

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

MONDAY, AUGUST 31, 2020

TWO HUNDRED NINETEENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Monday, August 31, 2020, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Antani was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

**MESSAGE FROM THE SPEAKER**

Pursuant to House Rules 13, 28, and 30, the Speaker of the Ohio House of Representatives hereby makes the following changes to the House Rules and Reference committee, effective August, 31, 2020:

Remove Representative Boggs; appoint Representative Crawley

**MESSAGE FROM THE SPEAKER**

Pursuant to House Rules 13, 29, and 30, the Speaker of the Ohio House of Representatives hereby creates the select committee on Energy Policy and Oversight.

On motion of Representative Ginter, the House recessed.

The House met pursuant to recess.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 753** - Representative Becker.

To amend section 2903.14 of the Revised Code to create a new negligent assault offense and to name this act Parker's Law.

**H. B. No. 754** - Representative Jordan.

Cosponsors: Representatives Lipps, Seitz, Becker, Edwards.

To repeal Section 29 of H.B. 197 of the 133rd General Assembly to modify municipal income tax employer withholding rules for COVID-19-related work-from-home employees.

**H. B. No. 755** - Representative Patton.

To amend sections 317.32, 319.48, 319.54, 321.261, 321.263, 321.343, 323.25, 323.26, 323.28, 323.31, 323.33, 323.65, 323.66, 323.67, 323.69, 323.691, 323.70, 323.71, 323.72, 323.73, 323.75, 323.76, 323.77, 323.79,

505.86, 715.261, 721.28, 1721.10, 1724.02, 1724.11, 3737.87, 3745.11, 5709.12, 5721.01, 5721.02, 5721.03, 5721.04, 5721.06, 5721.13, 5721.17, 5721.18, 5721.19, 5721.192, 5721.20, 5721.25, 5721.26, 5721.30, 5721.32, 5721.33, 5721.37, 5722.01, 5722.02, 5722.03, 5722.031, 5722.04, 5722.05, 5722.06, 5722.07, 5722.08, 5722.10, 5722.11, 5722.14, 5722.15, 5722.21, 5723.01, 5723.03, 5723.04, 5723.05, 5723.06, 5723.10, 5723.13, 5723.18, and 5739.02; to enact sections 5721.182, 5721.183, 5722.111, and 5723.20; and to repeal sections 323.74, 5721.14, 5721.15, 5721.16, 5722.09, and 5722.13 of the Revised Code to make changes to the law relating to tax foreclosures and county land reutilization corporations.

Said bills were considered the first time.

### **REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION**

Representative Sykes reported for the Rules and Reference committee recommending that the following House Bills, Senate Bills, and Senate Joint Resolution be considered for the second time and referred to the following committees for consideration:

**H. B. No. 697** - Representative Manning, G.

TO MAINTAIN A STUDENT'S OHIO COLLEGE OPPORTUNITY GRANT AWARD AMOUNT IN THE 2020-2021 ACADEMIC YEAR IF THAT STUDENT ENROLLS IN A STATE INSTITUTION OF HIGHER EDUCATION AND TO DECLARE AN EMERGENCY.

To the committee on Higher Education

**H. B. No. 698** - Representatives Holmes, A. and Crossman

REGARDING A PROPOSAL TO ESTABLISH ADDICTION TREATMENT FACILITIES, TO INCREASE PENALTIES FOR DRUG TRAFFICKING VIOLATIONS, TO MODIFY PENALTIES FOR DRUG POSSESSION, TO REQUIRE AN OFFENDER CONVICTED OF A DRUG POSSESSION OR DRUG TRAFFICKING OFFENSE INVOLVING CERTAIN DRUGS TO BE SUBJECT TO TEN YEARS OF POST-RELEASE CONTROL, TO ALLOW A CRIMINAL DEFENDANT WHO HAS A SEVERE SUBSTANCE USE DISORDER INVOLVING CERTAIN DRUGS TO BE CONFINED BY A STATE DETOXIFICATION PROVIDER WHILE AWAITING TRIAL, TO CREATE RESTITUTION WORK PROGRAMS, AND TO MAKE AN APPROPRIATION.

To the committee on Criminal Justice

**H. B. No. 699** - Representatives Holmes, A. and Crossman

REGARDING REDUCING THE ABUSE OF PRESCRIPTION OPIATES.

To the committee on Health

**H. B. No. 700** - Representatives Holmes, A. and Crossman  
REGARDING MAKING ADDICTION TREATMENT WIDELY  
AVAILABLE.

To the committee on Health

**H. B. No. 701** - Representatives Holmes, A. and Crossman  
TO ESTABLISH THE SOCIAL IMPACT BOND FUND AND THE SOCIAL  
IMPACT BOND PROGRAM TO BE ADMINISTERED BY THE  
DEPARTMENT OF REHABILITATION AND CORRECTION.

