of pharmacy in rule, but only to the 495
extent that the individual possesses medical oxygen or 496
personally supplies medical oxygen for the purpose of emergency 497
care or treatment at the scene of a diving emergency. 498

Division (C) (3) of this section does not apply to the 499
board of education of a city, local, exempted village, or joint 500

vocational school district, a school building operated by a 501
school district board of education, a chartered or nonchartered 502
nonpublic school, a community school, a STEM school, or a 503
college-preparatory boarding school for the purpose of 504
possessing epinephrine autoinjectors under section 3313.7110, 505
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 506
for the purpose of possessing inhalers under section 3313.7113, 507
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 508

Division (C) (3) of this section does not apply to a 509
residential camp, as defined in section 2151.011 of the Revised 510
Code, a child day camp, as defined in section 5104.01 of the 511
Revised Code, or a child day camp operated by any county, 512
township, municipal corporation, township park district created 513
under section 511.18 of the Revised Code, park district created 514
under section 1545.04 of the Revised Code, or joint recreation 515
district established under section 755.14 of the Revised Code 516
for the purpose of possessing epinephrine autoinjectors under 517
section 5101.76 of the Revised Code and for the purpose of 518
possessing inhalers under section 5101.77 of the Revised Code. 519

Division (C) (3) of this section does not apply to a law 520
enforcement agency or the agency's peace officers if the agency 521
or officers possess naloxone for administration to individuals 522
who are apparently experiencing opioid-related overdoses. 523

(D) No licensed terminal distributor of dangerous drugs 524
shall purchase for the purpose of resale dangerous drugs or 525
investigational drugs or products from any person other than a 526
registered wholesale distributor of dangerous drugs, except as 527
follows: 528

(1) A licensed terminal distributor of dangerous drugs may 529
make occasional purchases of dangerous drugs or investigational 530

drugs or products for resale from a pharmacist who is a licensed 531
terminal distributor of dangerous drugs or who is employed by a 532
licensed terminal distributor of dangerous drugs; 533

(2) A licensed terminal distributor of dangerous drugs 534
having more than one establishment or place may transfer or 535
receive dangerous drugs or investigational drugs or products 536
from one establishment or place for which a license has been 537
issued to the terminal distributor to another establishment or 538
place for which a license has been issued to the terminal 539
distributor if the license issued for each establishment or 540
place is in effect at the time of the transfer or receipt. 541

(E) No licensed terminal distributor of dangerous drugs 542
shall engage in the sale or other distribution of dangerous 543
drugs or investigational drugs or products at retail or maintain 544
possession, custody, or control of dangerous drugs or 545
investigational drugs or products for any purpose other than the 546
distributor's personal use or consumption, at any establishment 547
or place other than that or those described in the license 548
issued by the state board of pharmacy to such terminal 549
distributor. 550

(F) Nothing in this section shall be construed to 551
interfere with the performance of official duties by any law 552
enforcement official authorized by municipal, county, state, or 553
federal law to collect samples of any drug, regardless of its 554
nature or in whose possession it may be. 555

(G) Notwithstanding anything to the contrary in this 556
section, the board of education of a city, local, exempted 557
village, or joint vocational school district may deliver 558
epinephrine autoinjectors to a school under its control for the 559
purpose of possessing the epinephrine autoinjectors under 560

section 3313.7110 of the Revised Code and may deliver inhalers 561
to a school under its control for the purpose of possessing the 562
inhalers under section 3313.7113 of the Revised Code. 563

Sec. 4729.57. (A) The state board of pharmacy may suspend, 564
revoke, or refuse to grant or renew any license as a terminal 565
distributor of dangerous drugs, or may impose a monetary penalty 566
or forfeiture not to exceed in severity any fine designated 567
under the Revised Code for a similar offense or one thousand 568
dollars if the acts committed have not been classified as an 569
offense by the Revised Code, for any of the following causes: 570

(1) Making any false material statements in an application 571
for a license as a terminal distributor of dangerous drugs; 572

(2) Violating any rule of the board; 573

(3) Violating any provision of this chapter; 574

(4) ~~Violating~~ Except as provided in section 4729.88 of the 575
Revised Code, violating any provision of the "Federal Food, 576
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 577
or Chapter 3715. of the Revised Code; 578

(5) Violating any provision of the federal drug abuse 579
control laws or Chapter 2925. or 3719. of the Revised Code; 580

(6) Falsely or fraudulently promoting to the public a 581
dangerous drug, except that nothing in this division prohibits a 582
terminal distributor of dangerous drugs from furnishing 583
information concerning a dangerous drug to a health care 584
provider or another licensed terminal distributor; 585

(7) Ceasing to satisfy the qualifications of a terminal 586
distributor of dangerous drugs set forth in section 4729.55 of 587
the Revised Code; 588

(8) Except as provided in division (B) of this section:	589
(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor;	590 591 592 593 594 595 596 597
(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services.	598 599 600 601 602
(B) Sanctions shall not be imposed under division (A) (8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows:	603 604 605
(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request.	606 607 608 609 610 611
(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.	612 613 614
(C) (1) Upon the suspension or revocation of a license issued to a terminal distributor of dangerous drugs or the refusal by the board to renew such a license, the distributor	615 616 617

shall immediately surrender the license to the board. 618

(2) The board may place under seal all dangerous drugs 619
that are owned by or in the possession, custody, or control of a 620
terminal distributor at the time the license is suspended or 621
revoked or at the time the board refuses to renew the license. 622
Except as otherwise provided in this division, dangerous drugs 623
so sealed shall not be disposed of until appeal rights under 624
Chapter 119. of the Revised Code have expired or an appeal filed 625
pursuant to that chapter has been determined. 626

The court involved in an appeal filed pursuant to Chapter 627
119. of the Revised Code may order the board, during the 628
pendency of the appeal, to sell sealed dangerous drugs that are 629
perishable. The proceeds of such a sale shall be deposited with 630
that court. 631

Sec. 4729.88. (A) As used in this section, "eligible 632
patient," "investigational drug, product, or device," "terminal 633
condition," and "treating physician" have the same meanings as 634
in section 4731.96 of the Revised Code. 635

