

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 39**

**Representatives Duffey, DeVitis**

**Cosponsors: Representatives Butler, Thompson, Roegner, Dever, LaTourette,  
Blessing, Landis, Gonzales, Perales, Hagan, Retherford, Cera, Hill, Hall, Reece,  
Bishoff, Stinziano, Fedor**

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**A BILL**

To amend sections 3313.713, 4729.51, and 4729.60 1  
and to enact sections 3313.7113, 3313.7114, 2  
3314.144, 3326.30, 3328.30, and 5101.77 of the 3  
Revised Code to permit schools and camps to 4  
procure and use a metered dose inhaler or dry 5  
powdered inhaler used to alleviate asthmatic 6  
symptoms in accordance with prescribed policies 7  
and to exempt them from licensing requirements 8  
related to the possession of these inhalers. 9

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

**Section 1.** That sections 3313.713, 4729.51, and 4729.60 be 10  
amended and sections 3313.7113, 3313.7114, 3314.144, 3326.30, 11  
3328.30, and 5101.77 of the Revised Code be enacted to read as 12  
follows: 13

**Sec. 3313.713.** (A) As used in this section: 14

(1) "Drug" means a drug, as defined in section 4729.01 of 15  
the Revised Code, that is to be administered pursuant to the 16  
instructions of the prescriber, whether or not required by law 17

to be sold only upon a prescription. 18

(2) "Federal law" means the "Individuals with Disabilities 19  
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as 20  
amended. 21

(3) "Prescriber" has the same meaning as in section 22  
4729.01 of the Revised Code. 23

(B) The board of education of each city, local, exempted 24  
village, and joint vocational school district shall adopt a 25  
policy on the authority of its employees, when acting in 26  
situations other than those governed by sections 2305.23, 27  
2305.231, 3313.712, ~~and~~ 3313.7110, 3313.7112, and 3313.7113 of 28  
the Revised Code, to administer drugs prescribed to students 29  
enrolled in the schools of the district. The policy shall 30  
provide either that: 31

(1) Except as otherwise required by federal law, no person 32  
employed by the board shall, in the course of such employment, 33  
administer any drug prescribed to any student enrolled in the 34  
schools of the district. 35

(2) Designated persons employed by the board are 36  
authorized to administer to a student a drug prescribed for the 37  
student. Effective July 1, 2011, only employees of the board who 38  
are licensed health professionals, or who have completed a drug 39  
administration training program conducted by a licensed health 40  
professional and considered appropriate by the board, may 41  
administer to a student a drug prescribed for the student. 42  
Except as otherwise provided by federal law, the board's policy 43  
may provide that certain drugs or types of drugs shall not be 44  
administered or that no employee shall use certain procedures, 45  
such as injection, to administer a drug to a student. 46

(C) No drug prescribed for a student shall be administered 47  
pursuant to federal law or a policy adopted under division (B) 48  
of this section until the following occur: 49

(1) The board, or a person designated by the board, 50  
receives a written request, signed by the parent, guardian, or 51  
other person having care or charge of the student, that the drug 52  
be administered to the student. 53

(2) The board, or a person designated by the board, 54  
receives a statement, signed by the prescriber, that includes 55  
all of the following information: 56

(a) The name and address of the student; 57

(b) The school and class in which the student is enrolled; 58

(c) The name of the drug and the dosage to be 59  
administered; 60

(d) The times or intervals at which each dosage of the 61  
drug is to be administered; 62

(e) The date the administration of the drug is to begin; 63

(f) The date the administration of the drug is to cease; 64

(g) Any severe adverse reactions that should be reported 65  
to the prescriber and one or more phone numbers at which the 66  
prescriber can be reached in an emergency; 67

(h) Special instructions for administration of the drug, 68  
including sterile conditions and storage. 69

(3) The parent, guardian, or other person having care or 70  
charge of the student agrees to submit a revised statement 71  
signed by the prescriber to the board or a person designated by 72  
the board if any of the information provided by the prescriber 73

pursuant to division (C)(2) of this section changes. 74

(4) The person authorized by the board to administer the 75  
drug receives a copy of the statement required by division (C) 76  
(2) or (3) of this section. 77

(5) The drug is received by the person authorized to 78  
administer the drug to the student for whom the drug is 79  
prescribed in the container in which it was dispensed by the 80  
prescriber or a licensed pharmacist. 81