To the committee on Finance

**H. B. No. 702** - Representatives Holmes, A. and Crossman  
TO CREATE THE REENTRY OHIO PROGRAM AND TO MAKE AN  
APPROPRIATION.

To the committee on Commerce and Labor

**H. B. No. 703** - Representatives Plummer and Abrams  
TO EXPRESS THE INTENT OF THE GENERAL ASSEMBLY TO STUDY  
AND IMPLEMENT PROFESSIONAL POLICE PRACTICES IN OHIO.

To the committee on State and Local Government

**H. B. No. 704** - Representatives Cross and Fraizer  
TO MODIFY THE LAW GOVERNING COMMUNITY  
REDEVELOPMENT AREAS AND THE TERMS UNDER WHICH  
PROPERTY MAY BE EXEMPTED IN SUCH AREAS.

To the committee on Economic and Workforce Development

**H. B. No. 705** - Representative Miller, A.  
TO AMEND THE LAW REGARDING PUBLIC NUISANCES AND  
BLIGHT FORECLOSURE ACTIONS AND TO DECLARE AN  
EMERGENCY.

To the committee on Civil Justice

**H. B. No. 706** - Representatives Crawley and West  
TO REQUIRE PEACE OFFICERS TO COMPLETE TRAINING ON DE-  
ESCALATION TECHNIQUES, IMPLICIT BIAS, PROCEDURAL  
JUSTICE, AND MENTAL HEALTH ISSUES, TO REQUIRE  
INFORMATION REGARDING MENTAL HEALTH RESOURCES AND  
AVAILABLE SUPPORT BE PROVIDED TO PEACE OFFICERS  
ANNUALLY, AND TO MAKE AN APPROPRIATION.

To the committee on State and Local Government

**H. B. No. 707** - Representatives Miranda and Boggs  
TO PROHIBIT THE USE OF TEAR GAS BY PEACE OFFICERS.

To the committee on State and Local Government

**H. B. No. 708** - Representative Miller, A.  
TO REVISE THE LAW REGARDING EMERGENCY MANAGEMENT

PLANS AND SCHOOL SAFETY DRILLS AND TO DECLARE AN EMERGENCY.

To the committee on Primary and Secondary Education

**H. B. No. 709** - Representatives Denson and Upchurch  
TO ESTABLISH A DATABASE OF RECORDS OF USE OF FORCE BY  
LAW ENFORCEMENT OFFICERS.

To the committee on State and Local Government

**H. B. No. 710** - Representatives Upchurch and Denson  
TO PROHIBIT POLICE OFFICERS FROM ENGAGING IN BIASED  
POLICING AND OTHER STATUS-BASED PROFILING AND TO  
REQUIRE THE ATTORNEY GENERAL'S OFFICE TO ESTABLISH  
RULES REGARDING SUCH POLICE PRACTICES.

To the committee on State and Local Government

**H. B. No. 711** - Representative Baldrige  
REGARDING THE SCOPE OF EMERGENCY MEDICAL SERVICES  
PROVIDED BY EMERGENCY MEDICAL SERVICE PERSONNEL.

To the committee on Health

**H. B. No. 712** - Representatives Sheehy and Hicks-Hudson  
TO REQUIRE THE ATTORNEY GENERAL TO CREATE A DATABASE  
OF INFORMATION REGARDING LAW ENFORCEMENT OFFICERS  
WHO HAVE BEEN TERMINATED OR RESIGNED UNDER CERTAIN  
CIRCUMSTANCES AND TO REQUIRE LAW ENFORCEMENT  
AGENCIES TO ACCESS THE DATABASE TO DETERMINE  
EMPLOYMENT ELIGIBILITY OF THOSE OFFICERS.

To the committee on State and Local Government

**H. B. No. 713** - Representatives West and Leland  
TO PROHIBIT LAW ENFORCEMENT AGENCIES FROM USING  
QUOTAS FOR ARRESTS AND CITATIONS.

To the committee on State and Local Government

**H. B. No. 714** - Representatives Crossman and Holmes, A.  
TO PROHIBIT USING AN UNMANNED AERIAL VEHICLE TO  
COMMIT TRESPASS, VOYEURISM, AND STALKING.

To the committee on Criminal Justice

**H. B. No. 715** - Representatives Crossman and Upchurch  
REGARDING THE ADMISSIBILITY OF STATEMENTS MADE BY A  
CHILD DURING A CUSTODIAL INTERROGATION.