(B) A manufacturer of dangerous drugs may, in accordance 636
with section 4731.96 of the Revised Code, provide an 637
investigational drug, product, or device for treatment of a 638
terminal condition to an eligible patient or to the treating 639
physician who is treating the eligible patient's terminal 640
condition. In doing so, the manufacturer may do all of the 641
following: 642

(1) Provide the investigational drug, product, or device 643
to the eligible patient or treating physician directly or 644
through a terminal distributor of dangerous drugs; 645

(2) Provide the investigational drug, product, or device 646

either with or without charge for the costs associated with 647
manufacturing and providing the investigational drug, product, 648
or device; 649

(3) Require the eligible patient to participate in data 650
collection relating to use of the investigational drug, product, 651
or device. 652

(C) Except for actions or omissions constituting willful 653
or wanton misconduct, a manufacturer or terminal distributor of 654
dangerous drugs that provides or distributes an investigational 655
drug, product, or device pursuant to this section and section 656
4731.96 of the Revised Code is not liable for or subject to 657
damages in any civil action or prosecution in any criminal 658
proceeding for actions or omissions related to providing or 659
distributing the investigational drug, product, or device. 660

(D) Nothing in this section shall be interpreted as 661
requiring a manufacturer or terminal distributor to provide an 662
investigational drug, product, or device to an eligible patient 663
or the patient's treating physician. 664

Sec. 4731.22. (A) The state medical board, by an 665
affirmative vote of not fewer than six of its members, may 666
limit, revoke, or suspend an individual's certificate to 667
practice, refuse to grant a certificate to an individual, refuse 668
to renew a certificate, refuse to reinstate a certificate, or 669
reprimand or place on probation the holder of a certificate if 670
the individual or certificate holder is found by the board to 671
have committed fraud during the administration of the 672
examination for a certificate to practice or to have committed 673
fraud, misrepresentation, or deception in applying for, 674
renewing, or securing any certificate to practice issued by the 675
board. 676

(B) The board, by an affirmative vote of not fewer than 677
six members, shall, to the extent permitted by law, limit, 678
revoke, or suspend an individual's certificate to practice, 679
refuse to issue a certificate to an individual, refuse to renew 680
a certificate, refuse to reinstate a certificate, or reprimand 681
or place on probation the holder of a certificate for one or 682
more of the following reasons: 683

(1) Permitting one's name or one's certificate to practice 684
to be used by a person, group, or corporation when the 685
individual concerned is not actually directing the treatment 686
given; 687

(2) Failure to maintain minimal standards applicable to 688
the selection or administration of drugs, or failure to employ 689
acceptable scientific methods in the selection of drugs or other 690
modalities for treatment of disease; 691

(3) ~~Selling~~ Except as provided in section 4731.96 of the 692
Revised Code, selling, giving away, personally furnishing, 693
prescribing, or administering drugs for other than legal and 694
legitimate therapeutic purposes or a plea of guilty to, a 695
judicial finding of guilt of, or a judicial finding of 696
eligibility for intervention in lieu of conviction of, a 697
violation of any federal or state law regulating the possession, 698
distribution, or use of any drug; 699

(4) Willfully betraying a professional confidence. 700

For purposes of this division, "willfully betraying a 701
professional confidence" does not include providing any 702
information, documents, or reports under sections 307.621 to 703
307.629 of the Revised Code to a child fatality review board; 704
does not include providing any information, documents, or 705

reports to the director of health pursuant to guidelines 706
established under section 3701.70 of the Revised Code; does not 707
include written notice to a mental health professional under 708
section 4731.62 of the Revised Code; and does not include the 709
making of a report of an employee's use of a drug of abuse, or a 710
report of a condition of an employee other than one involving 711
the use of a drug of abuse, to the employer of the employee as 712
described in division (B) of section 2305.33 of the Revised 713
Code. Nothing in this division affects the immunity from civil 714
liability conferred by section 2305.33 or 4731.62 of the Revised 715
Code upon a physician who makes a report in accordance with 716
section 2305.33 or notifies a mental health professional in 717
accordance with section 4731.62 of the Revised Code. As used in 718
this division, "employee," "employer," and "physician" have the 719
same meanings as in section 2305.33 of the Revised Code. 720

(5) Making a false, fraudulent, deceptive, or misleading 721
statement in the solicitation of or advertising for patients; in 722
relation to the practice of medicine and surgery, osteopathic 723
medicine and surgery, podiatric medicine and surgery, or a 724
limited branch of medicine; or in securing or attempting to 725
secure any certificate to practice issued by the board. 726

As used in this division, "false, fraudulent, deceptive, 727
or misleading statement" means a statement that includes a 728
misrepresentation of fact, is likely to mislead or deceive 729
because of a failure to disclose material facts, is intended or 730
is likely to create false or unjustified expectations of 731
favorable results, or includes representations or implications 732
that in reasonable probability will cause an ordinarily prudent 733
person to misunderstand or be deceived. 734

(6) A departure from, or the failure to conform to, 735

minimal standards of care of similar practitioners under the 736
same or similar circumstances, whether or not actual injury to a 737
patient is established; 738

(7) Representing, with the purpose of obtaining 739
compensation or other advantage as personal gain or for any 740
other person, that an incurable disease or injury, or other 741
incurable condition, can be permanently cured; 742

(8) The obtaining of, or attempting to obtain, money or 743
anything of value by fraudulent misrepresentations in the course 744
of practice; 745

(9) A plea of guilty to, a judicial finding of guilt of, 746
or a judicial finding of eligibility for intervention in lieu of 747
conviction for, a felony; 748

(10) Commission of an act that constitutes a felony in 749
this state, regardless of the jurisdiction in which the act was 750
committed; 751

(11) A plea of guilty to, a judicial finding of guilt of, 752
or a judicial finding of eligibility for intervention in lieu of 753
conviction for, a misdemeanor committed in the course of 754
practice; 755

(12) Commission of an act in the course of practice that 756
constitutes a misdemeanor in this state, regardless of the 757
jurisdiction in which the act was committed; 758

(13) A plea of guilty to, a judicial finding of guilt of, 759
or a judicial finding of eligibility for intervention in lieu of 760
conviction for, a misdemeanor involving moral turpitude; 761

