

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Am. Sub. H. B. No. 341

Representative Ginter

Cosponsors: Representatives Seitz, Blair, Lightbody, Koehler, Liston, Abrams, Brent, Brown, Callender, Carfagna, Carruthers, Crawley, Crossman, Cupp, Denson, Edwards, Fraizer, Galonski, Hambley, Hicks-Hudson, Hillyer, Holmes, A., Kick, Lanese, LaRe, Leland, Lepore-Hagan, Manning, D., Manning, G., McClain, Miller, J., O'Brien, Patterson, Perales, Richardson, Riedel, Robinson, Roemer, Rogers, Romanchuk, Russo, Scherer, Sheehy, Smith, T., Sobecki, Stein, Swearingen, Sweeney, Upchurch, Weinstein, West, Wiggam

Senators Huffman, S., Antonio, Blessing, Burke, Craig, Dolan, Eklund, Gavarone, Hoagland, Johnson, Kunze, Lehner, Manning, McColley, Obhof, O'Brien, Peterson, Schaffer, Thomas, Williams, Wilson, Yuko

A BILL

To amend sections 121.22, 2925.01, 2925.61, 1
4723.50, 4723.52, 4729.01, 4729.29, 4729.44, 2
4729.45, 4729.51, 4729.514, 4729.541, 4729.553, 3
4729.80, 4730.56, and 4731.83; to amend, for the 4
purpose of adopting new section numbers as 5
indicated in parentheses, sections 4723.486 6
(4723.488), 4723.488 (4723.484), and 4730.431 7
(4730.434); and to enact new section 4723.486 8
and sections 4723.485, 4729.515, 4730.435, and 9
4730.436 of the Revised Code regarding the 10
administration of addiction treatment drugs, 11
federal agency access to the Ohio Automated Rx 12
Reporting System, the Board of Pharmacy's 13
exemption from open meetings requirements, the 14
occasional sale of certain drugs at wholesale, 15
and naloxone access and education. 16

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

Section 1. That sections 121.22, 2925.01, 2925.61, 17
4723.50, 4723.52, 4729.01, 4729.29, 4729.44, 4729.45, 4729.51, 18
4729.514, 4729.541, 4729.553, 4729.80, 4730.56, and 4731.83 be 19
amended; sections 4723.486 (4723.488), 4723.488 (4723.484), and 20
4730.431 (4730.434) be amended for the purpose of adopting new 21
section numbers as indicated in parentheses; and new section 22
4723.486 and sections 4723.485, 4729.515, 4730.435, and 4730.436 23
of the Revised Code be enacted to read as follows: 24

Sec. 121.22. (A) This section shall be liberally construed 25
to require public officials to take official action and to 26
conduct all deliberations upon official business only in open 27
meetings unless the subject matter is specifically excepted by 28
law. 29

(B) As used in this section: 30

(1) "Public body" means any of the following: 31

(a) Any board, commission, committee, council, or similar 32
decision-making body of a state agency, institution, or 33
authority, and any legislative authority or board, commission, 34
committee, council, agency, authority, or similar decision- 35
making body of any county, township, municipal corporation, 36
school district, or other political subdivision or local public 37
institution; 38

(b) Any committee or subcommittee of a body described in 39
division (B) (1) (a) of this section; 40

(c) A court of jurisdiction of a sanitary district 41
organized wholly for the purpose of providing a water supply for 42

domestic, municipal, and public use when meeting for the purpose 43
of the appointment, removal, or reappointment of a member of the 44
board of directors of such a district pursuant to section 45
6115.10 of the Revised Code, if applicable, or for any other 46
matter related to such a district other than litigation 47
involving the district. As used in division (B)(1)(c) of this 48
section, "court of jurisdiction" has the same meaning as "court" 49
in section 6115.01 of the Revised Code. 50

(2) "Meeting" means any prearranged discussion of the 51
public business of the public body by a majority of its members. 52

(3) "Regulated individual" means either of the following: 53

(a) A student in a state or local public educational 54
institution; 55

(b) A person who is, voluntarily or involuntarily, an 56
inmate, patient, or resident of a state or local institution 57
because of criminal behavior, mental illness, an intellectual 58
disability, disease, disability, age, or other condition 59
requiring custodial care. 60

(4) "Public office" has the same meaning as in section 61
149.011 of the Revised Code. 62

(C) All meetings of any public body are declared to be 63
public meetings open to the public at all times. A member of a 64
public body shall be present in person at a meeting open to the 65
public to be considered present or to vote at the meeting and 66
for purposes of determining whether a quorum is present at the 67
meeting. 68

The minutes of a regular or special meeting of any public 69
body shall be promptly prepared, filed, and maintained and shall 70
be open to public inspection. The minutes need only reflect the 71

general subject matter of discussions in executive sessions	72
authorized under division (G) or (J) of this section.	73
(D) This section does not apply to any of the following:	74
(1) A grand jury;	75
(2) An audit conference conducted by the auditor of state	76
or independent certified public accountants with officials of	77
the public office that is the subject of the audit;	78
(3) The adult parole authority when its hearings are	79
conducted at a correctional institution for the sole purpose of	80
interviewing inmates to determine parole or pardon and the	81
department of rehabilitation and correction when its hearings	82
are conducted at a correctional institution for the sole purpose	83
of making determinations under section 2967.271 of the Revised	84
Code regarding the release or maintained incarceration of an	85
offender to whom that section applies;	86
(4) The organized crime investigations commission	87
established under section 177.01 of the Revised Code;	88
(5) Meetings of a child fatality review board established	89
under section 307.621 of the Revised Code, meetings related to a	90
review conducted pursuant to guidelines established by the	91
director of health under section 3701.70 of the Revised Code,	92
and meetings conducted pursuant to sections 5153.171 to 5153.173	93
of the Revised Code;	94
(6) The state medical board when determining whether to	95
suspend a license or certificate without a prior hearing	96
pursuant to division (G) of either section 4730.25 or 4731.22 of	97
the Revised Code;	98
(7) The board of nursing when determining whether to	99

suspend a license or certificate without a prior hearing 100
pursuant to division (B) of section 4723.281 of the Revised 101
Code; 102

(8) The state board of pharmacy when determining whether 103
to ~~suspend~~ do either of the following: 104

(a) Suspend a license, certification, or registration 105
without a prior hearing, including during meetings conducted by 106
telephone conference, pursuant to ~~division (D) of section~~ 107
~~4729.16~~ Chapters 3719., 3796., 4729., and 4752. of the Revised 108
Code and rules adopted thereunder; or 109

(b) Restrict a person from obtaining further information 110
from the drug database established in section 4729.75 of the 111
Revised Code without a prior hearing pursuant to division (C) of 112
section 4729.86 of the Revised Code. 113

(9) The state chiropractic board when determining whether 114
to suspend a license without a hearing pursuant to section 115
4734.37 of the Revised Code; 116

(10) The executive committee of the emergency response 117
commission when determining whether to issue an enforcement 118
order or request that a civil action, civil penalty action, or 119
criminal action be brought to enforce Chapter 3750. of the 120
Revised Code; 121

(11) The board of directors of the nonprofit corporation 122
formed under section 187.01 of the Revised Code or any committee 123
thereof, and the board of directors of any subsidiary of that 124
corporation or a committee thereof; 125

(12) An audit conference conducted by the audit staff of 126
the department of job and family services with officials of the 127
public office that is the subject of that audit under section 128

5101.37 of the Revised Code;	129
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	130 131 132 133 134
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	135 136 137 138
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code;	139 140 141 142
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;	143 144
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code.	145 146
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	147 148 149 150 151 152 153 154 155
(1) Marketing plans;	156

(2) Specific business strategy;	157
(3) Production techniques and trade secrets;	158
(4) Financial projections;	159
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	160 161 162 163
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.	164 165 166 167
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.	168 169 170 171 172 173 174 175 176 177 178
The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by	179 180 181 182 183 184 185

the person. 186

(G) Except as provided in divisions (G)(8) and (J) of this 187
section, the members of a public body may hold an executive 188
session only after a majority of a quorum of the public body 189
determines, by a roll call vote, to hold an executive session 190
and only at a regular or special meeting for the sole purpose of 191
the consideration of any of the following matters: 192

(1) To consider the appointment, employment, dismissal, 193
discipline, promotion, demotion, or compensation of a public 194
employee or official, or the investigation of charges or 195
complaints against a public employee, official, licensee, or 196
regulated individual, unless the public employee, official, 197
licensee, or regulated individual requests a public hearing. 198
Except as otherwise provided by law, no public body shall hold 199
an executive session for the discipline of an elected official 200
for conduct related to the performance of the elected official's 201
official duties or for the elected official's removal from 202
office. If a public body holds an executive session pursuant to 203
division (G)(1) of this section, the motion and vote to hold 204
that executive session shall state which one or more of the 205
approved purposes listed in division (G)(1) of this section are 206
the purposes for which the executive session is to be held, but 207
need not include the name of any person to be considered at the 208
meeting. 209

(2) To consider the purchase of property for public 210
purposes, the sale of property at competitive bidding, or the 211
sale or other disposition of unneeded, obsolete, or unfit-for- 212
use property in accordance with section 505.10 of the Revised 213
Code, if premature disclosure of information would give an 214
unfair competitive or bargaining advantage to a person whose 215

personal, private interest is adverse to the general public 216
interest. No member of a public body shall use division (G) (2) 217
of this section as a subterfuge for providing covert information 218
to prospective buyers or sellers. A purchase or sale of public 219
property is void if the seller or buyer of the public property 220
has received covert information from a member of a public body 221
that has not been disclosed to the general public in sufficient 222
time for other prospective buyers and sellers to prepare and 223
submit offers. 224

If the minutes of the public body show that all meetings 225
and deliberations of the public body have been conducted in 226
compliance with this section, any instrument executed by the 227
public body purporting to convey, lease, or otherwise dispose of 228
any right, title, or interest in any public property shall be 229
conclusively presumed to have been executed in compliance with 230
this section insofar as title or other interest of any bona fide 231
purchasers, lessees, or transferees of the property is 232
concerned. 233

(3) Conferences with an attorney for the public body 234
concerning disputes involving the public body that are the 235
subject of pending or imminent court action; 236

(4) Preparing for, conducting, or reviewing negotiations 237
or bargaining sessions with public employees concerning their 238
compensation or other terms and conditions of their employment; 239

(5) Matters required to be kept confidential by federal 240
law or regulations or state statutes; 241

(6) Details relative to the security arrangements and 242
emergency response protocols for a public body or a public 243
office, if disclosure of the matters discussed could reasonably 244

be expected to jeopardize the security of the public body or 245
public office; 246

(7) In the case of a county hospital operated pursuant to 247
Chapter 339. of the Revised Code, a joint township hospital 248
operated pursuant to Chapter 513. of the Revised Code, or a 249
municipal hospital operated pursuant to Chapter 749. of the 250
Revised Code, to consider trade secrets, as defined in section 251
1333.61 of the Revised Code; 252

(8) To consider confidential information related to the 253
marketing plans, specific business strategy, production 254
techniques, trade secrets, or personal financial statements of 255
an applicant for economic development assistance, or to 256
negotiations with other political subdivisions respecting 257
requests for economic development assistance, provided that both 258
of the following conditions apply: 259

(a) The information is directly related to a request for 260
economic development assistance that is to be provided or 261
administered under any provision of Chapter 715., 725., 1724., 262
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 263
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 264
5709.81 of the Revised Code, or that involves public 265
infrastructure improvements or the extension of utility services 266
that are directly related to an economic development project. 267

(b) A unanimous quorum of the public body determines, by a 268
roll call vote, that the executive session is necessary to 269
protect the interests of the applicant or the possible 270
investment or expenditure of public funds to be made in 271
connection with the economic development project. 272

If a public body holds an executive session to consider 273

any of the matters listed in divisions (G) (2) to (8) of this 274
section, the motion and vote to hold that executive session 275
shall state which one or more of the approved matters listed in 276
those divisions are to be considered at the executive session. 277

A public body specified in division (B) (1) (c) of this 278
section shall not hold an executive session when meeting for the 279
purposes specified in that division. 280

(H) A resolution, rule, or formal action of any kind is 281
invalid unless adopted in an open meeting of the public body. A 282
resolution, rule, or formal action adopted in an open meeting 283
that results from deliberations in a meeting not open to the 284
public is invalid unless the deliberations were for a purpose 285
specifically authorized in division (G) or (J) of this section 286
and conducted at an executive session held in compliance with 287
this section. A resolution, rule, or formal action adopted in an 288
open meeting is invalid if the public body that adopted the 289
resolution, rule, or formal action violated division (F) of this 290
section. 291

(I) (1) Any person may bring an action to enforce this 292
section. An action under division (I) (1) of this section shall 293
be brought within two years after the date of the alleged 294
violation or threatened violation. Upon proof of a violation or 295
threatened violation of this section in an action brought by any 296
person, the court of common pleas shall issue an injunction to 297
compel the members of the public body to comply with its 298
provisions. 299

(2) (a) If the court of common pleas issues an injunction 300
pursuant to division (I) (1) of this section, the court shall 301
order the public body that it enjoins to pay a civil forfeiture 302
of five hundred dollars to the party that sought the injunction 303

and shall award to that party all court costs and, subject to 304
reduction as described in division (I) (2) of this section, 305
reasonable attorney's fees. The court, in its discretion, may 306
reduce an award of attorney's fees to the party that sought the 307
injunction or not award attorney's fees to that party if the 308
court determines both of the following: 309

(i) That, based on the ordinary application of statutory 310
law and case law as it existed at the time of violation or 311
threatened violation that was the basis of the injunction, a 312
well-informed public body reasonably would believe that the 313
public body was not violating or threatening to violate this 314
section; 315