To the committee on Criminal Justice

**H. B. No. 716** - Representatives Lepore-Hagan and Galonski  
TO CREATE THE OFFENSE OF STRANGULATION BY A LAW  
ENFORCEMENT OFFICER.

To the committee on Criminal Justice

**H. B. No. 717** - Representatives Miller, J. and Upchurch  
TO ALLOW THE CHIEF OF POLICE OF A MUNICIPAL CORPORATION  
TO CONDUCT TRAINING SCHOOLS FOR PROSPECTIVE LAW  
ENFORCEMENT OFFICERS.

To the committee on State and Local Government

**H. B. No. 718** - Representatives Miller, J. and West  
TO ALLOW A POLICE DEPARTMENT TO FILL A VACANT POSITION  
IN THE CLASSIFIED CIVIL SERVICE WITHOUT A COMPETITIVE  
EXAMINATION.

To the committee on Commerce and Labor

**H. B. No. 719** - Representatives West and Crawley  
TO ALLOW A SENTENCE THAT HAS BEEN IMPOSED FOR A  
QUALIFYING OFFENSE TO BE REDUCED.

To the committee on Criminal Justice

**H. B. No. 720** - Representatives Ingram and Hicks-Hudson  
TO ALLOW A MUNICIPAL CORPORATION TO REQUIRE ITS FIRE  
CHIEF OR CHIEF OF POLICE TO RESIDE WITHIN THE MUNICIPAL  
CORPORATION DURING THE CHIEF'S FIRST FIVE YEARS.

To the committee on State and Local Government

**H. B. No. 721** - Representatives Weinstein and Crawley  
TO PROHIBIT A POLITICAL SUBDIVISION FROM RECEIVING  
CERTAIN PROPERTY FROM A MILITARY EQUIPMENT SURPLUS  
PROGRAM OPERATED BY THE FEDERAL GOVERNMENT AND TO  
LIMIT THE USE OF FEDERAL FUNDS TO PURCHASE EQUIPMENT.

To the committee on State and Local Government

**H. B. No. 722** - Representative Miller, A.  
TO ADD THE ACCUMULATION OF GARBAGE AND DEBRIS TO THE  
CONDITIONS THAT MAY CONSTITUTE A PUBLIC NUISANCE.

To the committee on Health

**H. B. No. 723** - Representative LaRe  
TO PROVIDE FOR THE INVESTIGATION AND PROSECUTION BY  
THE ATTORNEY GENERAL OF CRIMINAL ACTIVITY COMMITTED  
AT, OR ON, ANY FACILITY, BUILDING, PREMISES, OR PROPERTY  
OWNED OR LEASED BY, OR OTHERWISE UNDER THE CONTROL OF,  
THE STATE AND TO NAME THE ACT THE STATE PROPERTY  
PROTECTION AND PROSECUTION ACT.

To the committee on Criminal Justice

**H. B. No. 724** - Representatives Smith, K. and Lightbody  
TO DESIGNATE FEBRUARY 26TH AS "DR. AMY ACTON DAY."

To the committee on State and Local Government

**H. B. No. 725** - Representative Smith, K.

TO AUTHORIZE A REFUNDABLE INCOME TAX CREDIT FOR INVESTING IN A SOUND RECORDING PRODUCTION COMPANY.

To the committee on Ways and Means

**H. B. No. 726** - Representative Wiggam

TO ESTABLISH REQUIREMENTS FOR ORGANIZING YOUTH ATHLETIC ACTIVITIES DURING OUTBREAKS OF CONTAGIOUS DISEASE OR ILLNESS AND TO DECLARE AN EMERGENCY.

To the committee on Health

**H. B. No. 727** - Representatives Clites and Fraizer

TO EXPAND ELIGIBILITY FOR THE PROGRAM FOR MEDICALLY HANDICAPPED CHILDREN TO INDIVIDUALS UP TO AGE 26.

To the committee on Health

**H. B. No. 728** - Representatives Sobecki and Sheehy

TO DESIGNATE A PORTION OF STATE ROUTE 184 IN LUCAS COUNTY AS THE "OFFICER ANTHONY DIA MEMORIAL HIGHWAY."

To the committee on Transportation and Public Safety

**H. B. No. 729** - Representative Galonski

TO DESIGNATE THE MONTH OF JUNE AS "PRIDE MONTH."

To the committee on State and Local Government

**H. B. No. 730** - Representatives Russo and Greenspan

TO ESTABLISH THE LEAD SERVICE LINE REPLACEMENT PROGRAM.

To the committee on State and Local Government

**H. B. No. 731** - Representatives Smith, K. and Kelly

TO RAISE THE SALARY THRESHOLD ABOVE WHICH CERTAIN EMPLOYEES ARE EXEMPT FROM THE OVERTIME LAW.