(14) Commission of an act involving moral turpitude that 762
constitutes a misdemeanor in this state, regardless of the 763

jurisdiction in which the act was committed;	764
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	765 766
(16) Failure to pay license renewal fees specified in this chapter;	767 768
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	769 770 771 772 773
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	774 775 776 777 778 779 780 781 782 783 784
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability	785 786 787 788 789 790 791 792

conferred by that section upon a physician who makes either type 793
of report in accordance with division (B) of that section. As 794
used in this division, "employee," "employer," and "physician" 795
have the same meanings as in section 2305.33 of the Revised 796
Code. 797

(19) Inability to practice according to acceptable and 798
prevailing standards of care by reason of mental illness or 799
physical illness, including, but not limited to, physical 800
deterioration that adversely affects cognitive, motor, or 801
perceptive skills. 802

In enforcing this division, the board, upon a showing of a 803
possible violation, may compel any individual authorized to 804
practice by this chapter or who has submitted an application 805
pursuant to this chapter to submit to a mental examination, 806
physical examination, including an HIV test, or both a mental 807
and a physical examination. The expense of the examination is 808
the responsibility of the individual compelled to be examined. 809
Failure to submit to a mental or physical examination or consent 810
to an HIV test ordered by the board constitutes an admission of 811
the allegations against the individual unless the failure is due 812
to circumstances beyond the individual's control, and a default 813
and final order may be entered without the taking of testimony 814
or presentation of evidence. If the board finds an individual 815
unable to practice because of the reasons set forth in this 816
division, the board shall require the individual to submit to 817
care, counseling, or treatment by physicians approved or 818
designated by the board, as a condition for initial, continued, 819
reinstated, or renewed authority to practice. An individual 820
affected under this division shall be afforded an opportunity to 821
demonstrate to the board the ability to resume practice in 822
compliance with acceptable and prevailing standards under the 823

provisions of the individual's certificate. For the purpose of 824
this division, any individual who applies for or receives a 825
certificate to practice under this chapter accepts the privilege 826
of practicing in this state and, by so doing, shall be deemed to 827
have given consent to submit to a mental or physical examination 828
when directed to do so in writing by the board, and to have 829
waived all objections to the admissibility of testimony or 830
examination reports that constitute a privileged communication. 831

(20) Except when civil penalties are imposed under section 832
4731.225 or 4731.282 of the Revised Code, and subject to section 833
4731.226 of the Revised Code, violating or attempting to 834
violate, directly or indirectly, or assisting in or abetting the 835
violation of, or conspiring to violate, any provisions of this 836
chapter or any rule promulgated by the board. 837

This division does not apply to a violation or attempted 838
violation of, assisting in or abetting the violation of, or a 839
conspiracy to violate, any provision of this chapter or any rule 840
adopted by the board that would preclude the making of a report 841
by a physician of an employee's use of a drug of abuse, or of a 842
condition of an employee other than one involving the use of a 843
drug of abuse, to the employer of the employee as described in 844
division (B) of section 2305.33 of the Revised Code. Nothing in 845
this division affects the immunity from civil liability 846
conferred by that section upon a physician who makes either type 847
of report in accordance with division (B) of that section. As 848
used in this division, "employee," "employer," and "physician" 849
have the same meanings as in section 2305.33 of the Revised 850
Code. 851

(21) The violation of section 3701.79 of the Revised Code 852
or of any abortion rule adopted by the director of health 853

pursuant to section 3701.341 of the Revised Code; 854

(22) Any of the following actions taken by an agency 855
responsible for authorizing, certifying, or regulating an 856
individual to practice a health care occupation or provide 857
health care services in this state or another jurisdiction, for 858
any reason other than the nonpayment of fees: the limitation, 859
revocation, or suspension of an individual's license to 860
practice; acceptance of an individual's license surrender; 861
denial of a license; refusal to renew or reinstate a license; 862
imposition of probation; or issuance of an order of censure or 863
other reprimand; 864

(23) The violation of section 2919.12 of the Revised Code 865
or the performance or inducement of an abortion upon a pregnant 866
woman with actual knowledge that the conditions specified in 867
division (B) of section 2317.56 of the Revised Code have not 868
been satisfied or with a heedless indifference as to whether 869
those conditions have been satisfied, unless an affirmative 870
defense as specified in division (H)(2) of that section would 871
apply in a civil action authorized by division (H)(1) of that 872
section; 873

(24) The revocation, suspension, restriction, reduction, 874
or termination of clinical privileges by the United States 875
department of defense or department of veterans affairs or the 876
termination or suspension of a certificate of registration to 877
prescribe drugs by the drug enforcement administration of the 878
United States department of justice; 879

(25) Termination or suspension from participation in the 880
medicare or medicaid programs by the department of health and 881
human services or other responsible agency for any act or acts 882
that also would constitute a violation of division (B)(2), (3), 883

(6), (8), or (19) of this section; 884

(26) Impairment of ability to practice according to 885
acceptable and prevailing standards of care because of habitual 886
or excessive use or abuse of drugs, alcohol, or other substances 887
that impair ability to practice. 888

For the purposes of this division, any individual 889
authorized to practice by this chapter accepts the privilege of 890
practicing in this state subject to supervision by the board. By 891
filing an application for or holding a certificate to practice 892
under this chapter, an individual shall be deemed to have given 893
consent to submit to a mental or physical examination when 894
ordered to do so by the board in writing, and to have waived all 895
objections to the admissibility of testimony or examination 896
reports that constitute privileged communications. 897

If it has reason to believe that any individual authorized 898
to practice by this chapter or any applicant for certification 899
to practice suffers such impairment, the board may compel the 900
individual to submit to a mental or physical examination, or 901
both. The expense of the examination is the responsibility of 902
the individual compelled to be examined. Any mental or physical 903
examination required under this division shall be undertaken by 904
a treatment provider or physician who is qualified to conduct 905
the examination and who is chosen by the board. 906

Failure to submit to a mental or physical examination 907
ordered by the board constitutes an admission of the allegations 908
against the individual unless the failure is due to 909
circumstances beyond the individual's control, and a default and 910
final order may be entered without the taking of testimony or 911
presentation of evidence. If the board determines that the 912
individual's ability to practice is impaired, the board shall 913

suspend the individual's certificate or deny the individual's 914
application and shall require the individual, as a condition for 915
initial, continued, reinstated, or renewed certification to 916
practice, to submit to treatment. 917