(ii) That a well-informed public body reasonably would 316
believe that the conduct or threatened conduct that was the 317
basis of the injunction would serve the public policy that 318
underlies the authority that is asserted as permitting that 319
conduct or threatened conduct. 320

(b) If the court of common pleas does not issue an 321
injunction pursuant to division (I) (1) of this section and the 322
court determines at that time that the bringing of the action 323
was frivolous conduct, as defined in division (A) of section 324
2323.51 of the Revised Code, the court shall award to the public 325
body all court costs and reasonable attorney's fees, as 326
determined by the court. 327

(3) Irreparable harm and prejudice to the party that 328
sought the injunction shall be conclusively and irrebuttably 329
presumed upon proof of a violation or threatened violation of 330
this section. 331

(4) A member of a public body who knowingly violates an 332

injunction issued pursuant to division (I) (1) of this section 333
may be removed from office by an action brought in the court of 334
common pleas for that purpose by the prosecuting attorney or the 335
attorney general. 336

(J) (1) Pursuant to division (C) of section 5901.09 of the 337
Revised Code, a veterans service commission shall hold an 338
executive session for one or more of the following purposes 339
unless an applicant requests a public hearing: 340

(a) Interviewing an applicant for financial assistance 341
under sections 5901.01 to 5901.15 of the Revised Code; 342

(b) Discussing applications, statements, and other 343
documents described in division (B) of section 5901.09 of the 344
Revised Code; 345

(c) Reviewing matters relating to an applicant's request 346
for financial assistance under sections 5901.01 to 5901.15 of 347
the Revised Code. 348

(2) A veterans service commission shall not exclude an 349
applicant for, recipient of, or former recipient of financial 350
assistance under sections 5901.01 to 5901.15 of the Revised 351
Code, and shall not exclude representatives selected by the 352
applicant, recipient, or former recipient, from a meeting that 353
the commission conducts as an executive session that pertains to 354
the applicant's, recipient's, or former recipient's application 355
for financial assistance. 356

(3) A veterans service commission shall vote on the grant 357
or denial of financial assistance under sections 5901.01 to 358
5901.15 of the Revised Code only in an open meeting of the 359
commission. The minutes of the meeting shall indicate the name, 360
address, and occupation of the applicant, whether the assistance 361

was granted or denied, the amount of the assistance if 362
assistance is granted, and the votes for and against the 363
granting of assistance. 364

Sec. 2925.01. As used in this chapter: 365

(A) "Administer," "controlled substance," "controlled 366
substance analog," "dispense," "distribute," "hypodermic," 367
"manufacturer," "official written order," "person," 368
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 369
"schedule III," "schedule IV," "schedule V," and "wholesaler" 370
have the same meanings as in section 3719.01 of the Revised 371
Code. 372

(B) "Drug dependent person" and "drug of abuse" have the 373
same meanings as in section 3719.011 of the Revised Code. 374

(C) "Drug," "dangerous drug," "licensed health 375
professional authorized to prescribe drugs," and "prescription" 376
have the same meanings as in section 4729.01 of the Revised 377
Code. 378

(D) "Bulk amount" of a controlled substance means any of 379
the following: 380

(1) For any compound, mixture, preparation, or substance 381
included in schedule I, schedule II, or schedule III, with the 382
exception of any controlled substance analog, marihuana, 383
cocaine, L.S.D., heroin, any fentanyl-related compound, and 384
hashish and except as provided in division (D) (2), (5), or (6) 385
of this section, whichever of the following is applicable: 386

(a) An amount equal to or exceeding ten grams or twenty- 387
five unit doses of a compound, mixture, preparation, or 388
substance that is or contains any amount of a schedule I opiate 389
or opium derivative; 390

(b) An amount equal to or exceeding ten grams of a 391
compound, mixture, preparation, or substance that is or contains 392
any amount of raw or gum opium; 393

(c) An amount equal to or exceeding thirty grams or ten 394
unit doses of a compound, mixture, preparation, or substance 395
that is or contains any amount of a schedule I hallucinogen 396
other than tetrahydrocannabinol or lysergic acid amide, or a 397
schedule I stimulant or depressant; 398

(d) An amount equal to or exceeding twenty grams or five 399
times the maximum daily dose in the usual dose range specified 400
in a standard pharmaceutical reference manual of a compound, 401
mixture, preparation, or substance that is or contains any 402
amount of a schedule II opiate or opium derivative; 403

(e) An amount equal to or exceeding five grams or ten unit 404
doses of a compound, mixture, preparation, or substance that is 405
or contains any amount of phencyclidine; 406

(f) An amount equal to or exceeding one hundred twenty 407
grams or thirty times the maximum daily dose in the usual dose 408
range specified in a standard pharmaceutical reference manual of 409
a compound, mixture, preparation, or substance that is or 410
contains any amount of a schedule II stimulant that is in a 411
final dosage form manufactured by a person authorized by the 412
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 413
U.S.C.A. 301, as amended, and the federal drug abuse control 414
laws, as defined in section 3719.01 of the Revised Code, that is 415
or contains any amount of a schedule II depressant substance or 416
a schedule II hallucinogenic substance; 417

(g) An amount equal to or exceeding three grams of a 418
compound, mixture, preparation, or substance that is or contains 419

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code

and the sentencing provisions set forth in divisions (C) (10) (b) 449
and (C) (11) of that section will not apply regarding the 450
defendant and the violation, the bulk amount of the controlled 451
substance for purposes of the violation is the amount specified 452
in division (D) (1), (2), (3), (4), or (5) of this section for 453
the other schedule III, IV, or V controlled substance that is 454
combined with the fentanyl-related compound. 455

(E) "Unit dose" means an amount or unit of a compound, 456
mixture, or preparation containing a controlled substance that 457
is separately identifiable and in a form that indicates that it 458
is the amount or unit by which the controlled substance is 459
separately administered to or taken by an individual. 460

(F) "Cultivate" includes planting, watering, fertilizing, 461
or tilling. 462

(G) "Drug abuse offense" means any of the following: 463

(1) A violation of division (A) of section 2913.02 that 464
constitutes theft of drugs, or a violation of section 2925.02, 465
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 466
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 467
or 2925.37 of the Revised Code; 468

(2) A violation of an existing or former law of this or 469
any other state or of the United States that is substantially 470
equivalent to any section listed in division (G) (1) of this 471
section; 472

(3) An offense under an existing or former law of this or 473
any other state, or of the United States, of which planting, 474
cultivating, harvesting, processing, making, manufacturing, 475
producing, shipping, transporting, delivering, acquiring, 476
possessing, storing, distributing, dispensing, selling, inducing 477

another to use, administering to another, using, or otherwise 478
dealing with a controlled substance is an element; 479

(4) A conspiracy to commit, attempt to commit, or 480
complicity in committing or attempting to commit any offense 481
under division (G) (1), (2), or (3) of this section. 482

(H) "Felony drug abuse offense" means any drug abuse 483
offense that would constitute a felony under the laws of this 484
state, any other state, or the United States. 485

(I) "Harmful intoxicant" does not include beer or 486
intoxicating liquor but means any of the following: 487

(1) Any compound, mixture, preparation, or substance the 488
gas, fumes, or vapor of which when inhaled can induce 489
intoxication, excitement, giddiness, irrational behavior, 490
depression, stupefaction, paralysis, unconsciousness, 491
asphyxiation, or other harmful physiological effects, and 492
includes, but is not limited to, any of the following: 493

(a) Any volatile organic solvent, plastic cement, model 494
cement, fingernail polish remover, lacquer thinner, cleaning 495
fluid, gasoline, or other preparation containing a volatile 496
organic solvent; 497

(b) Any aerosol propellant; 498

(c) Any fluorocarbon refrigerant; 499

(d) Any anesthetic gas. 500

(2) Gamma Butyrolactone; 501

(3) 1,4 Butanediol. 502

(J) "Manufacture" means to plant, cultivate, harvest, 503
process, make, prepare, or otherwise engage in any part of the 504

production of a drug, by propagation, extraction, chemical 505
synthesis, or compounding, or any combination of the same, and 506
includes packaging, repackaging, labeling, and other activities 507
incident to production. 508

(K) "Possess" or "possession" means having control over a 509
thing or substance, but may not be inferred solely from mere 510
access to the thing or substance through ownership or occupation 511
of the premises upon which the thing or substance is found. 512

(L) "Sample drug" means a drug or pharmaceutical 513
preparation that would be hazardous to health or safety if used 514
without the supervision of a licensed health professional 515
authorized to prescribe drugs, or a drug of abuse, and that, at 516
one time, had been placed in a container plainly marked as a 517
sample by a manufacturer. 518

(M) "Standard pharmaceutical reference manual" means the 519
current edition, with cumulative changes if any, of references 520
that are approved by the state board of pharmacy. 521

(N) "Juvenile" means a person under eighteen years of age. 522

(O) "Counterfeit controlled substance" means any of the 523
following: 524

(1) Any drug that bears, or whose container or label 525
bears, a trademark, trade name, or other identifying mark used 526
without authorization of the owner of rights to that trademark, 527
trade name, or identifying mark; 528

(2) Any unmarked or unlabeled substance that is 529
represented to be a controlled substance manufactured, 530
processed, packed, or distributed by a person other than the 531
person that manufactured, processed, packed, or distributed it; 532

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or

leased by a board of education of a school, the governing 562
authority of a community school established under Chapter 3314. 563
of the Revised Code, or the governing body of a nonpublic school 564
for which the state board of education prescribes minimum 565
standards under section 3301.07 of the Revised Code and on which 566
some of the instruction, extracurricular activities, or training 567
of the school is conducted, whether or not any instruction, 568
extracurricular activities, or training provided by the school 569
is being conducted on the parcel of real property at the time a 570
criminal offense is committed. 571

(S) "School building" means any building in which any of 572
the instruction, extracurricular activities, or training 573
provided by a school is conducted, whether or not any 574
instruction, extracurricular activities, or training provided by 575
the school is being conducted in the school building at the time 576
a criminal offense is committed. 577

(T) "Disciplinary counsel" means the disciplinary counsel 578
appointed by the board of commissioners on grievances and 579
discipline of the supreme court under the Rules for the 580
Government of the Bar of Ohio. 581

(U) "Certified grievance committee" means a duly 582
constituted and organized committee of the Ohio state bar 583
association or of one or more local bar associations of the 584
state of Ohio that complies with the criteria set forth in Rule 585
V, section 6 of the Rules for the Government of the Bar of Ohio. 586

(V) "Professional license" means any license, permit, 587
certificate, registration, qualification, admission, temporary 588
license, temporary permit, temporary certificate, or temporary 589
registration that is described in divisions (W) (1) to (37) of 590
this section and that qualifies a person as a professionally 591

licensed person.	592
(W) "Professionally licensed person" means any of the	593
following:	594
(1) A person who has received a certificate or temporary	595
certificate as a certified public accountant or who has	596
registered as a public accountant under Chapter 4701. of the	597
Revised Code and who holds an Ohio permit issued under that	598
chapter;	599
(2) A person who holds a certificate of qualification to	600
practice architecture issued or renewed and registered under	601
Chapter 4703. of the Revised Code;	602
(3) A person who is registered as a landscape architect	603
under Chapter 4703. of the Revised Code or who holds a permit as	604
a landscape architect issued under that chapter;	605
(4) A person licensed under Chapter 4707. of the Revised	606
Code;	607
(5) A person who has been issued a certificate of	608
registration as a registered barber under Chapter 4709. of the	609
Revised Code;	610
(6) A person licensed and regulated to engage in the	611
business of a debt pooling company by a legislative authority,	612
under authority of Chapter 4710. of the Revised Code;	613
(7) A person who has been issued a cosmetologist's	614
license, hair designer's license, manicurist's license,	615
esthetician's license, natural hair stylist's license, advanced	616
cosmetologist's license, advanced hair designer's license,	617
advanced manicurist's license, advanced esthetician's license,	618
advanced natural hair stylist's license, cosmetology	619

instructor's license, hair design instructor's license, 620
manicurist instructor's license, esthetics instructor's license, 621
natural hair style instructor's license, independent 622
contractor's license, or tanning facility permit under Chapter 623
4713. of the Revised Code; 624

(8) A person who has been issued a license to practice 625
dentistry, a general anesthesia permit, a conscious sedation 626
permit, a limited resident's license, a limited teaching 627
license, a dental hygienist's license, or a dental hygienist's 628
teacher's certificate under Chapter 4715. of the Revised Code; 629

(9) A person who has been issued an embalmer's license, a 630
funeral director's license, a funeral home license, or a 631
crematory license, or who has been registered for an embalmer's 632
or funeral director's apprenticeship under Chapter 4717. of the 633
Revised Code; 634

(10) A person who has been licensed as a registered nurse 635
or practical nurse, or who has been issued a certificate for the 636
practice of nurse-midwifery under Chapter 4723. of the Revised 637
Code; 638

(11) A person who has been licensed to practice optometry 639
or to engage in optical dispensing under Chapter 4725. of the 640
Revised Code; 641

(12) A person licensed to act as a pawnbroker under 642
Chapter 4727. of the Revised Code; 643

(13) A person licensed to act as a precious metals dealer 644
under Chapter 4728. of the Revised Code; 645