(6) Any other procedures required by the board are 82  
followed. 83

(D) If a drug is administered to a student, the board of 84  
education shall acquire and retain copies of the written 85  
requests required by division (C)(1) and the statements required 86  
by divisions (C)(2) and (3) of this section and shall ensure 87  
that by the next school day following the receipt of any such 88  
statement a copy is given to the person authorized to administer 89  
drugs to the student for whom the statement has been received. 90  
The board, or a person designated by the board, shall establish 91  
a location in each school building for the storage of drugs to 92  
be administered under this section and federal law. All such 93  
drugs shall be stored in that location in a locked storage 94  
place, except that drugs that require refrigeration may be kept 95  
in a refrigerator in a place not commonly used by students. 96

(E) No person who has been authorized by a board of 97  
education to administer a drug and has a copy of the most recent 98  
statement required by division (C)(2) or (3) of this section 99  
given to the person in accordance with division (D) of this 100  
section prior to administering the drug is liable in civil 101  
damages for administering or failing to administer the drug, 102

unless such person acts in a manner that constitutes gross 103  
negligence or wanton or reckless misconduct. 104

(F) A board of education may designate a person or persons 105  
to perform any function or functions in connection with a drug 106  
policy adopted under this section either by name or by position, 107  
training, qualifications, or similar distinguishing factors. 108

(G) A policy adopted by a board of education pursuant to 109  
this section may be changed, modified, or revised by action of 110  
the board. 111

(H) Nothing in this section shall be construed to require 112  
a person employed by a board of education to administer a drug 113  
to a student unless the board's policy adopted in compliance 114  
with this section establishes such a requirement. A board shall 115  
not require an employee to administer a drug to a student if the 116  
employee objects, on the basis of religious convictions, to 117  
administering the drug. 118

Nothing in this section affects the application of section 119  
2305.23, 2305.231, 3313.712, ~~or~~ 3313.7110, 3313.7112, or 120  
3313.7113 of the Revised Code to the administration of emergency 121  
care or treatment to a student. 122

Nothing in this section affects the ability of a public or 123  
nonpublic school to participate in a school-based fluoride mouth 124  
rinse program established by the director of health pursuant to 125  
section 3701.136 of the Revised Code. Nothing in this section 126  
affects the ability of a person who is employed by, or who 127  
volunteers for, a school that participates in such a program to 128  
administer fluoride mouth rinse to a student in accordance with 129  
section 3701.136 of the Revised Code and any rules adopted by 130  
the director under that section. 131

Sec. 3313.7113. (A) As used in this section, "inhaler" 132  
means a metered dose inhaler or dry powdered inhaler used to 133  
alleviate asthmatic symptoms. 134

(B) The board of education of each city, local, exempted 135  
village, or joint vocational school district may procure 136  
inhalers for each school operated by the district to have on the 137  
school premises for use in emergency situations identified under 138  
division (D) (5) of this section. A district board that elects to 139  
procure inhalers under this section is encouraged to maintain, 140  
at all times, at least two inhalers at each school operated by 141  
the district. 142

(C) A district board that elects to procure inhalers under 143  
this section shall require the district's superintendent to 144  
adopt a policy governing their maintenance and use. Before 145  
adopting the policy, the superintendent shall consult with a 146  
licensed health professional authorized to prescribe drugs, as 147  
defined in section 4729.01 of the Revised Code. 148

(D) A component of a policy adopted by a superintendent 149  
under division (C) of this section shall be a prescriber-issued 150  
protocol specifying definitive orders for inhalers and the 151  
dosages of medication to be administered through them. The 152  
policy also shall do all of the following: 153

(1) Identify the one or more locations in each school 154  
operated by the district in which an inhaler must be stored; 155

(2) Specify the conditions under which an inhaler must be 156  
stored, replaced, and disposed; 157

(3) Specify the individuals employed by or under contract 158  
with the district board, in addition to a school nurse licensed 159  
under section 3319.221 of the Revised Code or an athletic 160

trainer licensed under Chapter 4755. of the Revised Code, who 161  
may access and use an inhaler to provide a dosage of medication 162  
to an individual in an emergency situation identified under 163  
division (D) (5) of this section; 164

(4) Specify any training that employees or contractors 165  
specified under division (D) (3) of this section, other than a 166  
school nurse or athletic trainer, must complete before being 167  
authorized to access and use an inhaler; 168