Before being eligible to apply for reinstatement of a 918
certificate suspended under this division, the impaired 919
practitioner shall demonstrate to the board the ability to 920
resume practice in compliance with acceptable and prevailing 921
standards of care under the provisions of the practitioner's 922
certificate. The demonstration shall include, but shall not be 923
limited to, the following: 924

(a) Certification from a treatment provider approved under 925
section 4731.25 of the Revised Code that the individual has 926
successfully completed any required inpatient treatment; 927

(b) Evidence of continuing full compliance with an 928
aftercare contract or consent agreement; 929

(c) Two written reports indicating that the individual's 930
ability to practice has been assessed and that the individual 931
has been found capable of practicing according to acceptable and 932
prevailing standards of care. The reports shall be made by 933
individuals or providers approved by the board for making the 934
assessments and shall describe the basis for their 935
determination. 936

The board may reinstate a certificate suspended under this 937
division after that demonstration and after the individual has 938
entered into a written consent agreement. 939

When the impaired practitioner resumes practice, the board 940
shall require continued monitoring of the individual. The 941
monitoring shall include, but not be limited to, compliance with 942

the written consent agreement entered into before reinstatement 943
or with conditions imposed by board order after a hearing, and, 944
upon termination of the consent agreement, submission to the 945
board for at least two years of annual written progress reports 946
made under penalty of perjury stating whether the individual has 947
maintained sobriety. 948

(27) A second or subsequent violation of section 4731.66 949
or 4731.69 of the Revised Code; 950

(28) Except as provided in division (N) of this section: 951

(a) Waiving the payment of all or any part of a deductible 952
or copayment that a patient, pursuant to a health insurance or 953
health care policy, contract, or plan that covers the 954
individual's services, otherwise would be required to pay if the 955
waiver is used as an enticement to a patient or group of 956
patients to receive health care services from that individual; 957

(b) Advertising that the individual will waive the payment 958
of all or any part of a deductible or copayment that a patient, 959
pursuant to a health insurance or health care policy, contract, 960
or plan that covers the individual's services, otherwise would 961
be required to pay. 962

(29) Failure to use universal blood and body fluid 963
precautions established by rules adopted under section 4731.051 964
of the Revised Code; 965

(30) Failure to provide notice to, and receive 966
acknowledgment of the notice from, a patient when required by 967
section 4731.143 of the Revised Code prior to providing 968
nonemergency professional services, or failure to maintain that 969
notice in the patient's file; 970

(31) Failure of a physician supervising a physician 971

assistant to maintain supervision in accordance with the 972
requirements of Chapter 4730. of the Revised Code and the rules 973
adopted under that chapter; 974

(32) Failure of a physician or podiatrist to enter into a 975
standard care arrangement with a clinical nurse specialist, 976
certified nurse-midwife, or certified nurse practitioner with 977
whom the physician or podiatrist is in collaboration pursuant to 978
section 4731.27 of the Revised Code or failure to fulfill the 979
responsibilities of collaboration after entering into a standard 980
care arrangement; 981

(33) Failure to comply with the terms of a consult 982
agreement entered into with a pharmacist pursuant to section 983
4729.39 of the Revised Code; 984

(34) Failure to cooperate in an investigation conducted by 985
the board under division (F) of this section, including failure 986
to comply with a subpoena or order issued by the board or 987
failure to answer truthfully a question presented by the board 988
in an investigative interview, an investigative office 989
conference, at a deposition, or in written interrogatories, 990
except that failure to cooperate with an investigation shall not 991
constitute grounds for discipline under this section if a court 992
of competent jurisdiction has issued an order that either 993
quashes a subpoena or permits the individual to withhold the 994
testimony or evidence in issue; 995

(35) Failure to supervise an oriental medicine 996
practitioner or acupuncturist in accordance with Chapter 4762. 997
of the Revised Code and the board's rules for providing that 998
supervision; 999

(36) Failure to supervise an anesthesiologist assistant in 1000

accordance with Chapter 4760. of the Revised Code and the	1001
board's rules for supervision of an anesthesiologist assistant;	1002
(37) Assisting suicide, as defined in section 3795.01 of	1003
the Revised Code;	1004
(38) Failure to comply with the requirements of section	1005
2317.561 of the Revised Code;	1006
(39) Failure to supervise a radiologist assistant in	1007
accordance with Chapter 4774. of the Revised Code and the	1008
board's rules for supervision of radiologist assistants;	1009
(40) Performing or inducing an abortion at an office or	1010
facility with knowledge that the office or facility fails to	1011
post the notice required under section 3701.791 of the Revised	1012
Code;	1013
(41) Failure to comply with the standards and procedures	1014
established in rules under section 4731.054 of the Revised Code	1015
for the operation of or the provision of care at a pain	1016
management clinic;	1017
(42) Failure to comply with the standards and procedures	1018
established in rules under section 4731.054 of the Revised Code	1019
for providing supervision, direction, and control of individuals	1020
at a pain management clinic;	1021
(43) Failure to comply with the requirements of section	1022
4729.79 or 4731.055 of the Revised Code, unless the state board	1023
of pharmacy no longer maintains a drug database pursuant to	1024
section 4729.75 of the Revised Code;	1025
(44) Failure to comply with the requirements of section	1026
2919.171 of the Revised Code or failure to submit to the	1027
department of health in accordance with a court order a complete	1028

report as described in section 2919.171 of the Revised Code; 1029

(45) Practicing at a facility that is subject to licensure 1030
as a category III terminal distributor of dangerous drugs with a 1031
pain management clinic classification unless the person 1032
operating the facility has obtained and maintains the license 1033
with the classification; 1034

(46) Owning a facility that is subject to licensure as a 1035
category III terminal distributor of dangerous drugs with a pain 1036
management clinic classification unless the facility is licensed 1037
with the classification; 1038

(47) Failure to comply with the requirement regarding 1039
maintaining notes described in division (B) of section 2919.191 1040
of the Revised Code or failure to satisfy the requirements of 1041
section 2919.191 of the Revised Code prior to performing or 1042
inducing an abortion upon a pregnant woman; 1043

(48) Failure to comply with the requirements in section 1044
3719.061 of the Revised Code before issuing for a minor a 1045
prescription for an opioid analgesic, as defined in section 1046
3719.01 of the Revised Code. 1047