To the committee on Commerce and Labor

**H. B. No. 732** - Representative Manning, G.

TO ELIMINATE RETENTION UNDER THE THIRD GRADE READING GUARANTEE AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO SEEK A FEDERAL WAIVER FOR THE 2020-2021 SCHOOL YEAR REGARDING THE FEDERAL TESTING REQUIREMENT FOR A THIRD GRADE READING ASSESSMENT.

To the committee on Primary and Secondary Education

**H. B. No. 733** - Representatives Russo and Crossman

TO MAKE EMPLOYEES OF THE GENERAL ASSEMBLY AND ANY STATE AGENCY OF THE LEGISLATIVE BRANCH SUBJECT TO THE

PUBLIC EMPLOYEES' COLLECTIVE BARGAINING LAW AND TO REQUIRE A PUBLIC EMPLOYER TO COLLECTIVELY BARGAIN WITH AN EXCLUSIVE REPRESENTATIVE OF THOSE EMPLOYEES.  
To the committee on Commerce and Labor

**H. B. No. 734** - Representatives Rogers and Hicks-Hudson  
TO MODIFY SOME DELINQUENT PROPERTY TAX FORECLOSURE PROCEEDINGS AND TO PROHIBIT CERTAIN TAX-DELINQUENT PERSONS AND ASSOCIATES FROM PURCHASING ANY TAX-FORECLOSED PROPERTY OR DELINQUENT TAX CERTIFICATES.  
To the committee on Ways and Means

**H. B. No. 735** - Representatives Smith, K. and Robinson  
TO REQUIRE CERTAIN LAW ENFORCEMENT OFFICERS TO WEAR A CLEARLY VISIBLE BADGE AND IDENTIFICATION ON THEIR PERSON WHILE ON DUTY AND TO IMPOSE A FINE ON THE APPOINTING AUTHORITY OF AN OFFICER WHO FAILS TO COMPLY.  
To the committee on State and Local Government

**H. B. No. 736** - Representatives Romanchuk and Upchurch  
TO CREATE THE COMMISSION ON EASTERN EUROPEAN AFFAIRS AND THE OFFICE OF EASTERN EUROPEAN AFFAIRS AND TO MAKE AN APPROPRIATION.  
To the committee on State and Local Government

**H. B. No. 737** - Representatives Manning, G. and Miranda  
TO MODIFY THE CAMPAIGN FINANCE LAW REGARDING INDEPENDENT EXPENDITURES AND POLITICAL ACTION COMMITTEES.  
To the committee on State and Local Government

**H. B. No. 738** - Representatives Skindell and O'Brien  
TO REPEAL THE CHANGES MADE BY H.B. 6 OF THE 133RD GENERAL ASSEMBLY TO THE LAWS GOVERNING ELECTRIC SERVICE, RENEWABLE ENERGY, AND ENERGY EFFICIENCY AND THE CHANGES MADE TO OTHER RELATED LAWS.  
To the select committee on Energy Policy and Oversight

**H. B. No. 739** - Representatives Sweeney and Russo  
TO MODIFY THE CAMPAIGN FINANCE LAW, TO NAME THIS ACT THE OHIO ANTI-CORRUPTION ACT, AND TO AMEND THE VERSIONS OF SECTIONS 3517.10, 3517.105, AND 3517.106 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT JANUARY 1, 2021, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE.  
To the committee on State and Local Government



**H. B. No. 740** - Representatives Skindell and Denson  
REGARDING THE SIGNIFICANTLY EXCESSIVE EARNINGS  
DETERMINATION FOR AN ELECTRIC DISTRIBUTION UTILITY'S  
ELECTRIC SECURITY PLAN.

To the select committee on Energy Policy and Oversight

**H. B. No. 741** - Representatives Manning, G. and Greenspan  
TO ADD EXTORTION AND PERJURY AND CERTAIN FEDERAL  
OFFENSES TO THE OFFENSES THAT MAY RESULT IN FORFEITURE  
OR TERMINATION OF PUBLIC RETIREMENT SYSTEM BENEFITS.

To the committee on Criminal Justice

**H. B. No. 742** - Representatives Crossman and Brent  
TO DESIGNATE FEBRUARY 21 AS "JOHN LEWIS VOTER  
REGISTRATION DAY" AND TO REQUIRE THE BOARDS OF  
ELECTIONS TO PROMOTE THAT DAY TO ENCOURAGE VOTER  
REGISTRATION.