(5) Identify the emergency situations, including when an 169  
individual exhibits signs and symptoms of asthma, in which a 170  
school nurse, athletic trainer, or other employees or 171  
contractors specified under division (C) (3) of this section may 172  
access and use an inhaler; 173

(6) Specify that assistance from an emergency medical 174  
service provider must be requested immediately after an inhaler 175  
is used; 176

(7) Specify the individuals, in addition to students, 177  
school employees or contractors, and school visitors, to whom a 178  
dosage of medication may be administered through an inhaler in 179  
an emergency situation specified under division (D) (5) of this 180  
section. 181

(E) A school or school district, a member of a district 182  
board of education, or a district or school employee or 183  
contractor is not liable in damages in a civil action for 184  
injury, death, or loss to person or property that allegedly 185  
arises from an act or omission associated with procuring, 186  
maintaining, accessing, or using an inhaler under this section, 187  
unless the act or omission constitutes willful or wanton 188  
misconduct. 189

This section does not eliminate, limit, or reduce any 190  
other immunity or defense that a school or school district, 191  
member of a district board of education, or district or school 192  
employee or contractor may be entitled to under Chapter 2744. or 193  
any other provision of the Revised Code or under the common law 194  
of this state. 195

(F) A school district board of education may accept 196  
donations of inhalers from a wholesale distributor of dangerous 197  
drugs or a manufacturer of dangerous drugs, as defined in 198  
section 4729.01 of the Revised Code, and may accept donations of 199  
money from any person to purchase inhalers. 200

(G) A district board that elects to procure inhalers under 201  
this section shall report to the department of education each 202  
procurement and occurrence in which an inhaler is used from a 203  
school's supply of inhalers. 204

**Sec. 3313.7114.** (A) As used in this section, "inhaler" 205  
means a metered dose inhaler or dry powdered inhaler used to 206  
alleviate asthmatic symptoms. 207

(B) With the approval of its governing authority, a 208  
chartered or nonchartered nonpublic school may procure inhalers 209  
in the manner prescribed by section 3313.7113 of the Revised 210  
Code. A chartered or nonchartered nonpublic school that elects 211  
to do so shall comply with all provisions of that section as if 212  
it were a school district. 213

(C) A chartered or nonchartered nonpublic school, a member 214  
of a chartered or nonchartered nonpublic school governing 215  
authority, or an employee or contractor of the school is not 216  
liable in damages in a civil action for injury, death, or loss 217  
to person or property that allegedly arises from an act or 218

omission associated with procuring, maintaining, accessing, or 219  
using an inhaler under this section, unless the act or omission 220  
constitutes willful or wanton misconduct. 221

(D) A chartered or nonchartered nonpublic school may 222  
accept donations of inhalers from a wholesale distributor of 223  
dangerous drugs or a manufacturer of dangerous drugs, as defined 224  
in section 4729.01 of the Revised Code, and may accept donations 225  
of money from any person to purchase inhalers. 226

(E) A chartered or nonchartered nonpublic school that 227  
elects to procure inhalers under this section shall report to 228  
the department of education each procurement and occurrence in 229  
which an inhaler is used from the school's supply of inhalers. 230

**Sec. 3314.144.** (A) As used in this section, "inhaler" 231  
means a metered dose inhaler or dry powdered inhaler used to 232  
alleviate asthmatic symptoms. 233

(B) With the approval of its governing authority, a 234  
community school may procure inhalers in the manner prescribed 235  
by section 3313.7113 of the Revised Code. A community school 236  
that elects to do so shall comply with all provisions of that 237  
section as if it were a school district. 238

(C) A community school, a member of a community school 239  
governing authority, or a community school employee or 240  
contractor is not liable in damages in a civil action for 241  
injury, death, or loss to person or property that allegedly 242  
arises from an act or omission associated with procuring, 243  
maintaining, accessing, or using an inhaler under this section, 244  
unless the act or omission constitutes willful or wanton 245  
misconduct. 246