(14) A person licensed under Chapter 4729. of the Revised 646
Code as a pharmacist or pharmacy intern or registered under that 647
chapter as a registered pharmacy technician, certified pharmacy 648

technician, or pharmacy technician trainee;	649
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	650 651 652 653 654
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	655 656
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	657 658 659 660 661
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	662 663
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	664 665 666
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	667 668
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	669 670
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	671 672
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	673 674
(24) A person who has been issued a motor vehicle salvage	675

dealer's license under Chapter 4738. of the Revised Code;	676
(25) A person who has been licensed to act as a steam	677
engineer under Chapter 4739. of the Revised Code;	678
(26) A person who has been issued a license or temporary	679
permit to practice veterinary medicine or any of its branches,	680
or who is registered as a graduate animal technician under	681
Chapter 4741. of the Revised Code;	682
(27) A person who has been issued a hearing aid dealer's	683
or fitter's license or trainee permit under Chapter 4747. of the	684
Revised Code;	685
(28) A person who has been issued a class A, class B, or	686
class C license or who has been registered as an investigator or	687
security guard employee under Chapter 4749. of the Revised Code;	688
(29) A person licensed to practice as a nursing home	689
administrator under Chapter 4751. of the Revised Code;	690
(30) A person licensed to practice as a speech-language	691
pathologist or audiologist under Chapter 4753. of the Revised	692
Code;	693
(31) A person issued a license as an occupational	694
therapist or physical therapist under Chapter 4755. of the	695
Revised Code;	696
(32) A person who is licensed as a licensed professional	697
clinical counselor, licensed professional counselor, social	698
worker, independent social worker, independent marriage and	699
family therapist, or marriage and family therapist, or	700
registered as a social work assistant under Chapter 4757. of the	701
Revised Code;	702
(33) A person issued a license to practice dietetics under	703

Chapter 4759. of the Revised Code;	704
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	705 706 707
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	708 709
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	710 711
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	712 713 714
(X) "Cocaine" means any of the following:	715
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	716 717
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	718 719 720 721
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	722 723 724 725 726 727
(Y) "L.S.D." means lysergic acid diethylamide.	728
(Z) "Hashish" means the a resin or a preparation of the a resin <u>to which both of the following apply:</u>	729 730

(1) It is contained in marijuana or derived from any part 731
of the plant of the genus cannabis, whether in solid form or in 732
a liquid concentrate, liquid extract, or liquid distillate form. 733

(2) It has a delta-9 tetrahydrocannabinol concentration of 734
more than three-tenths per cent. 735

"Hashish" does not include a hemp byproduct in the 736
possession of a licensed hemp processor under Chapter 928. of 737
the Revised Code, provided that the hemp byproduct is being 738
produced, stored, and disposed of in accordance with rules 739
adopted under section 928.03 of the Revised Code. 740

(AA) "Marihuana" has the same meaning as in section 741
3719.01 of the Revised Code, except that it does not include 742
hashish. 743

(BB) An offense is "committed in the vicinity of a 744
juvenile" if the offender commits the offense within one hundred 745
feet of a juvenile or within the view of a juvenile, regardless 746
of whether the offender knows the age of the juvenile, whether 747
the offender knows the offense is being committed within one 748
hundred feet of or within view of the juvenile, or whether the 749
juvenile actually views the commission of the offense. 750

(CC) "Presumption for a prison term" or "presumption that 751
a prison term shall be imposed" means a presumption, as 752
described in division (D) of section 2929.13 of the Revised 753
Code, that a prison term is a necessary sanction for a felony in 754
order to comply with the purposes and principles of sentencing 755
under section 2929.11 of the Revised Code. 756

(DD) "Major drug offender" has the same meaning as in 757
section 2929.01 of the Revised Code. 758

(EE) "Minor drug possession offense" means either of the 759

following:	760
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	761 762
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	763 764 765
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	766 767
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	768 769
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	770 771 772
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	773 774 775 776 777
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	778 779
(KK) "Fentanyl-related compound" means any of the following:	780 781
(1) Fentanyl;	782
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	783 784 785
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	786

thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	787
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	788 789
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	790 791 792
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	793 794
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	795 796
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	797 798
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	799 800
(10) Alfentanil;	801
(11) Carfentanil;	802
(12) Remifentanil;	803
(13) Sufentanil;	804
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	805 806
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	807 808 809 810 811 812 813

- (a) A chemical scaffold consisting of both of the following: 814
815
- (i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted; 816
817
- (ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen. 818
819
820
- (b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester; 821
822
823
- (c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and 824
825
- (d) The compound has not been approved for medical use by the United States food and drug administration. 826
827
- (LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after ~~the effective date of this amendment~~ March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree. 828
829
830
831
832
833
834
835
- (MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after ~~the effective date of this amendment~~ March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section 836
837
838
839
840
841
842

for a felony of the second degree. 843

(NN) "Maximum first degree felony mandatory prison term" 844
means the maximum definite prison term prescribed in division 845
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 846
the first degree, except that if the violation for which 847
sentence is being imposed is committed on or after ~~the effective~~ 848
~~date of this amendment~~ March 22, 2019, it means the longest 849
minimum prison term prescribed in division (A) (1) (a) of that 850
section for a felony of the first degree. 851

(OO) "Maximum second degree felony mandatory prison term" 852
means the maximum definite prison term prescribed in division 853
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 854
the second degree, except that if the violation for which 855
sentence is being imposed is committed on or after ~~the effective~~ 856
~~date of this amendment~~ March 22, 2019, it means the longest 857
minimum prison term prescribed in division (A) (2) (a) of that 858
section for a felony of the second degree. 859

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 860
as in section 928.01 of the Revised Code. 861

Sec. 2925.61. (A) As used in this section: 862

(1) "Law enforcement agency" means a government entity 863
that employs peace officers to perform law enforcement duties. 864

(2) "Licensed health professional" means all of the 865
following: 866

(a) A physician; 867

(b) A physician assistant who is licensed under Chapter 868
4730. of the Revised Code, holds a valid prescriber number 869
issued by the state medical board, and has been granted 870

physician-delegated prescriptive authority; 871

(c) An advanced practice registered nurse who holds a 872
current, valid license issued under Chapter 4723. of the Revised 873
Code and is designated as a clinical nurse specialist, certified 874
nurse-midwife, or certified nurse practitioner. 875

(3) "Peace officer" has the same meaning as in section 876
2921.51 of the Revised Code. 877

(4) "Physician" means an individual who is authorized 878
under Chapter 4731. of the Revised Code to practice medicine and 879
surgery, osteopathic medicine and surgery, or podiatric medicine 880
and surgery. 881

(B) A family member, friend, or other individual who is in 882
a position to assist an individual who is apparently 883
experiencing or at risk of experiencing an opioid-related 884
overdose, is not subject to criminal prosecution for a violation 885
of section 4731.41 of the Revised Code ~~or, is not subject to~~ 886
criminal prosecution under this chapter, and is not liable for 887
damages in a civil action for injury, death, or loss to person 888
or property for an act or omission that allegedly arises from 889
obtaining, maintaining, accessing, or administering naloxone, if 890
the individual, acting in good faith, does all of the following: 891

(1) Obtains naloxone pursuant to a prescription issued by 892
a licensed health professional, or obtains naloxone from one of 893
the following: 894

(a) A licensed health professional; 895

(b) An individual who is authorized to personally furnish 896
naloxone by either a ~~any of the following:~~ 897

(i) A physician under section 4731.941 of the Revised Code 898

or a;	899
<u>(ii) An advanced practice registered nurse under section 4723.485 of the Revised Code;</u>	900 901
<u>(iii) A physician assistant under section 4730.435 of the Revised Code;</u>	902 903
<u>(iv) A board of health under section 3707.561 of the Revised Code to personally furnish naloxone;</u>	904 905
(c) A pharmacist or pharmacy intern who is authorized by a physician or board of health under section 4729.44 of the Revised Code to dispense naloxone without a prescription.	906 907 908
(2) Administers the naloxone obtained as described in division (B)(1) of this section to an individual who is apparently experiencing an opioid-related overdose;	909 910 911
(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.	912 913
(C) An individual who is an employee, volunteer, or contractor of a service entity, as defined in section 4729.514 of the Revised Code, and has been authorized under section 3707.562, <u>4723.486, 4730.436,</u> or 4731.943 of the Revised Code to administer naloxone is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter, if the individual, acting in good faith, does all of the following:	914 915 916 917 918 919 920 921
(1) Obtains naloxone from the service entity of which the individual is an employee, volunteer, or contractor;	922 923
(2) Administers the naloxone obtained to an individual who is apparently experiencing an opioid-related overdose;	924 925

(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.	926 927
(D) Divisions (B) and (C) of this section do not apply to a peace officer or to an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in section 4765.01 of the Revised Code.	928 929 930 931 932
(E) (1) If a peace officer, acting in good faith, administers naloxone to an individual who is apparently experiencing an opioid-related overdose, both of the following apply:	933 934 935 936
(a) The peace officer is not subject to administrative action, criminal prosecution for a violation of section 4731.41 of the Revised Code, or criminal prosecution under this chapter.	937 938 939
(b) The peace officer is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that allegedly arises from obtaining, maintaining, accessing, or administering the naloxone.	940 941 942 943
(2) Division (E) (1) (b) of this section does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under section 9.86 or Chapter 2744. of the Revised Code, any other provision of the Revised Code, or the common law of this state.	944 945 946 947 948
Sec. 4723.488 4723.484. (A) Notwithstanding any provision of this chapter or rule adopted by the board of nursing, an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined	949 950 951 952 953 954

the individual to whom it may be administered if both of the 955
following conditions are met: 956

(1) The naloxone supply is furnished to, or the 957
prescription is issued to and in the name of, a family member, 958
friend, or other individual in a position to assist an 959
individual who there is reason to believe is at risk of 960
experiencing an opioid-related overdose. 961

(2) The advanced practice registered nurse instructs the 962
individual receiving the naloxone supply or prescription to 963
summon emergency services as soon as practicable either before 964
or after administering naloxone to an individual apparently 965
experiencing an opioid-related overdose. 966

(B) An advanced practice registered nurse who under 967
division (A) of this section in good faith furnishes a supply of 968
naloxone or issues a prescription for naloxone is not liable for 969
or subject to any of the following for any action or omission of 970
the individual to whom the naloxone is furnished or the 971
prescription is issued: damages in any civil action, prosecution 972
in any criminal proceeding, or professional disciplinary action. 973

Sec. 4723.485. (A) (1) An advanced practice registered 974
nurse who is designated as a clinical nurse specialist, 975
certified nurse-midwife, or certified nurse practitioner and who 976
has established a protocol that meets the requirements of 977
division (C) of this section may authorize one or more other 978
individuals to personally furnish a supply of naloxone pursuant 979
to the protocol to either of the following: 980

(a) An individual who there is reason to believe is 981
experiencing or at risk of experiencing an opioid-related 982
overdose; 983

(b) A family member, friend, or other person in a position 984
to assist an individual who there is reason to believe is at 985
risk of experiencing an opioid-related overdose. 986

(2) An individual authorized under this section to 987
personally furnish naloxone may do so without having examined 988
the individual to whom it may be administered. 989

(B) An individual authorized by an advanced practice 990
registered nurse under this section may personally furnish 991
naloxone to an individual described in division (A)(1)(a) or (b) 992
of this section if both of the following conditions are met: 993

(1) The authorized individual complies with the protocol 994
established by the authorizing advanced practice registered 995
nurse, including having completed the training required by the 996
protocol. 997

(2) The authorized individual instructs the individual to 998
whom naloxone is furnished to summon emergency services as soon 999
as practicable either before or after administering naloxone. 1000

(C) A protocol established by an advanced practice 1001
registered nurse for purposes of this section shall be 1002
established in writing and include all of the following: 1003

(1) A description of the clinical pharmacology of 1004
naloxone; 1005

(2) Precautions and contraindications concerning 1006
furnishing naloxone; 1007

(3) Any limitations the advanced practice registered nurse 1008
specifies concerning the individuals to whom naloxone may be 1009
furnished; 1010

(4) The naloxone dosage that may be furnished and any 1011

variation in the dosage based on circumstances specified in the 1012
protocol; 1013

(5) Labeling, storage, record keeping, and administrative 1014
requirements; 1015

(6) Training requirements that must be met before an 1016
individual will be authorized to furnish naloxone; 1017

(7) Any instructions or training that the authorized 1018
individual must provide to an individual to whom naloxone is 1019
furnished. 1020

(D) An advanced practice registered nurse who in good 1021
faith authorizes another individual to personally furnish 1022
naloxone in accordance with a protocol established by the 1023
advanced practice registered nurse under this section is not 1024
liable for or subject to any of the following for any action or 1025
omission of the individual to whom the naloxone is furnished: 1026
damages in any civil action, prosecution in any criminal 1027
proceeding, or professional disciplinary action. 1028

An individual authorized under this section to personally 1029
furnish naloxone who does so in good faith is not liable for or 1030
subject to any of the following for any action or omission of 1031
the individual to whom the naloxone is furnished: damages in any 1032
civil action, prosecution in any criminal proceeding, or 1033
professional disciplinary action. 1034

Sec. 4723.486. (A) As used in this section, "service 1035
entity" has the same meaning as in section 4729.514 of the 1036
Revised Code. 1037

(B) An advanced practice registered nurse who is 1038
designated as a clinical nurse specialist, certified nurse- 1039
midwife, or certified nurse practitioner and who has established 1040

a protocol under division (D) of this section may authorize an individual who is an employee, volunteer, or contractor of a service entity to administer naloxone to an individual who is apparently experiencing an opioid-related overdose. 1041
1042
1043
1044

(C) An individual authorized by an advanced practice registered nurse under this section may administer naloxone to an individual who is apparently experiencing an opioid-related overdose if all of the following conditions are met: 1045
1046
1047
1048

(1) The naloxone is obtained from a service entity of which the authorized individual is an employee, volunteer, or contractor. 1049
1050
1051

(2) The authorized individual complies with the protocol established by the authorizing advanced practice registered nurse. 1052
1053
1054

(3) The authorized individual summons emergency services as soon as practicable either before or after administering the naloxone. 1055
1056
1057

(D) A protocol established by an advanced practice registered nurse for purposes of this section must be in writing and include all of the following: 1058
1059
1060