(C) Disciplinary actions taken by the board under 1048
divisions (A) and (B) of this section shall be taken pursuant to 1049
an adjudication under Chapter 119. of the Revised Code, except 1050
that in lieu of an adjudication, the board may enter into a 1051
consent agreement with an individual to resolve an allegation of 1052
a violation of this chapter or any rule adopted under it. A 1053
consent agreement, when ratified by an affirmative vote of not 1054
fewer than six members of the board, shall constitute the 1055
findings and order of the board with respect to the matter 1056
addressed in the agreement. If the board refuses to ratify a 1057

consent agreement, the admissions and findings contained in the 1058
consent agreement shall be of no force or effect. 1059

A telephone conference call may be utilized for 1060
ratification of a consent agreement that revokes or suspends an 1061
individual's certificate to practice. The telephone conference 1062
call shall be considered a special meeting under division (F) of 1063
section 121.22 of the Revised Code. 1064

If the board takes disciplinary action against an 1065
individual under division (B) of this section for a second or 1066
subsequent plea of guilty to, or judicial finding of guilt of, a 1067
violation of section 2919.123 of the Revised Code, the 1068
disciplinary action shall consist of a suspension of the 1069
individual's certificate to practice for a period of at least 1070
one year or, if determined appropriate by the board, a more 1071
serious sanction involving the individual's certificate to 1072
practice. Any consent agreement entered into under this division 1073
with an individual that pertains to a second or subsequent plea 1074
of guilty to, or judicial finding of guilt of, a violation of 1075
that section shall provide for a suspension of the individual's 1076
certificate to practice for a period of at least one year or, if 1077
determined appropriate by the board, a more serious sanction 1078
involving the individual's certificate to practice. 1079

(D) For purposes of divisions (B)(10), (12), and (14) of 1080
this section, the commission of the act may be established by a 1081
finding by the board, pursuant to an adjudication under Chapter 1082
119. of the Revised Code, that the individual committed the act. 1083
The board does not have jurisdiction under those divisions if 1084
the trial court renders a final judgment in the individual's 1085
favor and that judgment is based upon an adjudication on the 1086
merits. The board has jurisdiction under those divisions if the 1087

trial court issues an order of dismissal upon technical or 1088
procedural grounds. 1089

(E) The sealing of conviction records by any court shall 1090
have no effect upon a prior board order entered under this 1091
section or upon the board's jurisdiction to take action under 1092
this section if, based upon a plea of guilty, a judicial finding 1093
of guilt, or a judicial finding of eligibility for intervention 1094
in lieu of conviction, the board issued a notice of opportunity 1095
for a hearing prior to the court's order to seal the records. 1096
The board shall not be required to seal, destroy, redact, or 1097
otherwise modify its records to reflect the court's sealing of 1098
conviction records. 1099

(F) (1) The board shall investigate evidence that appears 1100
to show that a person has violated any provision of this chapter 1101
or any rule adopted under it. Any person may report to the board 1102
in a signed writing any information that the person may have 1103
that appears to show a violation of any provision of this 1104
chapter or any rule adopted under it. In the absence of bad 1105
faith, any person who reports information of that nature or who 1106
testifies before the board in any adjudication conducted under 1107
Chapter 119. of the Revised Code shall not be liable in damages 1108
in a civil action as a result of the report or testimony. Each 1109
complaint or allegation of a violation received by the board 1110
shall be assigned a case number and shall be recorded by the 1111
board. 1112

(2) Investigations of alleged violations of this chapter 1113
or any rule adopted under it shall be supervised by the 1114
supervising member elected by the board in accordance with 1115
section 4731.02 of the Revised Code and by the secretary as 1116
provided in section 4731.39 of the Revised Code. The president 1117

may designate another member of the board to supervise the 1118
investigation in place of the supervising member. No member of 1119
the board who supervises the investigation of a case shall 1120
participate in further adjudication of the case. 1121

(3) In investigating a possible violation of this chapter 1122
or any rule adopted under this chapter, or in conducting an 1123
inspection under division (E) of section 4731.054 of the Revised 1124
Code, the board may question witnesses, conduct interviews, 1125
administer oaths, order the taking of depositions, inspect and 1126
copy any books, accounts, papers, records, or documents, issue 1127
subpoenas, and compel the attendance of witnesses and production 1128
of books, accounts, papers, records, documents, and testimony, 1129
except that a subpoena for patient record information shall not 1130
be issued without consultation with the attorney general's 1131
office and approval of the secretary and supervising member of 1132
the board. 1133

(a) Before issuance of a subpoena for patient record 1134
information, the secretary and supervising member shall 1135
determine whether there is probable cause to believe that the 1136
complaint filed alleges a violation of this chapter or any rule 1137
adopted under it and that the records sought are relevant to the 1138
alleged violation and material to the investigation. The 1139
subpoena may apply only to records that cover a reasonable 1140
period of time surrounding the alleged violation. 1141

(b) On failure to comply with any subpoena issued by the 1142
board and after reasonable notice to the person being 1143
subpoenaed, the board may move for an order compelling the 1144
production of persons or records pursuant to the Rules of Civil 1145
Procedure. 1146

(c) A subpoena issued by the board may be served by a 1147

sheriff, the sheriff's deputy, or a board employee designated by 1148
the board. Service of a subpoena issued by the board may be made 1149
by delivering a copy of the subpoena to the person named 1150
therein, reading it to the person, or leaving it at the person's 1151
usual place of residence, usual place of business, or address on 1152
file with the board. When serving a subpoena to an applicant for 1153
or the holder of a certificate issued under this chapter, 1154
service of the subpoena may be made by certified mail, return 1155
receipt requested, and the subpoena shall be deemed served on 1156
the date delivery is made or the date the person refuses to 1157
accept delivery. If the person being served refuses to accept 1158
the subpoena or is not located, service may be made to an 1159
attorney who notifies the board that the attorney is 1160
representing the person. 1161

(d) A sheriff's deputy who serves a subpoena shall receive 1162
the same fees as a sheriff. Each witness who appears before the 1163
board in obedience to a subpoena shall receive the fees and 1164
mileage provided for under section 119.094 of the Revised Code. 1165

(4) All hearings, investigations, and inspections of the 1166
board shall be considered civil actions for the purposes of 1167
section 2305.252 of the Revised Code. 1168