This division does not eliminate, limit, or reduce any 247

other immunity or defense that a community school or governing authority, member of a community school governing authority, or community school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 248  
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(D) A community school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers. 253  
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(E) A community school that elects to procure inhalers under this section shall report to the department of education each procurement and occurrence in which an inhaler is used from the school's supply of inhalers. 258  
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**Sec. 3326.30.** (A) As used in this section, "inhaler" means a metered dose inhaler or dry powdered inhaler used to alleviate asthmatic symptoms. 262  
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(B) With the approval of its governing body, a STEM school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A STEM school that elects to do so shall comply with all provisions of that section as if it were a school district. 265  
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(C) A STEM school, a member of a STEM school governing body, or a STEM school employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct. 270  
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This division does not eliminate, limit, or reduce any 277  
other immunity or defense that a STEM school or governing body, 278  
member of a STEM school governing body, or STEM school employee 279  
or contractor may be entitled to under Chapter 2744. or any 280  
other provision of the Revised Code or under the common law of 281  
this state. 282

(D) A STEM school may accept donations of inhalers from a 283  
wholesale distributor of dangerous drugs or a manufacturer of 284  
dangerous drugs, as defined in section 4729.01 of the Revised 285  
Code, and may accept donations of money from any person to 286  
purchase inhalers. 287

(E) A STEM school that elects to procure inhalers under 288  
this section shall report to the department of education each 289  
procurement and occurrence in which an inhaler is used from the 290  
school's supply of inhalers. 291

**Sec. 3328.30.** (A) As used in this section, "inhaler" means 292  
a metered dose inhaler or dry powdered inhaler used to alleviate 293  
asthmatic symptoms. 294

(B) With the approval of its board of trustees, a college- 295  
preparatory boarding school may procure inhalers in the manner 296  
prescribed by section 3313.7113 of the Revised Code. A college- 297  
preparatory boarding school that elects to do so shall comply 298  
with all provisions of that section as if it were a school 299  
district. 300

(C) A college-preparatory boarding school, a member of a 301  
college-preparatory boarding school board of trustees, or a 302  
college-preparatory boarding school employee or contractor is 303  
not liable in damages in a civil action for injury, death, or 304  
loss to person or property that allegedly arises from an act or 305

omission associated with procuring, maintaining, accessing, or 306  
using an inhaler under this section, unless the act or omission 307  
constitutes willful or wanton misconduct. 308

This division does not eliminate, limit, or reduce any 309  
other immunity or defense that a college-preparatory boarding 310  
school or board of trustees, member of a college-preparatory 311  
boarding school board of trustees, or college-preparatory 312  
boarding school employee or contractor may be entitled to under 313  
Chapter 2744. or any other provision of the Revised Code or 314  
under the common law of this state. 315

(D) A college-preparatory boarding school may accept 316  
donations of inhalers from a wholesale distributor of dangerous 317  
drugs or a manufacturer of dangerous drugs, as defined in 318  
section 4729.01 of the Revised Code, and may accept donations of 319  
money from any person to purchase inhalers. 320

(E) A college-preparatory boarding school that elects to 321  
procure inhalers under this section shall report to the 322  
department of education each procurement and occurrence in which 323  
an inhaler is used from a school's supply of inhalers. 324

**Sec. 4729.51.** (A) (1) Except as provided in division (A) (2) 325  
of this section, no person other than a registered wholesale 326  
distributor of dangerous drugs shall possess for sale, sell, 327  
distribute, or deliver, at wholesale, dangerous drugs, except as 328  
follows: 329

(a) A pharmacist who is a licensed terminal distributor of 330  
dangerous drugs or who is employed by a licensed terminal 331  
distributor of dangerous drugs may make occasional sales of 332  
dangerous drugs at wholesale; 333

(b) A licensed terminal distributor of dangerous drugs 334

having more than one establishment or place may transfer or 335  
deliver dangerous drugs from one establishment or place for 336  
which a license has been issued to the terminal distributor to 337  
another establishment or place for which a license has been 338  
issued to the terminal distributor if the license issued for 339  
each establishment or place is in effect at the time of the 340  
transfer or delivery. 341

(2) A manufacturer of dangerous drugs may donate 342  
epinephrine autoinjectors, metered dose inhalers used to 343  
alleviate asthmatic symptoms, and dry powdered inhalers used to 344  
alleviate asthmatic symptoms to any of the following: 345

(a) The board of education of a city, local, exempted 346  
village, or joint vocational school district; 347

(b) A community school established under Chapter 3314. of 348  
the Revised Code; 349