(1) A description of the clinical pharmacology of naloxone; 1061
1062

(2) Precautions and contraindications concerning the administration of naloxone; 1063
1064

(3) Any limitations the advanced practice registered nurse specifies concerning the individuals to whom naloxone may be administered; 1065
1066
1067

(4) The naloxone dosage that may be administered and any 1068

variation in the dosage based on circumstances specified in the 1069
protocol; 1070

(5) Labeling, storage, record keeping, and administrative 1071
requirements; 1072

(6) Training requirements that must be met before an 1073
individual can be authorized to administer naloxone. 1074

(E) An advanced practice registered nurse who in good 1075
faith authorizes an individual to administer naloxone under this 1076
section is not liable for or subject to any of the following for 1077
any act or omission of the authorized individual: damages in any 1078
civil action, prosecution in any criminal proceeding, or 1079
professional disciplinary action. 1080

A service entity or an employee, volunteer, or contractor 1081
of a service entity is not liable for or subject to any of the 1082
following for injury, death, or loss to person or property that 1083
allegedly arises from an act or omission associated with 1084
procuring, maintaining, accessing, or administering naloxone 1085
under this section, unless the act or omission constitutes 1086
willful or wanton misconduct: damages in any civil action, 1087
prosecution in any criminal proceeding, or professional 1088
disciplinary action. 1089

This section does not eliminate, limit, or reduce any 1090
other immunity or defense that a service entity or an employee, 1091
volunteer, or contractor of a service entity may be entitled to 1092
under Chapter 2305. or any other provision of the Revised Code 1093
or under the common law of this state. 1094

Sec. ~~4723.486~~ 4723.488. (A) Except as provided in division 1095
(B) of this section, in the case of a license holder who is 1096
seeking renewal of a license to practice nursing as an advanced 1097

practice registered nurse and who prescribes opioid analgesics 1098
or benzodiazepines, as defined in section 3719.01 of the Revised 1099
Code, the holder shall certify to the board whether the holder 1100
has been granted access to the drug database established and 1101
maintained by the state board of pharmacy pursuant to section 1102
4729.75 of the Revised Code. 1103

(B) The requirement in division (A) of this section does 1104
not apply if any of the following is the case: 1105

(1) The state board of pharmacy notifies the board of 1106
nursing pursuant to section 4729.861 of the Revised Code that 1107
the license holder has been restricted from obtaining further 1108
information from the drug database. 1109

(2) The state board of pharmacy no longer maintains the 1110
drug database. 1111

(3) The license holder does not practice nursing in this 1112
state. 1113

(C) If a license holder certifies to the board of nursing 1114
that the holder has been granted access to the drug database and 1115
the board finds through an audit or other means that the holder 1116
has not been granted access, the board may take action under 1117
section 4723.28 of the Revised Code. 1118

Sec. 4723.50. (A) As used in this section: 1119

(1) "Controlled substance" has the same meaning as in 1120
section 3719.01 of the Revised Code. 1121

(2) "Medication-assisted treatment" has the same meaning 1122
as in section 340.01 of the Revised Code. 1123

(B) In accordance with Chapter 119. of the Revised Code, 1124
the board of nursing shall adopt rules as necessary to implement 1125

the provisions of this chapter pertaining to the authority of 1126
advanced practice registered nurses who are designated as 1127
clinical nurse specialists, certified nurse-midwives, and 1128
certified nurse practitioners to prescribe and furnish drugs and 1129
therapeutic devices. 1130

The board shall adopt rules that are consistent with a 1131
recommended exclusionary formulary the board receives from the 1132
committee on prescriptive governance pursuant to section 1133
4723.492 of the Revised Code. After reviewing a formulary 1134
submitted by the committee, the board may either adopt the 1135
formulary as a rule or ask the committee to reconsider and 1136
resubmit the formulary. The board shall not adopt any rule that 1137
does not conform to a formulary developed by the committee. 1138

The exclusionary formulary shall permit, in a manner 1139
consistent with section 4723.481 of the Revised Code, the 1140
prescribing of controlled substances, including drugs that 1141
contain buprenorphine used in medication-assisted treatment and 1142
both oral and long-acting opioid antagonists. The formulary 1143
shall not permit the prescribing or furnishing of any of the 1144
following: 1145

(1) A drug or device to perform or induce an abortion; 1146

(2) A drug or device prohibited by federal or state law. 1147

(C) In addition to the rules described in division (B) of 1148
this section, the board shall adopt rules under this section 1149
that do the following: 1150

(1) Establish standards for board approval of the course 1151
of study in advanced pharmacology and related topics required by 1152
section 4723.482 of the Revised Code; 1153

(2) Establish requirements for board approval of the two- 1154

hour course of instruction in the laws of this state as required 1155
under division (C) (1) of section 4723.482 of the Revised Code 1156
~~and division (B) (2) of section 4723.484 of the Revised Code;~~ 1157

(3) Establish criteria for the components of the standard 1158
care arrangements described in section 4723.431 of the Revised 1159
Code that apply to the authority to prescribe, including the 1160
components that apply to the authority to prescribe schedule II 1161
controlled substances. The rules shall be consistent with that 1162
section and include all of the following: 1163

(a) Quality assurance standards; 1164

(b) Standards for periodic review by a collaborating 1165
physician or podiatrist of the records of patients treated by 1166
the clinical nurse specialist, certified nurse-midwife, or 1167
certified nurse practitioner; 1168

(c) Acceptable travel time between the location at which 1169
the clinical nurse specialist, certified nurse-midwife, or 1170
certified nurse practitioner is engaging in the prescribing 1171
components of the nurse's practice and the location of the 1172
nurse's collaborating physician or podiatrist; 1173

(d) Any other criteria recommended by the committee on 1174
prescriptive governance. 1175

Sec. 4723.52. (A) As used in this section: 1176

(1) "Community addiction services provider" has the same 1177
meaning as in section 5119.01 of the Revised Code. 1178

(2) "Medication-assisted treatment" has the same meaning 1179
as in section 340.01 of the Revised Code. 1180

(B) An advanced practice registered nurse shall comply 1181
with section 3719.064 of the Revised Code and rules adopted 1182

under section 4723.51 of the Revised Code when treating a 1183
patient for addiction with medication-assisted treatment or 1184
proposing to initiate such treatment. 1185

(C) An advanced practice registered nurse who fails to 1186
comply with this section shall treat not more than thirty 1187
patients at any one time with medication-assisted treatment even 1188
if the facility or location at which the treatment is provided 1189
is either of the following: 1190

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 1191
section 4729.553 of the Revised Code from being required to 1192
possess a category III terminal distributor of dangerous drugs 1193
license with an office-based opioid treatment classification; 1194

(2) A community addiction services provider that provides 1195
alcohol and drug addiction services that are certified by the 1196
department of mental health and addiction services under section 1197
5119.36 of the Revised Code. 1198

Sec. 4729.01. As used in this chapter: 1199

(A) "Pharmacy," except when used in a context that refers 1200
to the practice of pharmacy, means any area, room, rooms, place 1201
of business, department, or portion of any of the foregoing 1202
where the practice of pharmacy is conducted. 1203

(B) "Practice of pharmacy" means providing pharmacist care 1204
requiring specialized knowledge, judgment, and skill derived 1205
from the principles of biological, chemical, behavioral, social, 1206
pharmaceutical, and clinical sciences. As used in this division, 1207
"pharmacist care" includes the following: 1208

(1) Interpreting prescriptions; 1209

(2) Dispensing drugs and drug therapy related devices; 1210

(3) Compounding drugs;	1211
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	1212 1213 1214 1215 1216
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	1217 1218 1219
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	1220 1221 1222 1223 1224
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	1225 1226 1227
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	1228 1229 1230 1231
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	1232 1233
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	1234 1235
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	1236 1237 1238

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	1239 1240
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	1241 1242
(3) As an incident to research, teaching activities, or chemical analysis;	1243 1244
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	1245 1246 1247
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	1248 1249 1250 1251 1252
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	1253 1254 1255 1256 1257
(b) A limited quantity of the drug is compounded and provided to the professional.	1258 1259
(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.	1260 1261 1262
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	1263 1264
(E) "Drug" means:	1265

(1) Any article recognized in the United States	1266
pharmacopoeia and national formulary, or any supplement to them,	1267
intended for use in the diagnosis, cure, mitigation, treatment,	1268
or prevention of disease in humans or animals;	1269
(2) Any other article intended for use in the diagnosis,	1270
cure, mitigation, treatment, or prevention of disease in humans	1271
or animals;	1272
(3) Any article, other than food, intended to affect the	1273
structure or any function of the body of humans or animals;	1274
(4) Any article intended for use as a component of any	1275
article specified in division (E) (1), (2), or (3) of this	1276
section; but does not include devices or their components,	1277
parts, or accessories.	1278
"Drug" does not include "hemp" or a "hemp product" as	1279
those terms are defined in section 928.01 of the Revised Code.	1280
(F) "Dangerous drug" means any of the following:	1281
(1) Any drug to which either of the following applies:	1282
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	1283
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	1284
required to bear a label containing the legend "Caution: Federal	1285
law prohibits dispensing without prescription" or "Caution:	1286
Federal law restricts this drug to use by or on the order of a	1287
licensed veterinarian" or any similar restrictive statement, or	1288
the drug may be dispensed only upon a prescription;	1289
(b) Under Chapter 3715. or 3719. of the Revised Code, the	1290
drug may be dispensed only upon a prescription.	1291
(2) Any drug that contains a schedule V controlled	1292
substance and that is exempt from Chapter 3719. of the Revised	1293

Code or to which that chapter does not apply;	1294
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	1295 1296 1297
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	1298 1299
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	1300 1301
(H) "Prescription" means all of the following:	1302
(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;	1303 1304 1305 1306
(2) For purposes of sections 2925.61, 4723.488 4723.484, 4730.431 4730.434, 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.	1307 1308 1309 1310 1311 1312
(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of either of the following:	1313 1314 1315
(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;	1316 1317
(b) 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.	1318 1319 1320

(4) For purposes of sections 4723.4810, 4729.282, 1321
4730.432, and 4731.93 of the Revised Code, a written, 1322
electronic, or oral order for a drug to treat chlamydia, 1323
gonorrhoea, or trichomoniasis issued to and in the name of a 1324
patient who is not the intended user of the drug but is the 1325
sexual partner of the intended user; 1326

(5) For purposes of sections 3313.7110, 3313.7111, 1327
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1328
4731.96, and 5101.76 of the Revised Code, a written, electronic, 1329
or oral order for an epinephrine autoinjector issued to and in 1330
the name of a school, school district, or camp; 1331

(6) For purposes of Chapter 3728. and sections 4723.483, 1332
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1333
electronic, or oral order for an epinephrine autoinjector issued 1334
to and in the name of a qualified entity, as defined in section 1335
3728.01 of the Revised Code. 1336

(I) "Licensed health professional authorized to prescribe 1337
drugs" or "prescriber" means an individual who is authorized by 1338
law to prescribe drugs or dangerous drugs or drug therapy 1339
related devices in the course of the individual's professional 1340
practice, including only the following: 1341

(1) A dentist licensed under Chapter 4715. of the Revised 1342
Code; 1343

(2) A clinical nurse specialist, certified nurse-midwife, 1344
or certified nurse practitioner who holds a current, valid 1345
license issued under Chapter 4723. of the Revised Code to 1346
practice nursing as an advanced practice registered nurse; 1347

(3) A certified registered nurse anesthetist who holds a 1348
current, valid license issued under Chapter 4723. of the Revised 1349

Code to practice nursing as an advanced practice registered 1350
nurse, but only to the extent of the nurse's authority under 1351
sections 4723.43 and 4723.434 of the Revised Code; 1352

(4) An optometrist licensed under Chapter 4725. of the 1353
Revised Code to practice optometry under a therapeutic 1354
pharmaceutical agents certificate; 1355

(5) A physician authorized under Chapter 4731. of the 1356
Revised Code to practice medicine and surgery, osteopathic 1357
medicine and surgery, or podiatric medicine and surgery; 1358

(6) A physician assistant who holds a license to practice 1359
as a physician assistant issued under Chapter 4730. of the 1360
Revised Code, holds a valid prescriber number issued by the 1361
state medical board, and has been granted physician-delegated 1362
prescriptive authority; 1363

(7) A veterinarian licensed under Chapter 4741. of the 1364
Revised Code. 1365

(J) "Sale" or "sell" includes any transaction made by any 1366
person, whether as principal proprietor, agent, or employee, to 1367
do or offer to do any of the following: deliver, distribute, 1368
broker, exchange, gift or otherwise give away, or transfer, 1369
whether the transfer is by passage of title, physical movement, 1370
or both. 1371

(K) "Wholesale sale" and "sale at wholesale" mean any sale 1372
in which the purpose of the purchaser is to resell the article 1373
purchased or received by the purchaser. 1374

(L) "Retail sale" and "sale at retail" mean any sale other 1375
than a wholesale sale or sale at wholesale. 1376

(M) "Retail seller" means any person that sells any 1377

dangerous drug to consumers without assuming control over and 1378
responsibility for its administration. Mere advice or 1379
instructions regarding administration do not constitute control 1380
or establish responsibility. 1381

(N) "Price information" means the price charged for a 1382
prescription for a particular drug product and, in an easily 1383
understandable manner, all of the following: 1384

(1) The proprietary name of the drug product; 1385

(2) The established (generic) name of the drug product; 1386

(3) The strength of the drug product if the product 1387
contains a single active ingredient or if the drug product 1388
contains more than one active ingredient and a relevant strength 1389
can be associated with the product without indicating each 1390
active ingredient. The established name and quantity of each 1391
active ingredient are required if such a relevant strength 1392
cannot be so associated with a drug product containing more than 1393
one ingredient. 1394