(5) A report required to be submitted to the board under 1169
this chapter, a complaint, or information received by the board 1170
pursuant to an investigation or pursuant to an inspection under 1171
division (E) of section 4731.054 of the Revised Code is 1172
confidential and not subject to discovery in any civil action. 1173

The board shall conduct all investigations or inspections 1174
and proceedings in a manner that protects the confidentiality of 1175
patients and persons who file complaints with the board. The 1176
board shall not make public the names or any other identifying 1177

information about patients or complainants unless proper consent 1178
is given or, in the case of a patient, a waiver of the patient 1179
privilege exists under division (B) of section 2317.02 of the 1180
Revised Code, except that consent or a waiver of that nature is 1181
not required if the board possesses reliable and substantial 1182
evidence that no bona fide physician-patient relationship 1183
exists. 1184

The board may share any information it receives pursuant 1185
to an investigation or inspection, including patient records and 1186
patient record information, with law enforcement agencies, other 1187
licensing boards, and other governmental agencies that are 1188
prosecuting, adjudicating, or investigating alleged violations 1189
of statutes or administrative rules. An agency or board that 1190
receives the information shall comply with the same requirements 1191
regarding confidentiality as those with which the state medical 1192
board must comply, notwithstanding any conflicting provision of 1193
the Revised Code or procedure of the agency or board that 1194
applies when it is dealing with other information in its 1195
possession. In a judicial proceeding, the information may be 1196
admitted into evidence only in accordance with the Rules of 1197
Evidence, but the court shall require that appropriate measures 1198
are taken to ensure that confidentiality is maintained with 1199
respect to any part of the information that contains names or 1200
other identifying information about patients or complainants 1201
whose confidentiality was protected by the state medical board 1202
when the information was in the board's possession. Measures to 1203
ensure confidentiality that may be taken by the court include 1204
sealing its records or deleting specific information from its 1205
records. 1206

(6) On a quarterly basis, the board shall prepare a report 1207
that documents the disposition of all cases during the preceding 1208

three months. The report shall contain the following information 1209
for each case with which the board has completed its activities: 1210

(a) The case number assigned to the complaint or alleged 1211
violation; 1212

(b) The type of certificate to practice, if any, held by 1213
the individual against whom the complaint is directed; 1214

(c) A description of the allegations contained in the 1215
complaint; 1216

(d) The disposition of the case. 1217

The report shall state how many cases are still pending 1218
and shall be prepared in a manner that protects the identity of 1219
each person involved in each case. The report shall be a public 1220
record under section 149.43 of the Revised Code. 1221

(G) If the secretary and supervising member determine both 1222
of the following, they may recommend that the board suspend an 1223
individual's certificate to practice without a prior hearing: 1224

(1) That there is clear and convincing evidence that an 1225
individual has violated division (B) of this section; 1226

(2) That the individual's continued practice presents a 1227
danger of immediate and serious harm to the public. 1228

Written allegations shall be prepared for consideration by 1229
the board. The board, upon review of those allegations and by an 1230
affirmative vote of not fewer than six of its members, excluding 1231
the secretary and supervising member, may suspend a certificate 1232
without a prior hearing. A telephone conference call may be 1233
utilized for reviewing the allegations and taking the vote on 1234
the summary suspension. 1235

The board shall issue a written order of suspension by 1236
certified mail or in person in accordance with section 119.07 of 1237
the Revised Code. The order shall not be subject to suspension 1238
by the court during pendency of any appeal filed under section 1239
119.12 of the Revised Code. If the individual subject to the 1240
summary suspension requests an adjudicatory hearing by the 1241
board, the date set for the hearing shall be within fifteen 1242
days, but not earlier than seven days, after the individual 1243
requests the hearing, unless otherwise agreed to by both the 1244
board and the individual. 1245

Any summary suspension imposed under this division shall 1246
remain in effect, unless reversed on appeal, until a final 1247
adjudicative order issued by the board pursuant to this section 1248
and Chapter 119. of the Revised Code becomes effective. The 1249
board shall issue its final adjudicative order within seventy- 1250
five days after completion of its hearing. A failure to issue 1251
the order within seventy-five days shall result in dissolution 1252
of the summary suspension order but shall not invalidate any 1253
subsequent, final adjudicative order. 1254

(H) If the board takes action under division (B) (9), (11), 1255
or (13) of this section and the judicial finding of guilt, 1256
guilty plea, or judicial finding of eligibility for intervention 1257
in lieu of conviction is overturned on appeal, upon exhaustion 1258
of the criminal appeal, a petition for reconsideration of the 1259
order may be filed with the board along with appropriate court 1260
documents. Upon receipt of a petition of that nature and 1261
supporting court documents, the board shall reinstate the 1262
individual's certificate to practice. The board may then hold an 1263
adjudication under Chapter 119. of the Revised Code to determine 1264
whether the individual committed the act in question. Notice of 1265
an opportunity for a hearing shall be given in accordance with 1266

Chapter 119. of the Revised Code. If the board finds, pursuant 1267
to an adjudication held under this division, that the individual 1268
committed the act or if no hearing is requested, the board may 1269
order any of the sanctions identified under division (B) of this 1270
section. 1271

(I) The certificate to practice issued to an individual 1272
under this chapter and the individual's practice in this state 1273
are automatically suspended as of the date of the individual's 1274
second or subsequent plea of guilty to, or judicial finding of 1275
guilt of, a violation of section 2919.123 of the Revised Code, 1276
or the date the individual pleads guilty to, is found by a judge 1277
or jury to be guilty of, or is subject to a judicial finding of 1278
eligibility for intervention in lieu of conviction in this state 1279
or treatment or intervention in lieu of conviction in another 1280
jurisdiction for any of the following criminal offenses in this 1281
state or a substantially equivalent criminal offense in another 1282
jurisdiction: aggravated murder, murder, voluntary manslaughter, 1283
felonious assault, kidnapping, rape, sexual battery, gross 1284
sexual imposition, aggravated arson, aggravated robbery, or 1285
aggravated burglary. Continued practice after suspension shall 1286
be considered practicing without a certificate. 1287

The board shall notify the individual subject to the 1288
suspension by certified mail or in person in accordance with 1289
section 119.07 of the Revised Code. If an individual whose 1290
certificate is automatically suspended under this division fails 1291
to make a timely request for an adjudication under Chapter 119. 1292
of the Revised Code, the board shall do whichever of the 1293
following is applicable: 1294