(c) A STEM school established under Chapter 3326. of the 350  
Revised Code; 351

(d) A college-preparatory boarding school established 352  
under Chapter 3328. of the Revised Code; 353

(e) A chartered or nonchartered nonpublic school. 354

(B) (1) No registered wholesale distributor of dangerous 355  
drugs shall possess for sale, or sell, at wholesale, dangerous 356  
drugs to any person other than the following: 357

(a) Except as provided in division (B) (2) (a) of this 358  
section, a licensed health professional authorized to prescribe 359  
drugs; 360

(b) An optometrist licensed under Chapter 4725. of the 361  
Revised Code who holds a topical ocular pharmaceutical agents 362

certificate;	363
(c) A registered wholesale distributor of dangerous drugs;	364
(d) A manufacturer of dangerous drugs;	365
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	366 367
(f) Carriers or warehouses for the purpose of carriage or storage;	368 369
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	370 371 372
(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 education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	373 374 375 376 377 378 379 380 381
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	382 383 384 385 386 387
(j) Except as provided in division (B) (2) (b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited	388 389 390

liability company formed under Chapter 1705. of the Revised 391  
Code, or a professional association formed under Chapter 1785. 392  
of the Revised Code if the entity has a sole shareholder who is 393  
a licensed health professional authorized to prescribe drugs and 394  
is authorized to provide the professional services being offered 395  
by the entity; 396

(k) Except as provided in division (B)(2)(c) of this 397  
section, a business entity that is a corporation formed under 398  
division (B) of section 1701.03 of the Revised Code, a limited 399  
liability company formed under Chapter 1705. of the Revised 400  
Code, a partnership or a limited liability partnership formed 401  
under Chapter 1775. of the Revised Code, or a professional 402  
association formed under Chapter 1785. of the Revised Code, if, 403  
to be a shareholder, member, or partner, an individual is 404  
required to be licensed, certified, or otherwise legally 405  
authorized under Title XLVII of the Revised Code to perform the 406  
professional service provided by the entity and each such 407  
individual is a licensed health professional authorized to 408  
prescribe drugs; 409

(l) With respect to epinephrine autoinjectors that may be 410  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 411  
or 3328.29 of the Revised Code, any of the following: the board 412  
of education of a city, local, exempted village, or joint 413  
vocational school district; a chartered or nonchartered 414  
nonpublic school; a community school established under Chapter 415  
3314. of the Revised Code; a STEM school established under 416  
Chapter 3326. of the Revised Code; or a college-preparatory 417  
boarding school established under Chapter 3328. of the Revised 418  
Code; 419

(m) With respect to epinephrine autoinjectors that may be 420

possessed under section 5101.76 of the Revised Code, any of the 421  
following: a residential camp, as defined in section 2151.011 of 422  
the Revised Code; a child day camp, as defined in section 423  
5104.01 of the Revised Code; or a child day camp operated by any 424  
county, township, municipal corporation, township park district 425  
created under section 511.18 of the Revised Code, park district 426  
created under section 1545.04 of the Revised Code, or joint 427  
recreation district established under section 755.14 of the 428  
Revised Code; 429

(n) With respect to naloxone that may be possessed under 430  
section 2925.61 of the Revised Code, a law enforcement agency 431  
and its peace officers; 432

(o) With respect to inhalers that may be possessed under 433  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 434  
the Revised Code, any of the following: the board of education 435  
of a city, local, exempted village, or joint vocational school 436  
district; a chartered or nonchartered nonpublic school; a 437  
community school established under Chapter 3314. of the Revised 438  
Code; a STEM school established under Chapter 3326. of the 439  
Revised Code; or a college-preparatory boarding school 440  
established under Chapter 3328. of the Revised Code; 441

(p) With respect to inhalers that may be possessed under 442  
section 5101.77 of the Revised Code, any of the following: a 443  
residential camp, as defined in section 2151.011 of the Revised 444  
Code; a child day camp, as defined in section 5104.01 of the 445  
Revised Code; or a child day camp operated by any county, 446  
township, municipal corporation, township park district created 447  
under section 511.18 of the Revised Code, park district created 448  
under section 1545.04 of the Revised Code, or joint recreation 449  
district established under section 755.14 of the Revised Code. 450

(2) No registered wholesale distributor of dangerous drugs 451  
shall possess for sale, or sell, at wholesale, dangerous drugs 452  
to any of the following: 453