(4) The dosage form; 1395

(5) The price charged for a specific quantity of the drug 1396
product. The stated price shall include all charges to the 1397
consumer, including, but not limited to, the cost of the drug 1398
product, professional fees, handling fees, if any, and a 1399
statement identifying professional services routinely furnished 1400
by the pharmacy. Any mailing fees and delivery fees may be 1401
stated separately without repetition. The information shall not 1402
be false or misleading. 1403

(O) "Wholesale distributor of dangerous drugs" or 1404
"wholesale distributor" means a person engaged in the sale of 1405
dangerous drugs at wholesale and includes any agent or employee 1406

of such a person authorized by the person to engage in the sale 1407
of dangerous drugs at wholesale. 1408

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1409
means a person, other than a pharmacist or prescriber, who 1410
manufactures dangerous drugs and who is engaged in the sale of 1411
those dangerous drugs. 1412

(Q) "Terminal distributor of dangerous drugs" or "terminal 1413
distributor" means a person who is engaged in the sale of 1414
dangerous drugs at retail, or any person, other than a 1415
manufacturer, repackager, outsourcing facility, third-party 1416
logistics provider, wholesale distributor, or pharmacist, who 1417
has possession, custody, or control of dangerous drugs for any 1418
purpose other than for that person's own use and consumption. 1419
"Terminal distributor" includes pharmacies, hospitals, nursing 1420
homes, and laboratories and all other persons who procure 1421
dangerous drugs for sale or other distribution by or under the 1422
supervision of a pharmacist, licensed health professional 1423
authorized to prescribe drugs, or other person authorized by the 1424
state board of pharmacy. 1425

(R) "Promote to the public" means disseminating a 1426
representation to the public in any manner or by any means, 1427
other than by labeling, for the purpose of inducing, or that is 1428
likely to induce, directly or indirectly, the purchase of a 1429
dangerous drug at retail. 1430

(S) "Person" includes any individual, partnership, 1431
association, limited liability company, or corporation, the 1432
state, any political subdivision of the state, and any district, 1433
department, or agency of the state or its political 1434
subdivisions. 1435

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

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

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

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.

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

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means

a person that repacks and relabels dangerous drugs for sale or distribution. 1465
1466

(AA) "Outsourcing facility" means a facility that is 1467
engaged in the compounding and sale of sterile drugs and is 1468
registered as an outsourcing facility with the United States 1469
food and drug administration. 1470

(BB) "Laboratory" means a laboratory licensed under this 1471
chapter as a terminal distributor of dangerous drugs and 1472
entrusted to have custody of any of the following drugs and to 1473
use the drugs for scientific and clinical purposes and for 1474
purposes of instruction: dangerous drugs that are not controlled 1475
substances, as defined in section 3719.01 of the Revised Code; 1476
dangerous drugs that are controlled substances, as defined in 1477
that section; and controlled substances in schedule I, as 1478
defined in that section. 1479

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 1480
section 4729.28 of the Revised Code do not do any of the 1481
following: 1482

(A) Apply to a licensed health professional authorized to 1483
prescribe drugs who is acting within the prescriber's scope of 1484
professional practice; 1485

(B) Prevent a prescriber from personally furnishing the 1486
prescriber's patients with drugs, within the prescriber's scope 1487
of professional practice, that seem proper to the prescriber, as 1488
long as the drugs are furnished in accordance with section 1489
4729.291 of the Revised Code; 1490

(C) Apply to an individual who personally furnishes a 1491
supply of naloxone under authority conferred ~~by a physician~~ 1492
under section 4723.485, 4730.435, or 4731.941 of the Revised 1493

Code or prevent that individual from personally furnishing the 1494
supply of naloxone in accordance with a protocol established by 1495
~~the physician~~ under section 4723.485, 4730.435, or 4731.941 of 1496
the Revised Code; 1497

(D) Apply to the sale of oxygen, the sale of peritoneal 1498
dialysis solutions, or the sale of drugs that are not dangerous 1499
drugs by a retail dealer, in original packages when labeled as 1500
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1501
1040 (1938), 21 U.S.C.A. 301, as amended. 1502

Sec. 4729.44. (A) As used in this section: 1503

(1) "Board of health" means a board of health of a city or 1504
general health district or an authority having the duties of a 1505
board of health under section 3709.05 of the Revised Code. 1506

(2) "Physician" means an individual authorized under 1507
Chapter 4731. of the Revised Code to practice medicine and 1508
surgery, osteopathic medicine and surgery, or podiatric medicine 1509
and surgery. 1510

(B) If use of the protocol developed pursuant to rules 1511
adopted under division (G) of this section has been authorized 1512
under section 3707.56 or 4731.942 of the Revised Code, a 1513
pharmacist or pharmacy intern may dispense naloxone without a 1514
prescription to either of the following in accordance with that 1515
protocol: 1516

(1) An individual who there is reason to believe is 1517
experiencing or at risk of experiencing an opioid-related 1518
overdose; 1519

(2) A family member, friend, or other individual in a 1520
position to assist an individual who there is reason to believe 1521
is at risk of experiencing an opioid-related overdose. 1522

(C) A pharmacist or pharmacy intern who dispenses naloxone 1523
under this section shall instruct the individual to whom 1524
naloxone is dispensed to summon emergency services as soon as 1525
practicable either before or after administering naloxone. 1526

(D) A pharmacist may document on a prescription form the 1527
dispensing of naloxone by the pharmacist or a pharmacy intern 1528
supervised by the pharmacist. The form may be assigned a number 1529
for record-keeping purposes. 1530

(E) This section does not affect the authority of a 1531
pharmacist or pharmacy intern to fill or refill a prescription 1532
for naloxone. 1533

(F) A board of health that in good faith authorizes a 1534
pharmacist or pharmacy intern to dispense naloxone without a 1535
prescription in accordance with a protocol developed pursuant to 1536
rules adopted under division (G) of this section is not liable 1537
for or subject to any of the following for any action or 1538
omission of the individual to whom the naloxone is dispensed: 1539
damages in any civil action, prosecution in any criminal 1540
proceeding, or professional disciplinary action. 1541

A physician who in good faith authorizes a pharmacist or 1542
pharmacy intern to dispense naloxone without a prescription in 1543
accordance with a protocol developed pursuant to rules adopted 1544
under division (G) of this section is not liable for or subject 1545
to any of the following for any action or omission of the 1546
individual to whom the naloxone is dispensed: damages in any 1547
civil action, prosecution in any criminal proceeding, or 1548
professional disciplinary action. 1549

A pharmacist or pharmacy intern authorized under this 1550
section to dispense naloxone without a prescription who does so 1551

in good faith is not liable for or subject to any of the 1552
following for any action or omission of the individual to whom 1553
the naloxone is dispensed: damages in any civil action, 1554
prosecution in any criminal proceeding, or professional 1555
disciplinary action. 1556

(G) The state board of pharmacy shall, after consulting 1557
with the department of health and state medical board, adopt 1558
rules to implement this section. The rules shall specify a 1559
protocol under which pharmacists or pharmacy interns may 1560
dispense naloxone without a prescription. 1561

All rules adopted under this section shall be adopted in 1562
accordance with Chapter 119. of the Revised Code. 1563

(H) (1) The state board of pharmacy shall develop a program 1564
to educate all of the following about the authority of a 1565
pharmacist or pharmacy intern to dispense naloxone without a 1566
prescription: 1567

(a) Holders of licenses issued under this chapter that 1568
engage in the sale or dispensing of naloxone pursuant to this 1569
section; 1570

(b) Registered pharmacy technicians, certified pharmacy 1571
technicians, and pharmacy technician trainees registered under 1572
this chapter who engage in the sale of naloxone pursuant to this 1573
section; 1574

(c) Individuals who are not licensed or registered under 1575
this chapter but are employed by license holders described in 1576
division (H) (1) (a) of this section. 1577

(2) As part of the program, the board also shall educate 1578
the license holders, pharmacy technicians, and employees 1579
described in division (H) (1) of this section about maintaining 1580

an adequate supply of naloxone and methods for determining a 1581
pharmacy's stock of the drug. 1582

(3) The board may use its web site to share information 1583
under the program. 1584

Sec. 4729.45. (A) As used in this section, "physician" 1585
means an individual authorized under Chapter 4731. of the 1586
Revised Code to practice medicine and surgery or osteopathic 1587
medicine and surgery. 1588

(B) (1) Subject to division (C) of this section, a 1589
pharmacist licensed under this chapter may administer by 1590
injection any of the following drugs as long as the drug that is 1591
to be administered has been prescribed by a physician and the 1592
individual to whom the drug was prescribed has an ongoing 1593
physician-patient relationship with the physician: 1594

(a) ~~An opioid antagonist used for treatment of drug~~ 1595
~~addiction and~~ An addiction treatment drug administered in a 1596
long-acting or extended-release form; 1597

(b) An antipsychotic drug administered in a long-acting or 1598
extended-release form; 1599

(c) Hydroxyprogesterone caproate; 1600

(d) Medroxyprogesterone acetate; 1601

(e) Cobalamin. 1602

(2) As part of engaging in the administration of drugs by 1603
injection pursuant to this section, a pharmacist may administer 1604
epinephrine or diphenhydramine, or both, to an individual in an 1605
emergency situation resulting from an adverse reaction to a drug 1606
administered by the pharmacist. 1607

(C) To be authorized to administer drugs pursuant to this section, a pharmacist must do all of the following:

(1) Successfully complete a course in the administration of drugs that satisfies the requirements established by the state board of pharmacy in rules adopted under division (H) (1) (a) of this section;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with a protocol that meets the requirements of division (F) of this section.

(D) Each time a pharmacist administers a drug pursuant to this section, the pharmacist shall do all of the following:

(1) Obtain permission in accordance with the procedures specified in rules adopted under division (H) of this section and comply with the following requirements:

(a) Except as provided in division (D) (1) (c) of this section, for each drug administered by a pharmacist to an individual who is eighteen years of age or older, the pharmacist shall obtain permission from the individual.

(b) For each drug administered by a pharmacist to an individual who is under eighteen years of age, the pharmacist shall obtain permission from the individual's parent or other person having care or charge of the individual.

(c) For each drug administered by a pharmacist to an individual who lacks the capacity to make informed health care

decisions, the pharmacist shall obtain permission from the 1636
person authorized to make such decisions on the individual's 1637
behalf. 1638

(2) In the case of ~~an opioid antagonist~~an addiction 1639
treatment drug described in division (B) (1) (a) of this section, 1640
obtain in accordance with division (E) of this section test 1641
results indicating that it is appropriate to administer the drug 1642
to the individual if either of the following is to be 1643
administered: 1644

(a) The initial dose of the drug; 1645

(b) Any subsequent dose, if the administration occurs more 1646
than thirty days after the previous dose of the drug was 1647
administered. 1648

(3) Observe the individual to whom the drug is 1649
administered to determine whether the individual has an adverse 1650
reaction to the drug; 1651

(4) Notify the physician who prescribed the drug that the 1652
drug has been administered to the individual. 1653

(E) A pharmacist may obtain the test results described in 1654
division (D) (2) of this section in either of the following ways: 1655

(1) From the physician; 1656

(2) By ordering blood and urine tests for the individual 1657
to whom the ~~opioid antagonist~~drug is to be administered. 1658

If a pharmacist orders blood and urine tests, the 1659
pharmacist shall evaluate the results of the tests to determine 1660
whether they indicate that it is appropriate to administer the 1661
~~opioid antagonist~~drug. A pharmacist's authority to evaluate 1662
test results under this division does not authorize the 1663

pharmacist to make a diagnosis. 1664

(F) All of the following apply with respect to the 1665
protocol required by division (C) (3) of this section: 1666

(1) The protocol must be established by a physician who 1667
has a scope of practice that includes treatment of the condition 1668
for which the individual has been prescribed the drug to be 1669
administered. 1670

(2) The protocol must satisfy the requirements established 1671
in rules adopted under division (H) (1) (b) of this section. 1672

(3) The protocol must do all of the following: 1673

(a) Specify a definitive set of treatment guidelines; 1674

(b) Specify the locations at which a pharmacist may engage 1675
in the administration of drugs pursuant to this section; 1676

(c) Include provisions for implementing the requirements 1677
of division (D) of this section, including for purposes of 1678
division (D) (3) of this section provisions specifying the length 1679
of time and location at which a pharmacist must observe an 1680
individual who receives a drug to determine whether the 1681
individual has an adverse reaction to the drug; 1682

(d) Specify procedures to be followed by a pharmacist when 1683
administering epinephrine, diphenhydramine, or both, to an 1684
individual who has an adverse reaction to a drug administered by 1685
the pharmacist. 1686

(G) A pharmacist shall not do either of the following: 1687

(1) Engage in the administration of drugs pursuant to this 1688
section unless the requirements of division (C) of this section 1689
have been met; 1690

(2) Delegate to any person the pharmacist's authority to engage in the administration of drugs pursuant to this section. 1691
1692

(H) (1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and include all of the following: 1693
1694
1695
1696

(a) Requirements for courses in administration of drugs; 1697

(b) Requirements for protocols to be followed by pharmacists in administering drugs pursuant to this section; 1698
1699

(c) Procedures to be followed by a pharmacist in obtaining permission to administer a drug to an individual. 1700
1701

(2) The board shall consult with the state medical board before adopting rules regarding requirements for protocols under this section. 1702
1703
1704

Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows: 1705
1706
1707
1708
1709
1710