(1) If the automatic suspension under this division is for 1295
a second or subsequent plea of guilty to, or judicial finding of 1296

guilt of, a violation of section 2919.123 of the Revised Code, 1297
the board shall enter an order suspending the individual's 1298
certificate to practice for a period of at least one year or, if 1299
determined appropriate by the board, imposing a more serious 1300
sanction involving the individual's certificate to practice. 1301

(2) In all circumstances in which division (I)(1) of this 1302
section does not apply, enter a final order permanently revoking 1303
the individual's certificate to practice. 1304

(J) If the board is required by Chapter 119. of the 1305
Revised Code to give notice of an opportunity for a hearing and 1306
if the individual subject to the notice does not timely request 1307
a hearing in accordance with section 119.07 of the Revised Code, 1308
the board is not required to hold a hearing, but may adopt, by 1309
an affirmative vote of not fewer than six of its members, a 1310
final order that contains the board's findings. In that final 1311
order, the board may order any of the sanctions identified under 1312
division (A) or (B) of this section. 1313

(K) Any action taken by the board under division (B) of 1314
this section resulting in a suspension from practice shall be 1315
accompanied by a written statement of the conditions under which 1316
the individual's certificate to practice may be reinstated. The 1317
board shall adopt rules governing conditions to be imposed for 1318
reinstatement. Reinstatement of a certificate suspended pursuant 1319
to division (B) of this section requires an affirmative vote of 1320
not fewer than six members of the board. 1321

(L) When the board refuses to grant or issue a certificate 1322
to practice to an applicant, revokes an individual's certificate 1323
to practice, refuses to renew an individual's certificate to 1324
practice, or refuses to reinstate an individual's certificate to 1325
practice, the board may specify that its action is permanent. An 1326

individual subject to a permanent action taken by the board is 1327
forever thereafter ineligible to hold a certificate to practice 1328
and the board shall not accept an application for reinstatement 1329
of the certificate or for issuance of a new certificate. 1330

(M) Notwithstanding any other provision of the Revised 1331
Code, all of the following apply: 1332

(1) The surrender of a certificate issued under this 1333
chapter shall not be effective unless or until accepted by the 1334
board. A telephone conference call may be utilized for 1335
acceptance of the surrender of an individual's certificate to 1336
practice. The telephone conference call shall be considered a 1337
special meeting under division (F) of section 121.22 of the 1338
Revised Code. Reinstatement of a certificate surrendered to the 1339
board requires an affirmative vote of not fewer than six members 1340
of the board. 1341

(2) An application for a certificate made under the 1342
provisions of this chapter may not be withdrawn without approval 1343
of the board. 1344

(3) Failure by an individual to renew a certificate to 1345
practice in accordance with this chapter shall not remove or 1346
limit the board's jurisdiction to take any disciplinary action 1347
under this section against the individual. 1348

(4) At the request of the board, a certificate holder 1349
shall immediately surrender to the board a certificate that the 1350
board has suspended, revoked, or permanently revoked. 1351

(N) Sanctions shall not be imposed under division (B) (28) 1352
of this section against any person who waives deductibles and 1353
copayments as follows: 1354

(1) In compliance with the health benefit plan that 1355

expressly allows such a practice. Waiver of the deductibles or 1356
copayments shall be made only with the full knowledge and 1357
consent of the plan purchaser, payer, and third-party 1358
administrator. Documentation of the consent shall be made 1359
available to the board upon request. 1360

(2) For professional services rendered to any other person 1361
authorized to practice pursuant to this chapter, to the extent 1362
allowed by this chapter and rules adopted by the board. 1363

(O) Under the board's investigative duties described in 1364
this section and subject to division (F) of this section, the 1365
board shall develop and implement a quality intervention program 1366
designed to improve through remedial education the clinical and 1367
communication skills of individuals authorized under this 1368
chapter to practice medicine and surgery, osteopathic medicine 1369
and surgery, and podiatric medicine and surgery. In developing 1370
and implementing the quality intervention program, the board may 1371
do all of the following: 1372

(1) Offer in appropriate cases as determined by the board 1373
an educational and assessment program pursuant to an 1374
investigation the board conducts under this section; 1375

(2) Select providers of educational and assessment 1376
services, including a quality intervention program panel of case 1377
reviewers; 1378

(3) Make referrals to educational and assessment service 1379
providers and approve individual educational programs 1380
recommended by those providers. The board shall monitor the 1381
progress of each individual undertaking a recommended individual 1382
educational program. 1383

(4) Determine what constitutes successful completion of an 1384

individual educational program and require further monitoring of 1385
the individual who completed the program or other action that 1386
the board determines to be appropriate; 1387

(5) Adopt rules in accordance with Chapter 119. of the 1388
Revised Code to further implement the quality intervention 1389
program. 1390

An individual who participates in an individual 1391
educational program pursuant to this division shall pay the 1392
financial obligations arising from that educational program. 1393

Sec. 4731.227. An individual authorized to practice 1394
medicine and surgery or osteopathic medicine and surgery may use 1395
alternative medical treatments if the individual has provided 1396
the information necessary to obtain informed consent from the 1397
patient and the treatment meets the standards enforced by the 1398
state medical board pursuant to section 4731.22 of the Revised 1399
Code and any rules adopted by the board. 1400

As used in this section, "alternative medical treatment" 1401
means care that is complementary to or different from 1402
conventional medical care but is reasonable when the benefits 1403
and risks of the alternative medical treatment and the 1404
conventional medical care are compared. "Alternative medical 1405
treatment" does not include treatment with an investigational 1406
drug, product, or device under section 4731.96 of the Revised 1407
Code. 1408

Sec. 4731.96. (A) As used in this section: 1409

(1) "Investigational drug, product, or device" means a 1410
drug, product, or device that has successfully completed phase 1411
one of United States food and drug administration clinical 1412
trials and remains under clinical trial, but has not been 1413

approved for general use by the United States food and drug 1414
administration. "Investigational drug, product, or device" does 1415
not include controlled substances in schedule I, as established 1416
pursuant to section 3719.41 of the Revised Code, and as amended. 1417

(2) "Drug" has the same meaning as in section 4729.01 of 1418
the Revised Code. 1419

(3) "Product" means a biological product, other than a 1420
drug, that is made from a natural human, animal, or 1421
microorganism source and is intended to treat a disease or 1422
medical condition. 1423