(a) A prescriber who is employed by a pain management 454  
clinic that is not licensed as a terminal distributor of 455  
dangerous drugs with a pain management clinic classification 456  
issued under section 4729.552 of the Revised Code; 457

(b) A business entity described in division (B)(1)(j) of 458  
this section that is, or is operating, a pain management clinic 459  
without a license as a terminal distributor of dangerous drugs 460  
with a pain management clinic classification issued under 461  
section 4729.552 of the Revised Code; 462

(c) A business entity described in division (B)(1)(k) of 463  
this section that is, or is operating, a pain management clinic 464  
without a license as a terminal distributor of dangerous drugs 465  
with a pain management clinic classification issued under 466  
section 4729.552 of the Revised Code. 467

(3) No registered wholesale distributor of dangerous drugs 468  
shall possess dangerous drugs for sale at wholesale, or sell 469  
such drugs at wholesale, to a licensed terminal distributor of 470  
dangerous drugs, except as follows: 471

(a) In the case of a terminal distributor with a category 472  
I license, only dangerous drugs described in category I, as 473  
defined in division (A)(1) of section 4729.54 of the Revised 474  
Code; 475

(b) In the case of a terminal distributor with a category 476  
II license, only dangerous drugs described in category I and 477  
category II, as defined in divisions (A)(1) and (2) of section 478  
4729.54 of the Revised Code; 479

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

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

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

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

(3) Except as provided in division (C) (4) of this section,  
no person shall possess dangerous drugs.

(4) Divisions (C) (1), (2), and (3) of this section do not  
apply to a registered wholesale distributor of dangerous drugs,  
a licensed terminal distributor of dangerous drugs, or a person  
who possesses, or possesses for sale or sells, at retail, a  
dangerous drug in accordance with Chapters 3719., 4715., 4723.,  
4725., 4729., 4730., 4731., and 4741. of the Revised Code.

Divisions (C) (1), (2), and (3) of this section do not  
apply to 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 to  
the extent that the individual possesses insulin or personally  
supplies insulin solely for the purpose of diabetes education

and only if diabetes education is within the individual's scope 509  
of practice under statutes and rules regulating the individual's 510  
profession. 511

Divisions (C)(1), (2), and (3) of this section do not 512  
apply to an individual who holds a valid certificate issued by a 513  
nationally recognized S.C.U.B.A. diving certifying organization 514  
approved by the state board of pharmacy in rule, but only to the 515  
extent that the individual possesses medical oxygen or 516  
personally supplies medical oxygen for the purpose of emergency 517  
care or treatment at the scene of a diving emergency. 518

Division (C)(3) of this section does not apply to the 519  
board of education of a city, local, exempted village, or joint 520  
vocational school district, a school building operated by a 521  
school district board of education, a chartered or nonchartered 522  
nonpublic school, a community school, a STEM school, or a 523  
college-preparatory boarding school for the purpose of 524  
possessing epinephrine autoinjectors under section 3313.7110, 525  
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 526  
for the purpose of possessing metered dose inhalers and dry 527  
powdered inhalers used to alleviate asthmatic symptoms under 528  
sections 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 529  
the Revised Code. 530

Division (C)(3) of this section does not apply to a 531  
residential camp, as defined in section 2151.011 of the Revised 532  
Code, a child day camp, as defined in section 5104.01 of the 533  
Revised Code, or a child day camp operated by any county, 534  
township, municipal corporation, township park district created 535  
under section 511.18 of the Revised Code, park district created 536  
under section 1545.04 of the Revised Code, or joint recreation 537  
district established under section 755.14 of the Revised Code 538

for the purpose of possessing epinephrine autoinjectors under 539  
section 5101.76 of the Revised Code and for the purpose of 540  
possessing metered dose inhalers and dry powdered inhalers used 541  
to alleviate asthmatic symptoms under section 5101.77 of the 542  
Revised Code. 543

Division (C) (3) of this section does not apply to a law 544  
enforcement agency or the agency's peace officers if the agency 545  
or officers possess naloxone for administration to individuals 546  
who are apparently experiencing opioid-related overdoses. 547

(D) No licensed terminal distributor of dangerous drugs 548  
shall purchase for the purpose of resale dangerous drugs from 549  
any person other than a registered wholesale distributor of 550  
dangerous drugs, except as follows: 551