To the committee on State and Local Government

**H. B. No. 743** - Representative Howse  
TO DESIGNATE THE MONTH OF AUGUST AS "BLACK  
PHILANTHROPY MONTH."

To the committee on State and Local Government

**H. B. No. 744** - Representatives Leland and Brent  
TO ENACT THE EVICTION CRISIS RESPONSE ACT TO CREATE THE  
COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM, TO MAKE  
AN APPROPRIATION, AND TO DECLARE AN EMERGENCY.

To the committee on Commerce and Labor

**H. B. No. 745** - Representatives West and Miranda  
TO EXTEND THE RENEWAL TIME PERIOD FOR A-1-A AND CLASS D  
LIQUOR PERMITS.

To the committee on Commerce and Labor

**H. B. No. 746** - Representatives Lanese and Greenspan  
TO REPEAL SECTIONS 4 AND 5 OF H.B. 6 OF THE 133RD GENERAL  
ASSEMBLY TO REPEAL THE CHANGES MADE BY H.B. 6 OF THE  
133RD GENERAL ASSEMBLY TO THE LAWS GOVERNING ELECTRIC  
SERVICE, RENEWABLE ENERGY, AND ENERGY EFFICIENCY AND  
THE CHANGES MADE TO OTHER RELATED LAWS.

To the select committee on Energy Policy and Oversight

**H. B. No. 747** - Representatives Grendell and Cutrona  
REGARDING THE PRESCRIBING AND DISPENSING OF DRUGS FOR  
OFF-LABEL USES.

To the committee on Health

**H. B. No. 748** - Representatives Manchester and Jones  
TO PROHIBIT THE DEPARTMENT OF HEALTH FROM ISSUING A SPECIAL OR STANDING ORDER OR RULE THAT SUPERSEDES A DECISION MADE BY A SCHOOL DISTRICT.

To the committee on Health

**H. B. No. 749** - Representative Roemer  
TO TEMPORARILY SUSPEND PROVISIONS RELATING TO BONUS DEPRECIATION ADJUSTMENTS FOR A TAXPAYER WITH A FEDERAL NET OPERATING LOSS.

To the committee on Ways and Means

**H. B. No. 750** - Representatives Crossman and Blair  
TO PROHIBIT A PERSON WHO IS CURRENTLY CHARGED WITH A PUBLIC CORRUPTION OFFENSE FROM TAKING OFFICE AS A MEMBER OF THE GENERAL ASSEMBLY, TO REQUIRE A CURRENT MEMBER WHO IS CHARGED WITH A PUBLIC CORRUPTION OFFENSE TO REPAY CERTAIN AMOUNTS TO THE STATE, AND TO DECLARE AN EMERGENCY.

To the committee on State and Local Government

**H. B. No. 751** - Representative Hillyer  
TO MODIFY THE LAW REGARDING PROPERTY TAX VALUATION COMPLAINTS.

To the committee on Ways and Means

**H. B. No. 752** - Representatives Sweeney and Crossman  
TO PROHIBIT A PERSON FROM TAKING CERTAIN ACTIONS TO PREVENT THE CIRCULATION OF AN ELECTION PETITION.

To the committee on State and Local Government

**Sub. S. B. No. 3** - Senators Eklund and O'Brien  
TO MODIFY THE CONTROLLED SUBSTANCE POSSESSION AND TRAFFICKING PROHIBITIONS AND PENALTIES, MODIFY THE DRUG AND ALCOHOL ABUSE CIVIL COMMITMENT MECHANISM, REQUIRE THE STATE CRIMINAL SENTENCING COMMISSION TO STUDY THE IMPACT OF THOSE CHANGES, AND PROHIBIT RESTRAINING OR CONFINING A WOMAN OR CHILD WHO IS A CHARGED, CONVICTED, OR ADJUDICATED CRIMINAL OFFENDER OR DELINQUENT CHILD AT CERTAIN POINTS DURING PREGNANCY OR POSTPARTUM RECOVERY.

To the committee on Criminal Justice

**S. B. No. 174** - Senator Kunze  
TO DESIGNATE SEPTEMBER 7 AS "OHIO GRATEFUL PATIENT DAY."

To the committee on Health

**S. B. No. 272** - Senators Roegner and Blessing  
TO ENTER INTO THE PHYSICAL THERAPY LICENSURE COMPACT.  
To the committee on Health

**Sub. S. B. No. 276** - Senators Roegner and Manning  
TO ENACT THE OHIO REVISED LIMITED LIABILITY COMPANY ACT.  
To the committee on Civil Justice

**S. B. No. 280** - Senator Blessing  
TO EXEMPT CERTAIN CONTRACTS BETWEEN A CREDIT SERVICES  
ORGANIZATION AND A BUYER FROM THE TIME LIMIT TO  
PERFORM SERVICES.  
To the committee on Financial Institutions