(4) "Device" means a medical device that is intended for 1424
use in the diagnosis or treatment of a disease or medical 1425
condition. 1426

(5) "Physician" means an individual authorized by this 1427
chapter to practice medicine and surgery or osteopathic medicine 1428
and surgery. 1429

(6) "Terminal condition" means any of the following 1430
conditions, if irreversible, incurable, and untreatable through 1431
a method of treatment approved by the United States food and 1432
drug administration: 1433

(a) A progressive form of cancer; 1434

(b) A progressive neurological disorder; 1435

(c) A progressive musculoskeletal disorder; 1436

(d) A condition that, based on reasonable medical 1437
standards and a reasonable degree of medical certainty, appears 1438
likely to cause death within a period of time that is relatively 1439
short but does not exceed twelve months. 1440

(7) "Treating physician" means the physician primarily responsible for providing medical care and treating an eligible patient's terminal condition. "Treating physician" does not include the patient's primary care physician unless that physician is treating the patient's terminal condition and no other physician is primarily responsible for treating the terminal condition. The patient may have more than one treating physician. 1441
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(B) (1) Subject to division (B) (2) of this section, an individual is an eligible patient if all of the following conditions are met: 1449
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(a) The individual has a terminal condition, as determined by the individual's treating physician and by one other physician who has examined the individual. 1452
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(b) The individual, as determined by the individual's treating physician, has considered all treatment options for the terminal condition that are approved by the United States food and drug administration and determined that there are no satisfactory or comparable approved treatments and that the risk from the investigational drug, product, or device is no greater than the probable risk from not treating the terminal condition. 1455
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(c) The individual's treating physician recommends the use of the investigational drug, product, or device, attests that it represents the individual's best chance at survival, and agrees to either administer or personally furnish it or has issued a prescription to the individual for the investigational drug, product, or device. 1462
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(d) The treating physician includes documentation in the patient's medical record that all of the foregoing conditions 1468
1469

have been met. 1470

(2) An individual who meets the requirements of division 1471
(B)(1) of this section is not an eligible patient if a clinical 1472
trial using the investigational drug, product, or device is 1473
actively being conducted within the individual's county of 1474
residence or an adjoining county, unless the individual applied 1475
for participation but was denied access to that clinical trial. 1476

(C)(1) A treating physician may treat an eligible patient 1477
with an investigational drug, product, or device after securing 1478
the patient's informed consent in a signed statement. If the 1479
patient is a minor or lacks the capacity to consent, the 1480
informed consent must be obtained from a parent, guardian, or 1481
other person legally responsible for the patient. 1482

(2) To secure informed consent, the treating physician 1483
must do all of the following: 1484

(a) Record all of the following in the document that is to 1485
be signed: 1486

(i) An explanation of the approved treatment options for 1487
the terminal condition from which the patient suffers; 1488

(ii) The specific proposed investigational drug, product, 1489
or device; 1490

(iii) The potentially best and worst outcomes of using the 1491
investigational drug, product, or device with a realistic 1492
description of the most likely outcome, including the 1493
possibility that new, unanticipated, different, or worse 1494
symptoms might result, and that death could be hastened by the 1495
investigational drug, product, or device; 1496

(iv) An explanation that the manufacturer of the 1497

investigational drug, product, or device may hold the patient 1498
liable for all expenses that arise from the patient's use of the 1499
investigational drug, product, or device. 1500

(b) Have the individual giving consent sign the document 1501
in the conscious presence of a competent witness; 1502

(c) Have the witness also sign the document and attest 1503
that the individual giving consent appeared to do all of the 1504
following: 1505

(i) Concur with the treating physician in believing that 1506
all approved treatment options would be unlikely to prolong the 1507
patient's life; 1508

(ii) Understand the risks involved with using the 1509
investigational drug, product, or device; 1510

(iii) Willingly desire to use the investigational drug, 1511
product, or device to treat the terminal condition. 1512

(3) An eligible patient, or the patient's parent, 1513
guardian, or other person legally responsible for the patient, 1514
may revoke consent to treatment with an investigational drug, 1515
product, or device at any time and in any manner that 1516
communicates the revocation. 1517

(D) Except for actions constituting willful or wanton 1518
misconduct, a treating physician who recommends or treats an 1519
eligible patient with an investigational drug, product, or 1520
device in compliance with this section is not liable for or 1521
subject to any of the following for an action or omission 1522
related to treatment with the investigational drug, product, or 1523
device: damages in any civil action, prosecution in any criminal 1524
proceeding, or professional disciplinary action. 1525

(E) An official, employee, or agent of this state shall 1526
not, solely because an investigational drug, product, or device 1527
has not been approved for general use by the United States food 1528
and drug administration, prevent or attempt to prevent access by 1529
an eligible patient or eligible patient's treating physician to 1530
an investigational drug, product, or device that is being 1531
provided or is to be provided in accordance with this section or 1532
section 4729.88 of the Revised Code. 1533

(F) If an eligible patient dies while being treated with 1534
an investigational drug, product, or device and there are any 1535
outstanding costs related to treating the patient, the patient's 1536
estate, devisees, and heirs shall not be held liable by any 1537
person or government entity for those costs. 1538

(G) Nothing in this section requires a health care 1539
insurer, the medicaid program or any other government health 1540
care program, or any other entity that offers health care 1541
benefits to provide coverage for the costs incurred from the use 1542
of any investigational drug, product, or device. 1543

(H) Nothing in this section condones, authorizes, or 1544
approves of assisted suicide, as defined in section 3795.01 of 1545
the Revised Code, or any action that is considered mercy killing 1546
or euthanasia. 1547

Section 2. That existing sections 4729.01, 4729.291, 1548
4729.51, 4729.57, 4731.22, and 4731.227 of the Revised Code are 1549
hereby repealed. 1550

Section 3. Section 4729.01 of the Revised Code is 1551
presented in this act as a composite of the section as amended 1552
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 1553
Assembly. The General Assembly, applying the principle stated in 1554

division (B) of section 1.52 of the Revised Code that amendments	1555
are to be harmonized if reasonably capable of simultaneous	1556
operation, finds that the composite is the resulting version of	1557
the section in effect prior to the effective date of the section	1558
as presented in this act.	1559