(1) A licensed terminal distributor of dangerous drugs may 552  
make occasional purchases of dangerous drugs for resale from a 553  
pharmacist who is a licensed terminal distributor of dangerous 554  
drugs or who is employed by a licensed terminal distributor of 555  
dangerous drugs; 556

(2) A licensed terminal distributor of dangerous drugs 557  
having more than one establishment or place may transfer or 558  
receive dangerous drugs from one establishment or place for 559  
which a license has been issued to the terminal distributor to 560  
another establishment or place for which a license has been 561  
issued to the terminal distributor if the license issued for 562  
each establishment or place is in effect at the time of the 563  
transfer or receipt. 564

(E) No licensed terminal distributor of dangerous drugs 565  
shall engage in the sale or other distribution of dangerous 566  
drugs at retail or maintain possession, custody, or control of 567

dangerous drugs for any purpose other than the distributor's 568  
personal use or consumption, at any establishment or place other 569  
than that or those described in the license issued by the state 570  
board of pharmacy to such terminal distributor. 571

(F) Nothing in this section shall be construed to 572  
interfere with the performance of official duties by any law 573  
enforcement official authorized by municipal, county, state, or 574  
federal law to collect samples of any drug, regardless of its 575  
nature or in whose possession it may be. 576

(G) Notwithstanding anything to the contrary in this 577  
section, the board of education of a city, local, exempted 578  
village, or joint vocational school district may deliver 579  
epinephrine autoinjectors to a school under its control for the 580  
purpose of possessing epinephrine autoinjectors under section 581  
3313.7110 of the Revised Code. 582

(H) Notwithstanding anything to the contrary in this 583  
section, the board of education of a city, local, exempted 584  
village, or joint vocational school district may deliver metered 585  
dose inhalers and dry powdered inhalers used to alleviate 586  
asthmatic symptoms to a school under its control for the purpose 587  
of possessing those inhalers under section 3313.7113 of the 588  
Revised Code. 589

**Sec. 4729.60.** (A) Before a registered wholesale 590  
distributor of dangerous drugs may sell dangerous drugs at 591  
wholesale to any person, other than the persons specified in 592  
divisions (B) (1) (a) to (d), (f) to (h), (l), ~~and~~ (m), (o), and 593  
(p) of section 4729.51 of the Revised Code, such wholesale 594  
distributor shall obtain from the purchaser and the purchaser 595  
shall furnish to the wholesale distributor a certificate 596  
indicating that the purchaser is a licensed terminal distributor 597

of dangerous drugs. The certificate shall be in the form that 598  
the state board of pharmacy shall prescribe, and shall set forth 599  
the name of the licensee, the number of the license, a 600  
description of the place or establishment or each place or 601  
establishment for which the license was issued, the category of 602  
licensure, and, if the license is a limited category I, II, or 603  
III license, the dangerous drugs that the licensee is authorized 604  
to possess, have custody or control of, and distribute. 605

If no certificate is obtained or furnished before a sale 606  
is made, it shall be presumed that the sale of dangerous drugs 607  
by the wholesale distributor is in violation of division (B) of 608  
section 4729.51 of the Revised Code and the purchase of 609  
dangerous drugs by the purchaser is in violation of division (C) 610  
of section 4729.51 of the Revised Code. If a registered 611  
wholesale distributor of dangerous drugs obtains or is furnished 612  
a certificate from a terminal distributor of dangerous drugs and 613  
relies on the certificate in selling dangerous drugs at 614  
wholesale to the terminal distributor of dangerous drugs, the 615  
wholesale distributor of dangerous drugs shall be deemed not to 616  
have violated division (B) of section 4729.51 of the Revised 617  
Code in making the sale. 618

(B) Before a licensed terminal distributor of dangerous 619  
drugs may purchase dangerous drugs at wholesale, the terminal 620  
distributor shall obtain from the seller and the seller shall 621  
furnish to the terminal distributor the number of the seller's 622  
registration certificate to engage in the sale of dangerous 623  
drugs at wholesale. 624