**S. B. No. 288** - Senator Gavarone  
REGARDING STUDENT RELIGIOUS EXPRESSION IN  
INTERSCHOLASTIC ATHLETICS AND EXTRACURRICULAR  
ACTIVITIES.  
To the committee on Primary and Secondary Education

**Am. S. B. No. 293** - Senators Manning and Blessing  
TO CREATE A PROCEDURE WITHIN THE COURT OF CLAIMS TO  
HEAR COMPLAINTS ALLEGING A VIOLATION OF THE OPEN  
MEETINGS LAW.  
To the committee on Civil Justice

**S. B. No. 318** - Senators Kunze and Williams  
TO EXTEND THE WOMEN'S SUFFRAGE CENTENNIAL COMMISSION  
UNTIL DECEMBER 31, 2021.  
To the committee on Rules and Reference

**Am. S. J. R. No. 4** - Senator Peterson  
PROPOSING TO ENACT SECTION 18 OF ARTICLE VII OF THE  
CONSTITUTION OF THE STATE OF OHIO TO ALLOW THE GENERAL  
ASSEMBLY TO PROVIDE FOR THE ISSUANCE OF OBLIGATIONS TO  
REPAY OUTSTANDING ADVANCES MADE BY THE FEDERAL  
GOVERNMENT TO THE UNEMPLOYMENT COMPENSATION  
PROGRAM OF THE STATE.  
To the committee on Finance

ROBERT R. CUPP  
EMILIA STRONG SYKES  
JAMIE CALLENDER  
TIMOTHY E. GINTER  
LAURA LANESE  
GARY SCHERER

NIRAJ J. ANTANI  
RICHARD D. BROWN  
ERICA C. CRAWLEY  
PAULA HICKS-HUDSON  
PHIL PLUMMER

Representative Ginter moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills, Senate Bills, and Senate Joint Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills, Senate Bills, and Senate Joint Resolution were considered the second time and referred as recommended.

### **MOTIONS AND RESOLUTIONS**

Representative Sykes reported for the Rules and Reference committee recommending that the following House Concurrent Resolutions, House Resolutions and Senate Concurrent Resolutions be introduced and referred to the following committees for consideration:

**H. C. R. No. 32** - Representative Perales

TO URGE THE UNITED STATES GOVERNMENT TO SELECT OHIO TO HOST THE PERMANENT HEADQUARTERS OF THE UNITED STATES SPACE COMMAND.

To the committee on Economic and Workforce Development

**H. C. R. No. 33** - Representative Brent

TO URGE THE UNITED STATES CONGRESS TO PASS AND THE PRESIDENT OF THE UNITED STATES TO SIGN LEGISLATION TO DESIGNATE JUNE 19TH AS A NATIONAL HOLIDAY, TO BE KNOWN AS JUNETEENTH INDEPENDENCE DAY, IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH NEWS OF THE END OF SLAVERY REACHED ENSLAVED PEOPLE IN THE SOUTHWESTERN STATES.

To the committee on State and Local Government

**H. C. R. No. 34** - Representative Ingram

TO URGE THE UNITED STATES CONGRESS TO REVIEW AND EVALUATE CREDIT REPORTING AGENCIES AND HOW CREDIT SCORES AND CREDIT RATINGS CREATE ECONOMIC INEQUITIES.

To the committee on Financial Institutions

**H. C. R. No. 35** - Representative Ingram

TO ENCOURAGE REPRESENTATION OF AFRICAN AMERICANS ON THE BOARDS AND IN SENIOR MANAGEMENT OF OHIO COMPANIES AND INSTITUTIONS.

To the committee on Economic and Workforce Development

**H. C. R. No. 36** - Representative Grendell  
TO URGE CONGRESS TO PASS LEGISLATION REQUIRING  
CORPORATIONS AND LABOR ORGANIZATIONS THAT MAKE  
POLITICAL EXPENDITURES TO DISCLOSE THE IDENTITIES OF  
THEIR DONORS.

To the committee on State and Local Government

**H. R. No. 311** - Representative Grendell  
TO DECLARE THAT OHIO IS A SECOND AMENDMENT PROTECTIVE  
STATE.

To the committee on Federalism

**H. R. No. 354** - Representatives Weinstein and Crawley  
TO URGE THE UNITED STATES CONGRESS TO CONVENE  
OVERSIGHT HEARINGS REGARDING RUSSIAN MILITARY  
INTELLIGENCE OFFERING BOUNTIES TO TALIBAN-LINKED  
MILITANTS FOR KILLING AMERICAN AND COALITION FORCES.