(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale. 1711
1712
1713

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs from one licensed location to another licensed location owned by the terminal distributor if the license issued for each location is in effect at the time of the transfer or 1714
1715
1716
1717
1718

delivery.	1719
(3) A licensed terminal distributor of dangerous drugs	1720
that is not a pharmacy may make occasional sales of naloxone <u>the</u>	1721
<u>following</u> at wholesale.	1722
(4) A licensed terminal distributor of dangerous drugs	1723
that is not a pharmacy may make occasional sales of dangerous:	1724
(a) <u>Naloxone;</u>	1725
(b) <u>Dangerous drugs at wholesale</u> if the drugs being sold	1726
are in shortage, as defined in rules adopted by the state board	1727
of pharmacy under section 4729.26 of the Revised Code;	1728
(c) <u>Dangerous drugs other than those described in</u>	1729
<u>divisions (A) (3) (a) and (b) of this section or investigational</u>	1730
<u>drugs or products if authorized by rules adopted under section</u>	1731
<u>4729.26 of the Revised Code.</u>	1732
(B) No licensed manufacturer, outsourcing facility, third-	1733
party logistics provider, repackager, or wholesale distributor	1734
shall possess for sale, sell, or distribute, at wholesale,	1735
dangerous drugs or investigational drugs or products to any	1736
person other than the following:	1737
(1) Subject to division (D) of this section, a licensed	1738
terminal distributor of dangerous drugs;	1739
(2) Subject to division (C) of this section, any person	1740
exempt from licensure as a terminal distributor of dangerous	1741
drugs under section 4729.541 of the Revised Code;	1742
(3) A licensed manufacturer, outsourcing facility, third-	1743
party logistics provider, repackager, or wholesale distributor;	1744
(4) A terminal distributor, manufacturer, outsourcing	1745

facility, third-party logistics provider, repackager, or 1746
wholesale distributor that is located in another state, is not 1747
engaged in the sale of dangerous drugs within this state, and is 1748
actively licensed to engage in the sale of dangerous drugs by 1749
the state in which the distributor conducts business. 1750

(C) No licensed manufacturer, outsourcing facility, third- 1751
party logistics provider, repackager, or wholesale distributor 1752
shall possess for sale, sell, or distribute, at wholesale, 1753
dangerous drugs or investigational drugs or products to either 1754
of the following: 1755

(1) A prescriber who is employed by either of the 1756
following: 1757

(a) A pain management clinic that is not licensed as a 1758
terminal distributor of dangerous drugs with a pain management 1759
clinic classification issued under section 4729.552 of the 1760
Revised Code; 1761

(b) A facility, clinic, or other location that provides 1762
office-based opioid treatment but is not licensed as a terminal 1763
distributor of dangerous drugs with an office-based opioid 1764
treatment classification issued under section 4729.553 of the 1765
Revised Code if such a license is required by that section. 1766

(2) A business entity described in division (A) (2) or (3) 1767
of section 4729.541 of the Revised Code that is, or is 1768
operating, either of the following: 1769

(a) A pain management clinic without a license as a 1770
terminal distributor of dangerous drugs with a pain management 1771
clinic classification issued under section 4729.552 of the 1772
Revised Code; 1773

(b) A facility, clinic, or other location that provides 1774

office-based opioid treatment without a license as a terminal 1775
distributor of dangerous drugs with an office-based opioid 1776
treatment classification issued under section 4729.553 of the 1777
Revised Code if such a license is required by that section. 1778

(D) No licensed manufacturer, outsourcing facility, third- 1779
party logistics provider, repackager, or wholesale distributor 1780
shall possess dangerous drugs or investigational drugs or 1781
products for sale at wholesale, or sell or distribute such drugs 1782
at wholesale, to a licensed terminal distributor of dangerous 1783
drugs, except as follows: 1784

(1) In the case of a terminal distributor with a category 1785
II license, only dangerous drugs in category II, as defined in 1786
division (A) (1) of section 4729.54 of the Revised Code; 1787

(2) In the case of a terminal distributor with a category 1788
III license, dangerous drugs in category II and category III, as 1789
defined in divisions (A) (1) and (2) of section 4729.54 of the 1790
Revised Code; 1791

(3) In the case of a terminal distributor with a limited 1792
category II or III license, only the dangerous drugs specified 1793
in the license. 1794

(E) (1) Except as provided in division (E) (2) of this 1795
section, no person shall do any of the following: 1796

(a) Sell or distribute, at retail, dangerous drugs; 1797

(b) Possess for sale, at retail, dangerous drugs; 1798

(c) Possess dangerous drugs. 1799

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 1800
do not apply to any of the following: 1801

(i) A licensed terminal distributor of dangerous drugs;	1802
(ii) 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;	1803 1804 1805 1806
(iii) Any of the persons identified in divisions (A) (1) to (5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	1807 1808 1809
(b) Division (E) (1) (c) of this section does not apply to any of the following:	1810 1811
(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	1812 1813
(ii) Any of the persons identified in divisions (A) (6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	1814 1815 1816
(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:	1817 1818 1819 1820 1821 1822 1823
(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section.	1824 1825 1826 1827 1828
(2) A licensed terminal distributor of dangerous drugs	1829

having more than one licensed location may transfer or deliver 1830
dangerous drugs or investigational drugs or products from one 1831
licensed location to another licensed location if the license 1832
issued for each location is in effect at the time of the 1833
transfer or delivery. 1834

(G) No licensed terminal distributor of dangerous drugs 1835
shall engage in the retail sale or other distribution of 1836
dangerous drugs or investigational drugs or products or maintain 1837
possession, custody, or control of dangerous drugs or 1838
investigational drugs or products for any purpose other than the 1839
distributor's personal use or consumption, at any establishment 1840
or place other than that or those described in the license 1841
issued by the state board of pharmacy to such terminal 1842
distributor. 1843

(H) Nothing in this section shall be construed to 1844
interfere with the performance of official duties by any law 1845
enforcement official authorized by municipal, county, state, or 1846
federal law to collect samples of any drug, regardless of its 1847
nature or in whose possession it may be. 1848

(I) Notwithstanding anything to the contrary in this 1849
section, the board of education of a city, local, exempted 1850
village, or joint vocational school district may distribute 1851
epinephrine autoinjectors for use in accordance with section 1852
3313.7110 of the Revised Code and may distribute inhalers for 1853
use in accordance with section 3313.7113 of the Revised Code. 1854

Sec. 4729.514. (A) As used in this section, "service 1855
entity" means a public or private entity that may provide 1856
services to or interact with individuals who there is reason to 1857
believe may be at risk of experiencing an opioid-related 1858
overdose. "Service entity" includes a church or other place of 1859

worship, college or university, school, ~~local library,~~ health 1860
department operated by the board of health of a city or general 1861
health district, community addiction services provider, court, 1862
probation department, halfway house, prison, jail, community 1863
residential center, homeless shelter, or similar entity. 1864

(B) A service entity may procure and maintain naloxone for 1865
either or both of the following purposes: 1866

(1) To use in emergency situations; 1867

(2) To permit an employee, volunteer, or contractor of the 1868
service entity to personally furnish a supply of naloxone 1869
pursuant to a protocol established under section 3707.561, 1870
4723.485, 4730.435, or 4731.941 of the Revised Code. 1871

(C) A service entity or an employee, volunteer, or 1872
contractor of a service entity is not liable for or subject to 1873
any of the following for injury, death, or loss to person or 1874
property that allegedly arises from an act or omission 1875
associated with procuring, maintaining, accessing, ~~or using,~~ or 1876
personally furnishing naloxone under this section, unless the 1877
act or omission constitutes willful or wanton misconduct: 1878
damages in any civil action, prosecution in any criminal 1879
proceeding, or professional disciplinary action. 1880

This section does not eliminate, limit, or reduce any 1881
other immunity or defense that a service entity or an employee, 1882
volunteer, or contractor of a service entity may be entitled to 1883
under Chapter 2305. or any other provision of the Revised Code 1884
or under the common law of this state. 1885

Sec. 4729.515. (A) In accordance with divisions (B) and 1886
(C) of this section, a terminal distributor of dangerous drugs 1887
may acquire and maintain a supply of naloxone for use in 1888

emergency situations and for distribution through an automated 1889
mechanism. The naloxone may be maintained at a location other 1890
than the location licensed as a terminal distributor of 1891
dangerous drugs. 1892

(B) In the case of naloxone for use in emergency 1893
situations, a terminal distributor of dangerous drugs shall do 1894
all of the following: 1895

(1) Provide instructions regarding the emergency 1896
administration of naloxone to any individual who accesses the 1897
naloxone, including a specific instruction to summon emergency 1898
services as set forth in division (D) of this section; 1899

(2) Specify a process to be used to notify the terminal 1900
distributor that the naloxone has been accessed within a 1901
reasonable time of its being accessed; 1902

(3) Maintain the naloxone in accordance with the 1903
manufacturer's or distributor's instructions. 1904

(C) In the case of naloxone for distribution through an 1905
automated mechanism, a terminal distributor of dangerous drugs 1906
shall comply with standards and procedures specified in rules 1907
adopted under division (F) of this section. 1908

(D) (1) Notwithstanding any conflicting provision of the 1909
Revised Code, both of the following apply: 1910

(a) Any individual may access naloxone maintained as 1911
provided in division (B) of this section and may administer it 1912
to an individual who there is reason to believe is experiencing 1913
an opioid-related overdose. 1914

(b) Any individual may receive naloxone distributed 1915
through an automated system as provided in division (C) of this 1916

section and may administer it to an individual who there is 1917
reason to believe is experiencing an opioid-related overdose. 1918

(2) An individual who administers naloxone as authorized 1919
by this section shall make a good faith effort to activate or 1920
have another individual activate an emergency medical services 1921
system as soon as possible, except that this requirement does 1922
not apply if the individual administering the naloxone is doing 1923
so as part of an emergency medical services system or at a 1924
hospital, as defined in section 3727.01 of the Revised Code. 1925

(E) An individual is not liable for or subject to any of 1926
the following for injury, death, or loss to person or property 1927
that allegedly arises from an act or omission associated with 1928
any action authorized by this section, unless the act or 1929
omission constitutes willful or wanton misconduct: damages in 1930
any civil action, prosecution in any criminal proceeding, or 1931
professional disciplinary action. 1932

(F) The state board of pharmacy shall adopt rules 1933
establishing standards and procedures applicable to the 1934
distribution of naloxone through an automated mechanism. The 1935
rules shall be adopted in accordance with Chapter 119. of the 1936
Revised Code. 1937

Sec. 4729.541. (A) Except as provided in divisions (B) to 1938
(D) of this section, all of the following are exempt from 1939
licensure as a terminal distributor of dangerous drugs: 1940

(1) A licensed health professional authorized to prescribe 1941
drugs; 1942

(2) A business entity that is a corporation formed under 1943
division (B) of section 1701.03 of the Revised Code, a limited 1944
liability company formed under Chapter 1705. of the Revised 1945

Code, or a professional association formed under Chapter 1785. 1946
of the Revised Code if the entity has a sole shareholder who is 1947
a prescriber and is authorized to provide the professional 1948
services being offered by the entity; 1949

(3) A business entity that is a corporation formed under 1950
division (B) of section 1701.03 of the Revised Code, a limited 1951
liability company formed under Chapter 1705. of the Revised 1952
Code, a partnership or a limited liability partnership formed 1953
under Chapter 1775. of the Revised Code, or a professional 1954
association formed under Chapter 1785. of the Revised Code, if, 1955
to be a shareholder, member, or partner, an individual is 1956
required to be licensed, certified, or otherwise legally 1957
authorized under Title XLVII of the Revised Code to perform the 1958
professional service provided by the entity and each such 1959
individual is a prescriber; 1960

(4) An individual who holds a current license, 1961
certificate, or registration issued under Title XLVII of the 1962
Revised Code and has been certified to conduct diabetes 1963
education by a national certifying body specified in rules 1964
adopted by the state board of pharmacy under section 4729.68 of 1965
the Revised Code, but only with respect to insulin that will be 1966
used for the purpose of diabetes education and only if diabetes 1967
education is within the individual's scope of practice under 1968
statutes and rules regulating the individual's profession; 1969

(5) An individual who holds a valid certificate issued by 1970
a nationally recognized S.C.U.B.A. diving certifying 1971
organization approved by the state board of pharmacy under rules 1972
adopted by the board, but only with respect to medical oxygen 1973
that will be used for the purpose of emergency care or treatment 1974
at the scene of a diving emergency; 1975

(6) With respect to epinephrine autoinjectors that may be 1976
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 1977
or 3328.29 of the Revised Code, any of the following: the board 1978
of education of a city, local, exempted village, or joint 1979
vocational school district; a chartered or nonchartered 1980
nonpublic school; a community school established under Chapter 1981
3314. of the Revised Code; a STEM school established under 1982
Chapter 3326. of the Revised Code; or a college-preparatory 1983
boarding school established under Chapter 3328. of the Revised 1984
Code; 1985

(7) With respect to epinephrine autoinjectors that may be 1986
possessed under section 5101.76 of the Revised Code, any of the 1987
following: a residential camp, as defined in section 2151.011 of 1988
the Revised Code; a child day camp, as defined in section 1989
5104.01 of the Revised Code; or a child day camp operated by any 1990
county, township, municipal corporation, township park district 1991
created under section 511.18 of the Revised Code, park district 1992
created under section 1545.04 of the Revised Code, or joint 1993
recreation district established under section 755.14 of the 1994
Revised Code; 1995

(8) With respect to epinephrine autoinjectors that may be 1996
possessed under Chapter 3728. of the Revised Code, a qualified 1997
entity, as defined in section 3728.01 of the Revised Code; 1998

(9) With respect to inhalers that may be possessed under 1999
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 2000
the Revised Code, any of the following: the board of education 2001
of a city, local, exempted village, or joint vocational school 2002
district; a chartered or nonchartered nonpublic school; a 2003
community school established under Chapter 3314. of the Revised 2004
Code; a STEM school established under Chapter 3326. of the 2005