If no registration number is obtained or furnished before 625  
a purchase is made, it shall be presumed that the purchase of 626  
dangerous drugs by the terminal distributor is in violation of 627

division (D) of section 4729.51 of the Revised Code and the sale 628  
of dangerous drugs by the seller is in violation of division (A) 629  
of section 4729.51 of the Revised Code. If a licensed terminal 630  
distributor of dangerous drugs obtains or is furnished a 631  
registration number from a wholesale distributor of dangerous 632  
drugs and relies on the registration number in purchasing 633  
dangerous drugs at wholesale from the wholesale distributor of 634  
dangerous drugs, the terminal distributor shall be deemed not to 635  
have violated division (D) of section 4729.51 of the Revised 636  
Code in making the purchase. 637

Sec. 5101.77. (A) As used in this section, "inhaler" means 638  
a metered dose inhaler or dry powdered inhaler used to alleviate 639  
asthmatic symptoms. 640

(B) A residential camp, as defined in section 2151.011 of 641  
the Revised Code, a child day camp, as defined in section 642  
5104.01 of the Revised Code, or a child day camp operated by any 643  
county, township, municipal corporation, township park district 644  
created under section 511.18 of the Revised Code, park district 645  
created under section 1545.04 of the Revised Code, or joint 646  
recreation district established under section 755.14 of the 647  
Revised Code may procure inhalers for use in emergency 648  
situations identified under division (D) (5) of this section. A 649  
camp that elects to procure inhalers under this section is 650  
encouraged to maintain at least two inhalers at all times. 651

(C) A camp that elects to procure inhalers under this 652  
section shall adopt a policy governing their maintenance and 653  
use. Before adopting the policy, the camp shall consult with a 654  
licensed health professional authorized to prescribe drugs, as 655  
defined in section 4729.01 of the Revised Code. 656

(D) A component of a policy adopted by a camp under 657

division (C) of this section shall be a prescriber-issued 658  
protocol specifying definitive orders for inhalers and the 659  
dosages of medication to be administered through them. The 660  
policy also shall do all of the following: 661

(1) Identify the one or more locations in which an inhaler 662  
must be stored; 663

(2) Specify the conditions under which an inhaler must be 664  
stored, replaced, and disposed; 665

(3) Specify the individuals employed by or under contract 666  
with the camp who may access and use an inhaler to provide a 667  
dosage of medication to an individual in an emergency situation 668  
identified under division (D)(5) of this section; 669

(4) Specify any training that employees or contractors 670  
specified under division (D)(3) of this section must complete 671  
before being authorized to access and use an inhaler; 672

(5) Identify the emergency situations, including when an 673  
individual exhibits signs and symptoms of asthma, in which 674  
employees or contractors specified under division (D)(3) of this 675  
section may access and use an inhaler; 676

(6) Specify that assistance from an emergency medical 677  
service provider must be requested immediately after an inhaler 678  
is used; 679

(7) Specify the individuals to whom a dosage of medication 680  
may be administered through an inhaler in an emergency situation 681  
specified under division (D)(5) of this section. 682

(E) A camp or camp employee or contractor is not liable in 683  
damages in a civil action for injury, death, or loss to person 684  
or property that allegedly arises from an act or omission 685

associated with procuring, maintaining, accessing, or using an 686  
inhaler under this section, unless the act or omission 687  
constitutes willful or wanton misconduct. 688

This section does not eliminate, limit, or reduce any 689  
other immunity or defense that a camp or camp employee or 690  
contractor may be entitled to under Chapter 2744. or any other 691  
provision of the Revised Code or under the common law of this 692  
state. 693

(F) A camp may accept donations of inhalers from a 694  
wholesale distributor of dangerous drugs, as defined in section 695  
4729.01 of the Revised Code, and may accept donations of money 696  
from any person to purchase inhalers. 697

(G) A camp that elects to procure inhalers under this 698  
section shall report to the department of job and family 699  
services each procurement and occurrence in which an inhaler is 700  
used from a camp's supply of inhalers. 701

**Section 2.** That existing sections 3313.713, 4729.51, and 702  
4729.60 of the Revised Code are hereby repealed. 703

**Section 3.** Section 3313.713 of the Revised Code is 704  
presented in this act as a composite of the section as amended 705  
by both Sub. H.B. 264 and Sub. H.B. 296 of the 130th General 706  
Assembly. The General Assembly, applying the principle stated in 707  
division (B) of section 1.52 of the Revised Code that amendments 708  
are to be harmonized if reasonably capable of simultaneous 709  
operation, finds that the composite is the resulting version of 710  
the section in effect prior to the effective date of the section 711  
as presented in this act. 712