To the committee on State and Local Government

**H. R. No. 355** - Representative Ingram  
TO URGE THE CONGRESS OF THE UNITED STATES TO ENACT THE  
JOHN R. LEWIS VOTING RIGHTS ACT.

To the committee on State and Local Government

**H. R. No. 357** - Representative Ingram  
TO URGE THE DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT TO RESTORE THE AFFIRMATIVELY FURTHERING  
FAIR HOUSING REGULATIONS.

To the committee on Commerce and Labor

**S. C. R. No. 6** - Senator Burke  
TO URGE THE CONGRESS OF THE UNITED STATES TO GRANT  
ADDITIONAL AUTHORITY TO THE FEDERAL COMMUNICATIONS  
COMMISSION TO STOP UNWANTED ROBOCALLS AND "CALL  
SPOOFING" AND TO URGE THE COMMISSION TO EDUCATE THE  
PUBLIC ON HOW TO REPORT ILLEGAL TELEPHONE CALLS.

To the committee on Public Utilities

**S. C. R. No. 10** - Senator Lehner  
TO APPROVE THE DIRECTOR OF HEALTH'S PROPOSED REVISION  
OF CHAPTER 3701-36 OF THE OHIO ADMINISTRATIVE CODE  
ESTABLISHING STANDARDS TO BE MET BY BOARDS OF HEALTH  
AND LOCAL HEALTH DEPARTMENTS AND PROCEDURES FOR  
PAYMENT OF STATE SUBSIDIES FOR MEETING THOSE  
REQUIREMENTS.

To the committee on Health

**S. C. R. No. 15** - Senator Hackett

TO URGE THE UNITED STATES GOVERNMENT TO SELECT OHIO TO HOST THE PERMANENT HEADQUARTERS OF THE UNITED STATES SPACE COMMAND.

To the committee on Economic and Workforce Development

/s/ ROBERT R. CUPP

Robert R. Cupp, Chair

Representative Ginter moved that the Rules and Reference committee report on resolutions be agreed to and that the House Concurrent Resolutions, House Resolutions and Senate Concurrent Resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said House Concurrent Resolutions, House Resolutions and Senate Concurrent Resolutions were introduced and referred as recommended.

**MESSAGE FROM THE SPEAKER**

Pursuant to House Rules 13, 28, and 30, the Speaker of the Ohio House of Representatives hereby makes the following changes to the House Rules and Reference committee, effective August, 31, 2020:

Remove Representative Crawley; appoint Representative Boggs

**Message from the Senate**

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 160** - Representative Ingram

Cosponsors: Representatives Crawley, Crossman, Galonski, Kent, Lepore-Hagan, Lipps, Miller, A., Patterson, Upchurch, Wiggam, Kelly, Hambley, Russo, Sobecki, Wilkin, Blessing, Callender, Denson, Miller, J., Miranda, Seitz, Strahorn, Weinstein      Senators Hoagland, O'Brien, Maharath, Huffman, S., Blessing, Burke, Coley, Hackett, Kunze, Manning, McColley, Schuring, Thomas, Yuko

To amend sections 3717.22, 4301.17, 4301.82, 4303.041, 4303.051, and 4303.182 of the Revised Code to revise certain provisions of the liquor control laws and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 683, after "(F)" insert "An A-5 permit holder shall include the surgeon general's warning specified under 27 U.S.C. 215 on each container of ice cream manufactured under the authority of this section. This division applies only to ice cream manufactured under the authority of this section that is sold in a retail food establishment or food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a grocery store or convenience store."

In line 684, before "The" insert "(G)"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Am. H. B. No. 203** - Representative Lipps

Cosponsors: Representatives Carfagna, Smith, R., Seitz, Smith, K., LaTourette, Dean, Rogers, Becker, Clites, Grendell, Lepore-Hagan, Plummer, Russo, West, Brown, Carruthers, Crossman, Cupp, Denson, Galonski, Ginter, Green, Greenspan, Hambley, Ingram, Jones, Lanese, Lang, Leland, Liston, Manning, G., Miller, J., O'Brien, Oelslager, Patterson, Patton, Roemer, Sheehy, Sobecki, Stein, Swearingen, Upchurch, Wiggam        Senators Maharath, Blessing, Brenner, Burke, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Manning, Obhof, Peterson, Rulli, Schuring, Sykes, Thomas, Williams, Wilson

To amend sections 1751.91, 3923.89, 4715.14, 4715.30, 4715.36, 4723.28, 4729.01, 4729.39, 4730.25, and 5164.14 and to enact sections 4715.70, 4715.71, and 4715.72 of the Revised Code to specify requirements for the operation of mobile dental facilities and to authorize pharmacists to enter consult agreements with certain physician assistants and advanced practice registered nurses.