Revised Code; or a college-preparatory boarding school	2006
established under Chapter 3328. of the Revised Code;	2007
(10) With respect to inhalers that may be possessed under	2008
section 5101.77 of the Revised Code, any of the following: a	2009
residential camp, as defined in section 2151.011 of the Revised	2010
Code; a child day camp, as defined in section 5104.01 of the	2011
Revised Code; or a child day camp operated by any county,	2012
township, municipal corporation, township park district created	2013
under section 511.18 of the Revised Code, park district created	2014
under section 1545.04 of the Revised Code, or joint recreation	2015
district established under section 755.14 of the Revised Code;	2016
(11) With respect to naloxone that may be possessed under	2017
section 2925.61 of the Revised Code, a law enforcement agency	2018
and its peace officers;	2019
(12) With respect to naloxone that may be possessed under	2020
section 4729.514 of the Revised Code <u>for use in emergency</u>	2021
<u>situations or for personally furnishing supplies of naloxone,</u> a	2022
service entity, as defined in that section;	2023
(13) A facility that is owned and operated by the United	2024
States department of defense, the United States department of	2025
veterans affairs, or any other federal agency.	2026
(B) If a person described in division (A) of this section	2027
is a pain management clinic or is operating a pain management	2028
clinic, the person shall hold a license as a terminal	2029
distributor of dangerous drugs with a pain management clinic	2030
classification issued under section 4729.552 of the Revised	2031
Code.	2032
(C) If a person described in division (A) of this section	2033
is operating a facility, clinic, or other location described in	2034

division (B) of section 4729.553 of the Revised Code that must 2035
hold a category III terminal distributor of dangerous drugs 2036
license with an office-based opioid treatment classification, 2037
the person shall hold a license with that classification. 2038

(D) Any of the persons described in divisions (A) (1) to 2039
(12) of this section shall hold a license as a terminal 2040
distributor of dangerous drugs in order to possess, have custody 2041
or control of, and distribute any of the following: 2042

(1) Dangerous drugs that are compounded or used for the 2043
purpose of compounding; 2044

(2) A schedule I, II, III, IV, or V controlled substance, 2045
as defined in section 3719.01 of the Revised Code. 2046

Sec. 4729.553. (A) As used in this section: 2047

(1) "Advanced practice registered nurse" has the same 2048
meaning as in section 4723.01 of the Revised Code. 2049

(2) "Controlled substance" has the same meaning as in 2050
section 3719.01 of the Revised Code. 2051

~~(2)~~(3) "Hospital" means a hospital registered with the 2052
department of health under section 3701.07 of the Revised Code. 2053

~~(3)~~(4) "Office-based opioid treatment" means the 2054
treatment of opioid dependence or addiction using a controlled 2055
substance. 2056

(5) "Physician" means an individual who is authorized 2057
under Chapter 4731. of the Revised Code to practice medicine and 2058
surgery or osteopathic medicine and surgery. 2059

(6) "Physician assistant" means an individual who is 2060
licensed under Chapter 4730. of the Revised Code. 2061

(B) (1) Except as provided in ~~division~~divisions (B) (2) and 2062
(3) of this section, no person shall knowingly operate a 2063
facility, clinic, or other location where a prescriber provides 2064
office-based opioid treatment to more than thirty patients or 2065
that meets any other identifying criteria established in rules 2066
adopted under this section without holding a category III 2067
terminal distributor of dangerous drugs license with an office- 2068
based opioid treatment classification. 2069

(2) Division (B) (1) of this section does not apply to any 2070
of the following: 2071

(a) A hospital; 2072

(b) A facility for the treatment of opioid dependence or 2073
addiction that is operated by a hospital; 2074

(c) A physician practice owned or controlled, in whole or 2075
in part, by a hospital or by an entity that owns or controls, in 2076
whole or in part, one or more hospitals; 2077

(d) A facility that conducts only clinical research and 2078
uses controlled substances in studies approved by a hospital- 2079
based institutional review board or an institutional review 2080
board that is accredited by the association for the 2081
accreditation of human research protection programs, inc.; 2082

(e) A facility that holds a category III terminal 2083
distributor of dangerous drugs license in accordance with 2084
section 4729.54 of the Revised Code for the purpose of treating 2085
drug dependence or addiction as part of an opioid treatment 2086
program and is the subject of a current, valid certification 2087
from the substance abuse and mental health services 2088
administration of the United States department of health and 2089
human services pursuant to 42 C.F.R. 8.11; 2090

(f) A program or facility that holds a license or certification issued by the department of mental health and addiction services under Chapter 5119. of the Revised Code if the license or certification is approved by the state board of pharmacy;

(g) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(h) A state or local correctional facility, as defined in section 5163.45 of the Revised Code;

(i) A facility in which patients are treated on-site for opioid dependence or addiction exclusively through direct administration by a physician, physician assistant, or advanced practice registered nurse of drugs that are used for treatment of opioid dependence or addiction and are neither dispensed nor personally furnished to patients for off-site self-administration;

(j) Any other facility specified in rules adopted under this section.

(3) A patient who receives treatment on-site for opioid dependence or addiction through direct administration of a drug by a physician, physician assistant, or advanced practice registered nurse shall not be included in determining whether more than thirty patients are being provided office-based opioid treatment in a particular facility, clinic, or other location that is subject to division (B)(1) of this section.

(C) To be eligible to receive a license as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification, an applicant shall submit

evidence satisfactory to the state board of pharmacy that the 2120
applicant's office-based opioid treatment will be operated in 2121
accordance with the requirements specified in division (D) of 2122
this section and that the applicant meets any other applicable 2123
requirements of this chapter. 2124

If the board determines that an applicant meets all of the 2125
requirements, the board shall issue to the applicant a license 2126
as a category III terminal distributor of dangerous drugs with 2127
an office-based opioid treatment classification. 2128

(D) The holder of a category III terminal distributor 2129
license with an office-based opioid treatment classification 2130
shall do all of the following: 2131

(1) Be in control of a facility that is owned and operated 2132
solely by one or more physicians ~~authorized under Chapter 4731.~~ 2133
~~of the Revised Code to practice medicine and surgery or~~ 2134
~~osteopathic medicine and surgery,~~ unless the state board of 2135
pharmacy waives this requirement for the holder; 2136

(2) Comply with the requirements for conducting office- 2137
based opioid treatment, as established by the state medical 2138
board in rules adopted under section 4731.056 of the Revised 2139
Code; 2140

(3) Require any person with ownership of the facility to 2141
submit to a criminal records check in accordance with section 2142
4776.02 of the Revised Code and send the results of the criminal 2143
records check directly to the state board of pharmacy for review 2144
and decision under section 4729.071 of the Revised Code; 2145

(4) Require each person employed by or seeking employment 2146
with the facility to submit to a criminal records check in 2147
accordance with section 4776.02 of the Revised Code; 2148

(5) Ensure that a person is not employed by the facility 2149
if the person, within the ten years immediately preceding the 2150
date the person applied for employment, was convicted of or 2151
pleaded guilty to either of the following, unless the state 2152
board of pharmacy permits the person to be employed by waiving 2153
this requirement for the facility: 2154

(a) A theft offense, described in division (K)(3) of 2155
section 2913.01 of the Revised Code, that would constitute a 2156
felony under the laws of this state, any other state, or the 2157
United States; 2158

(b) A felony drug offense, as defined in section 2925.01 2159
of the Revised Code. 2160

(6) Maintain a list of each person with ownership of the 2161
facility and notify the state board of pharmacy of any change to 2162
that list. 2163

(E) No person subject to licensure as a category III 2164
terminal distributor of dangerous drugs with an office-based 2165
opioid treatment classification shall knowingly fail to remain 2166
in compliance with the requirements of division (D) of this 2167
section and any other applicable requirements of this chapter. 2168

(F) The state board of pharmacy may impose a fine of not 2169
more than five thousand dollars on a person who violates 2170
division (B) or (E) of this section. A separate fine may be 2171
imposed for each day the violation continues. In imposing the 2172
fine, the board's actions shall be taken in accordance with 2173
Chapter 119. of the Revised Code. 2174

(G) The state board of pharmacy shall adopt rules as it 2175
considers necessary to implement and administer this section. 2176
The rules shall be adopted in accordance with Chapter 119. of 2177

the Revised Code. 2178

Sec. 4729.80. (A) If the state board of pharmacy 2179
establishes and maintains a drug database pursuant to section 2180
4729.75 of the Revised Code, the board is authorized or required 2181
to provide information from the database only as follows: 2182

(1) On receipt of a request from a designated 2183
representative of a government entity responsible for the 2184
licensure, regulation, or discipline of health care 2185
professionals with authority to prescribe, administer, or 2186
dispense drugs, the board may provide to the representative 2187
information from the database relating to the professional who 2188
is the subject of an active investigation being conducted by the 2189
government entity or relating to a professional who is acting as 2190
an expert witness for the government entity in such an 2191
investigation. 2192

(2) On receipt of a request from a federal officer, or a 2193
state or local officer of this or any other state, whose duties 2194
include enforcing laws relating to drugs, the board shall 2195
provide to the officer information from the database relating to 2196
the person who is the subject of an active investigation of a 2197
drug abuse offense, as defined in section 2925.01 of the Revised 2198
Code, being conducted by the officer's employing government 2199
entity. 2200

(3) Pursuant to a subpoena issued by a grand jury, the 2201
board shall provide to the grand jury information from the 2202
database relating to the person who is the subject of an 2203
investigation being conducted by the grand jury. 2204

(4) Pursuant to a subpoena, search warrant, or court order 2205
in connection with the investigation or prosecution of a 2206

possible or alleged criminal offense, the board shall provide 2207
information from the database as necessary to comply with the 2208
subpoena, search warrant, or court order. 2209

(5) On receipt of a request from a prescriber or the 2210
prescriber's delegate approved by the board, the board shall 2211
provide to the prescriber a report of information from the 2212
database relating to a patient who is either a current patient 2213
of the prescriber or a potential patient of the prescriber based 2214
on a referral of the patient to the prescriber, if all of the 2215
following conditions are met: 2216

(a) The prescriber certifies in a form specified by the 2217
board that it is for the purpose of providing medical treatment 2218
to the patient who is the subject of the request; 2219

(b) The prescriber has not been denied access to the 2220
database by the board. 2221

(6) On receipt of a request from a pharmacist or the 2222
pharmacist's delegate approved by the board, the board shall 2223
provide to the pharmacist information from the database relating 2224
to a current patient of the pharmacist, if the pharmacist 2225
certifies in a form specified by the board that it is for the 2226
purpose of the pharmacist's practice of pharmacy involving the 2227
patient who is the subject of the request and the pharmacist has 2228
not been denied access to the database by the board. 2229

(7) On receipt of a request from an individual seeking the 2230
individual's own database information in accordance with the 2231
procedure established in rules adopted under section 4729.84 of 2232
the Revised Code, the board may provide to the individual the 2233
individual's own prescription history. 2234

(8) On receipt of a request from a medical director or a 2235

pharmacy director of a managed care organization that has 2236
entered into a contract with the department of medicaid under 2237
section 5167.10 of the Revised Code and a data security 2238
agreement with the board required by section 5167.14 of the 2239
Revised Code, the board shall provide to the medical director or 2240
the pharmacy director information from the database relating to 2241
a medicaid recipient enrolled in the managed care organization, 2242
including information in the database related to prescriptions 2243
for the recipient that were not covered or reimbursed under a 2244
program administered by the department of medicaid. 2245

(9) On receipt of a request from the medicaid director, 2246
the board shall provide to the director information from the 2247
database relating to a recipient of a program administered by 2248
the department of medicaid, including information in the 2249
database related to prescriptions for the recipient that were 2250
not covered or paid by a program administered by the department. 2251

(10) On receipt of a request from a medical director of a 2252
managed care organization that has entered into a contract with 2253
the administrator of workers' compensation under division (B) (4) 2254
of section 4121.44 of the Revised Code and a data security 2255
agreement with the board required by section 4121.447 of the 2256
Revised Code, the board shall provide to the medical director 2257
information from the database relating to a claimant under 2258
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 2259
assigned to the managed care organization, including information 2260
in the database related to prescriptions for the claimant that 2261
were not covered or reimbursed under Chapter 4121., 4123., 2262
4127., or 4131. of the Revised Code, if the administrator of 2263
workers' compensation confirms, upon request from the board, 2264
that the claimant is assigned to the managed care organization. 2265

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail

dispensary licensed under Chapter 3796. of the Revised Code who 2296
is approved by the board to serve as the dispensary's delegate, 2297
the board shall provide to the delegate a report of information 2298
from the database pertaining only to a patient's use of medical 2299
marijuana, if both of the following conditions are met: 2300

(a) The delegate certifies in a form specified by the 2301
board that it is for the purpose of dispensing medical marijuana 2302
for use in accordance with Chapter 3796. of the Revised Code. 2303

(b) The retail dispensary or delegate has not been denied 2304
access to the database by the board. 2305

(16) On receipt of a request from a judge of a program 2306
certified by the Ohio supreme court as a specialized docket 2307
program for drugs, the board shall provide to the judge, or an 2308
employee of the program who is designated by the judge to 2309
receive the information, information from the database that 2310
relates specifically to a current or prospective program 2311
participant. 2312

(17) On receipt of a request from a coroner, deputy 2313
coroner, or coroner's delegate approved by the board, the board 2314
shall provide to the requestor information from the database 2315
relating to a deceased person about whom the coroner is 2316
conducting or has conducted an autopsy or investigation. 2317

(18) On receipt of a request from a prescriber, the board 2318
may provide to the prescriber a summary of the prescriber's 2319
prescribing record if such a record is created by the board. 2320
Information in the summary is subject to the confidentiality 2321
requirements of this chapter. 2322

