

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 747

Representatives Grendell, Cutrona

**Cosponsors: Representatives Keller, Lang, Riedel, Becker, Vitale, Butler, Cross,
Wiggam, Green, Dean**

A BILL

To enact sections 4723.283, 4729.261, 4730.253, and 1
4731.201 of the Revised Code regarding the 2
prescribing and dispensing of drugs for off- 3
label uses. 4

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

Section 1. That sections 4723.283, 4729.261, 4730.253, and 5
4731.201 of the Revised Code be enacted to read as follows: 6

Sec. 4723.283. The board of nursing shall not revoke, 7
suspend, or place restrictions on a license to practice as an 8
advanced practice registered nurse held by a certified nurse 9
practitioner or clinical nurse specialist or reprimand or 10
otherwise discipline the holder of such a license solely for 11
issuing a prescription for a drug to be used in a manner other 12
than the use approved by the United States food and drug 13
administration, except when the issuance of such a prescription 14
conflicts with acceptable and prevailing standards of safe 15
nursing care. 16

Sec. 4729.261. (A) As used in this section: 17

(1) "Certified nurse practitioner" and "clinical nurse specialist" have the same meanings as in section 4723.01 of the Revised Code. 18
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(2) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 21
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(3) "Physician assistant" means an individual authorized under Chapter 4730. of the Revised Code to practice as a physician assistant. 24
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(B) With respect to a drug that is prescribed for a patient by a certified nurse practitioner, clinical nurse specialist, physician, or physician assistant for use in a manner other than the use approved by the United States food and drug administration, including chloroquine or hydroxychloroquine, the state board of pharmacy shall not adopt a rule to prohibit a terminal distributor of dangerous drugs from selling the drug at retail or a pharmacist or pharmacy intern from dispensing the drug. 27
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Sec. 4730.253. The state medical board shall not limit, revoke, suspend, refuse to renew, or refuse to reinstate an individual's license to practice as a physician assistant or otherwise reprimand or place on probation the holder of such a license solely for issuing a prescription for a drug to be used in a manner other than the use approved by the United States food and drug administration, except when the issuance of such a prescription conflicts with acceptable and prevailing standards of care for physician assistants. 36
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Sec. 4731.201. The state medical board shall not limit, revoke, suspend, refuse to renew, or refuse to reinstate an 45
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individual's license to practice medicine and surgery or 47
osteopathic medicine and surgery or otherwise reprimand or place 48
on probation the holder of such a license solely for issuing a 49
prescription for a drug to be used in a manner other than the 50
use approved by the United States food and drug administration, 51
except when the issuance of such a prescription conflicts with 52
acceptable and prevailing standards of care. 53