(19) (a) On receipt of a request from a pharmacy's 2323
responsible person, the board may provide to the responsible 2324

person a summary of the pharmacy's dispensing record if such a 2325
record is created by the board. Information in the summary is 2326
subject to the confidentiality requirements of this chapter. 2327

(b) As used in division (A) (19) (a) of this section, 2328
"responsible person" has the same meaning as in rules adopted by 2329
the board under section 4729.26 of the Revised Code. 2330

(20) The board may provide information from the database 2331
without request to a prescriber or pharmacist who is authorized 2332
to use the database pursuant to this chapter. 2333

(21) (a) On receipt of a request from a prescriber or 2334
pharmacist, or the prescriber's or pharmacist's delegate, who is 2335
a designated representative of a peer review committee, the 2336
board shall provide to the committee information from the 2337
database relating to a prescriber who is subject to the 2338
committee's evaluation, supervision, or discipline if the 2339
information is to be used for one of those purposes. The board 2340
shall provide only information that it determines, in accordance 2341
with rules adopted under section 4729.84 of the Revised Code, is 2342
appropriate to be provided to the committee. 2343

(b) As used in division (A) (21) (a) of this section, "peer 2344
review committee" has the same meaning as in section 2305.25 of 2345
the Revised Code, except that it includes only a peer review 2346
committee of a hospital or a peer review committee of a 2347
nonprofit health care corporation that is a member of the 2348
hospital or of which the hospital is a member. 2349

(22) On receipt of a request from a requestor described in 2350
division (A) (5) or (6) of this section who is from or 2351
participating with a prescription monitoring program that is 2352
operated by a federal agency and approved by the board, the 2353

board may provide to the requestor information from the 2354
database, but only if there is a written agreement under which 2355
the information is to be used and disseminated according to the 2356
laws of this state. 2357

(23) Any personal health information submitted to the 2358
board pursuant to section 4729.772 of the Revised Code may be 2359
provided by the board only as authorized by the submitter of the 2360
information and in accordance with rules adopted under section 2361
4729.84 of the Revised Code. 2362

(B) The state board of pharmacy shall maintain a record of 2363
each individual or entity that requests information from the 2364
database pursuant to this section. In accordance with rules 2365
adopted under section 4729.84 of the Revised Code, the board may 2366
use the records to document and report statistics and law 2367
enforcement outcomes. 2368

The board may provide records of an individual's requests 2369
for database information only to the following: 2370

(1) A designated representative of a government entity 2371
that is responsible for the licensure, regulation, or discipline 2372
of health care professionals with authority to prescribe, 2373
administer, or dispense drugs who is involved in an active 2374
criminal or disciplinary investigation being conducted by the 2375
government entity of the individual who submitted the requests 2376
for database information; 2377

(2) A federal officer, or a state or local officer of this 2378
or any other state, whose duties include enforcing laws relating 2379
to drugs and who is involved in an active investigation being 2380
conducted by the officer's employing government entity of the 2381
individual who submitted the requests for database information; 2382

(3) A designated representative of the department of 2383
medicaid regarding a prescriber who is treating or has treated a 2384
recipient of a program administered by the department and who 2385
submitted the requests for database information. 2386

(C) Information contained in the database and any 2387
information obtained from it is confidential and is not a public 2388
record. Information contained in the records of requests for 2389
information from the database is confidential and is not a 2390
public record. Information contained in the database that does 2391
not identify a person, including any licensee or registrant of 2392
the board or other entity, may be released in summary, 2393
statistical, or aggregate form. 2394

(D) A pharmacist or prescriber shall not be held liable in 2395
damages to any person in any civil action for injury, death, or 2396
loss to person or property on the basis that the pharmacist or 2397
prescriber did or did not seek or obtain information from the 2398
database. 2399

Sec. ~~4730.431~~ 4730.434. (A) Notwithstanding any provision 2400
of this chapter or rule adopted by the state medical board, a 2401
physician assistant who holds a valid prescriber number issued 2402
by the board and has been granted physician-delegated 2403
prescriptive authority may personally furnish a supply of 2404
naloxone, or issue a prescription for naloxone, without having 2405
examined the individual to whom it may be administered if both 2406
of the following conditions are met: 2407

(1) The naloxone supply is furnished to, or the 2408
prescription is issued to and in the name of, a family member, 2409
friend, or other individual in a position to assist an 2410
individual who there is reason to believe is at risk of 2411
experiencing an opioid-related overdose. 2412

(2) The physician assistant instructs the individual 2413
receiving the naloxone supply or prescription to summon 2414
emergency services as soon as practicable either before or after 2415
administering naloxone to an individual apparently experiencing 2416
an opioid-related overdose. 2417

(B) A physician assistant who under division (A) of this 2418
section in good faith furnishes a supply of naloxone or issues a 2419
prescription for naloxone is not liable for or subject to any of 2420
the following for any action or omission of the individual to 2421
whom the naloxone is furnished or the prescription is issued: 2422
damages in any civil action, prosecution in any criminal 2423
proceeding, or professional disciplinary action. 2424

Sec. 4730.435. (A) (1) A physician assistant who holds a 2425
valid prescriber number issued by the state medical board, who 2426
has been granted physician-delegated prescriptive authority, and 2427
who has established a protocol that meets the requirements of 2428
division (C) of this section may authorize one or more other 2429
individuals to personally furnish a supply of naloxone pursuant 2430
to the protocol to either of the following: 2431

(a) An individual who there is reason to believe is 2432
experiencing or at risk of experiencing an opioid-related 2433
overdose; 2434

(b) A family member, friend, or other person in a position 2435
to assist an individual who there is reason to believe is at 2436
risk of experiencing an opioid-related overdose. 2437

(2) An individual authorized under this section to 2438
personally furnish naloxone may do so without having examined 2439
the individual to whom it may be administered. 2440

(B) An individual authorized by a physician assistant 2441

under this section may personally furnish naloxone to an 2442
individual described in division (A) (1) (a) or (b) of this 2443
section if both of the following conditions are met: 2444

(1) The authorized individual complies with the protocol 2445
established by the authorizing physician assistant, including 2446
having completed the training required by the protocol. 2447

(2) The authorized individual instructs the individual to 2448
whom naloxone is furnished to summon emergency services as soon 2449
as practicable either before or after administering naloxone. 2450

(C) A protocol established by a physician assistant for 2451
purposes of this section shall be established in writing and 2452
include all of the following: 2453

(1) A description of the clinical pharmacology of 2454
naloxone; 2455

(2) Precautions and contraindications concerning 2456
furnishing naloxone; 2457

(3) Any limitations the physician assistant specifies 2458
concerning the individuals to whom naloxone may be furnished; 2459

(4) The naloxone dosage that may be furnished and any 2460
variation in the dosage based on circumstances specified in the 2461
protocol; 2462

(5) Labeling, storage, record keeping, and administrative 2463
requirements; 2464

(6) Training requirements that must be met before an 2465
individual will be authorized to furnish naloxone; 2466

(7) Any instructions or training that the authorized 2467
individual must provide to an individual to whom naloxone is 2468

furnished. 2469

(D) A physician assistant who in good faith authorizes 2470
another individual to personally furnish naloxone in accordance 2471
with a protocol established by the physician assistant under 2472
this section is not liable for or subject to any of the 2473
following for any action or omission of the individual to whom 2474
the naloxone is furnished: damages in any civil action, 2475
prosecution in any criminal proceeding, or professional 2476
disciplinary action. 2477

An individual authorized under this section to personally 2478
furnish naloxone who does so in good faith is not liable for or 2479
subject to any of the following for any action or omission of 2480
the individual to whom the naloxone is furnished: damages in any 2481
civil action, prosecution in any criminal proceeding, or 2482
professional disciplinary action. 2483

Sec. 4730.436. (A) As used in this section, "service 2484
entity" has the same meaning as in section 4729.514 of the 2485
Revised Code. 2486

(B) A physician assistant who holds a valid prescriber 2487
number issued by the state medical board, who has been granted 2488
physician-delegated prescriptive authority, and who has 2489
established a protocol under division (D) of this section may 2490
authorize an individual who is an employee, volunteer, or 2491
contractor of a service entity to administer naloxone to an 2492
individual who is apparently experiencing an opioid-related 2493
overdose. 2494

(C) An individual authorized by a physician assistant 2495
under this section may administer naloxone to an individual who 2496
is apparently experiencing an opioid-related overdose if all of 2497

the following conditions are met: 2498

(1) The naloxone is obtained from a service entity of 2499
which the authorized individual is an employee, volunteer, or 2500
contractor. 2501

(2) The authorized individual complies with the protocol 2502
established by the authorizing physician assistant. 2503

(3) The authorized individual summons emergency services 2504
as soon as practicable either before or after administering the 2505
naloxone. 2506

(D) A protocol established by a physician assistant for 2507
purposes of this section must be in writing and include all of 2508
the following: 2509

(1) A description of the clinical pharmacology of 2510
naloxone; 2511

(2) Precautions and contraindications concerning the 2512
administration of naloxone; 2513

(3) Any limitations the physician assistant specifies 2514
concerning the individuals to whom naloxone may be administered; 2515

(4) The naloxone dosage that may be administered and any 2516
variation in the dosage based on circumstances specified in the 2517
protocol; 2518

(5) Labeling, storage, record keeping, and administrative 2519
requirements; 2520

(6) Training requirements that must be met before an 2521
individual can be authorized to administer naloxone. 2522

(E) A physician assistant who in good faith authorizes an 2523
individual to administer naloxone under this section is not 2524

liable for or subject to any of the following for any act or 2525
omission of the authorized individual: damages in any civil 2526
action, prosecution in any criminal proceeding, or professional 2527
disciplinary action. 2528

A service entity or an employee, volunteer, or contractor 2529
of a service entity is not liable for or subject to any of the 2530
following for injury, death, or loss to person or property that 2531
allegedly arises from an act or omission associated with 2532
procuring, maintaining, accessing, or administering naloxone 2533
under this section, unless the act or omission constitutes 2534
willful or wanton misconduct: damages in any civil action, 2535
prosecution in any criminal proceeding, or professional 2536
disciplinary action. 2537

This section does not eliminate, limit, or reduce any 2538
other immunity or defense that a service entity or an employee, 2539
volunteer, or contractor of a service entity may be entitled to 2540
under Chapter 2305. or any other provision of the Revised Code 2541
or under the common law of this state. 2542

Sec. 4730.56. (A) As used in this section: 2543

(1) "Community addiction services provider" has the same 2544
meaning as in section 5119.01 of the Revised Code. 2545

(2) "Medication-assisted treatment" has the same meaning 2546
as in section 340.01 of the Revised Code. 2547

(B) A physician assistant shall comply with section 2548
3719.064 of the Revised Code and rules adopted under section 2549
4730.55 of the Revised Code when treating a patient with 2550
medication-assisted treatment or proposing to initiate such 2551
treatment. 2552

(C) A physician assistant who fails to comply with this 2553

section shall treat not more than thirty patients at any one 2554
time with medication-assisted treatment even if the facility or 2555
location at which the treatment is provided is either of the 2556
following: 2557

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 2558
section 4729.553 of the Revised Code from being required to 2559
possess a category III terminal distributor of dangerous drugs 2560
license with an office-based opioid treatment classification; 2561

(2) A community addiction services provider that provides 2562
alcohol and drug addiction services that are certified by the 2563
department of mental health and addiction services under section 2564
5119.36 of the Revised Code. 2565

Sec. 4731.83. (A) As used in this section: 2566

(1) "Medication-assisted treatment" has the same meaning 2567
as in section 340.01 of the Revised Code. 2568

(2) "Physician" means an individual authorized by this 2569
chapter to practice medicine and surgery or osteopathic medicine 2570
and surgery. 2571

(B) A physician shall comply with section 3719.064 of the 2572
Revised Code and rules adopted under section 4731.056 of the 2573
Revised Code when treating a patient with medication-assisted 2574
treatment or proposing to initiate such treatment. 2575

(C) A physician who fails to comply with this section 2576
shall treat not more than thirty patients at any one time with 2577
medication-assisted treatment even if the facility or location 2578
at which the treatment is provided is either of the following: 2579

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 2580
section 4729.553 of the Revised Code from being required to 2581

possess a category III terminal distributor of dangerous drugs 2582
license with an office-based opioid treatment classification; 2583

(2) A community addiction services provider that provides 2584
alcohol and drug addiction services that are certified by the 2585
department of mental health and addiction services under section 2586
5119.36 of the Revised Code. 2587

Section 2. That existing sections 121.22, 2925.01, 2588
2925.61, 4723.486, 4723.488, 4723.50, 4723.52, 4729.01, 4729.29, 2589
4729.44, 4729.45, 4729.51, 4729.514, 4729.541, 4729.553, 2590
4729.80, 4730.431, 4730.56, and 4731.83 of the Revised Code are 2591
hereby repealed. 2592

Section 3. The General Assembly, applying the principle 2593
stated in division (B) of section 1.52 of the Revised Code that 2594
amendments are to be harmonized if reasonably capable of 2595
simultaneous operation, finds that the following sections, 2596
presented in this act as composites of the sections as amended 2597
by the acts indicated, are the resulting versions of the 2598
sections in effect prior to the effective date of the sections 2599
as presented in this act: Section 2925.61 of the Revised Code as 2600
amended by both H.B. 216 and S.B. 319 of the 131st General 2601
Assembly. Section 4729.553 of the Revised Code as amended by 2602
both H.B. 101 and S.B. 229 of the 132nd General Assembly. 2603
Section 4730.431 of the Revised Code as amended by both H.B. 4 2604
and S.B. 110 of the 131st General Assembly. 2605