With the following additional amendments, in which the concurrence of the House is requested.

In line 1 of the title, after "sections" insert "1751.91, 3923.89, "; delete the first "and"; after "4715.36" insert ", 4723.28, 4729.01, 4729.39, 4730.25,

and 5164.14"

In line 4 of the title, after "facilities" insert "and to authorize pharmacists to enter consult agreements with certain physician assistants and advanced practice registered nurses"

In line 5, after "sections" insert "1751.91, 3923.89,"; delete "and"; after "4715.36" insert ", 4723.28, 4729.01, 4729.39, 4730.25, and 5164.14"

After line 7, insert:

"Sec. 1751.91. A health insuring corporation may provide payment or reimbursement to a pharmacist for providing a health care service to a patient if both of the following are the case:

(A) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

(1) Managing drug therapy under a consult agreement ~~with a physician~~ pursuant to section 4729.39 of the Revised Code;

(2) Administering immunizations in accordance with section 4729.41 of the Revised Code;

(3) Administering drugs in accordance with section 4729.45 of the Revised Code.

(B) The patient's individual or group health insuring corporation policy, contract, or agreement provides for payment or reimbursement of the service.

Sec. 3923.89. A sickness and accident insurer or public employee benefit plan may provide payment or reimbursement to a pharmacist for providing a health care service to a patient if both of the following are the case:

(A) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

(1) Managing drug therapy under a consult agreement ~~with a physician~~ pursuant to section 4729.39 of the Revised Code;

(2) Administering immunizations in accordance with section 4729.41 of the Revised Code;

(3) Administering drugs in accordance with section 4729.45 of the Revised Code.

(B) The patient's individual or group policy of sickness and accident insurance or public employee benefit plan provides for payment or reimbursement of the service."



After line 496, insert:

"Sec. 4723.28. (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;

(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;

(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;

(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;

(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;

(9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;

(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;

(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;

(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.

(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;

(16) Violation of this chapter or any rules adopted under it;

(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;

(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;

(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;

(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;

(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;

(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;

(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;

(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(27) In the case of an advanced practice registered nurse:

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.

(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;

(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;

(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;

(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

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

(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the

agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action; otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case shall be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.

The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a

privileged communication.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of either a licensed health care professional, including a registered nurse, licensed practical nurse, or dialysis technician, or a person who may have engaged in the unauthorized practice of nursing or dialysis care. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under this section shall be conducted in a manner that maintains the individual's confidentiality. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of a licensee or certificate holder.

(J) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the person may be reinstated to practice.

(K) When the board refuses to grant a license or certificate to an

applicant, revokes a license or certificate, or refuses to reinstate a license or certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a license or certificate of the type that was refused or revoked and the board shall not accept from the individual an application for reinstatement of the license or certificate or for a new license or certificate.

(L) No unilateral surrender of a nursing license or dialysis technician certificate issued under this chapter shall be effective unless accepted by majority vote of the board. No application for a nursing license or dialysis technician certificate issued under this chapter may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

(M) Sanctions shall not be imposed under division (B)(24) of this section against any licensee who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4729.01. As used in this chapter:

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

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

- (1) Interpreting prescriptions;
- (2) Dispensing drugs and drug therapy related devices;
- (3) Compounding drugs;
- (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;



(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;

(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;

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

(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;

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

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

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

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

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

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

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

(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:

(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.

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

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing pursuant to

patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

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

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a

particular animal, issued by a licensed health professional authorized to prescribe drugs;

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

(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:

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

(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.

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

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

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

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

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

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

(3) A certified registered nurse anesthetist who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under sections 4723.43 and 4723.434 of the Revised Code;

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

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

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

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

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

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

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

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

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

(1) The proprietary name of the drug product;

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

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

(4) The dosage form;

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by

the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.

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

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

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

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

(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.

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

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

Sec. 4729.39. (A) ~~One As used in this section:~~

(1) "Certified nurse practitioner," "certified nurse-midwife," "clinical nurse specialist," and "standard care arrangement" have the same meanings as in section 4723.01 of the Revised Code.

(2) "Collaborating physician" means a physician who has entered into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(5) "Supervising physician" means a physician who has entered into a supervision agreement with a physician assistant under section 4730.19 of the Revised Code.

(B) Subject to division (C) of this section, one or more pharmacists may enter into 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 of the following practitioners:~~

(1) Physicians;

(2) Physician assistants, if entering into a consult agreement is authorized by one or more supervising physicians;

(3) Clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners, if entering into a consult agreement is authorized by one or more collaborating physicians.

(C) Before entering into a consult agreement, all of the following conditions are ~~are~~ must be met:

(1) Each ~~physician has practitioner~~ must have an ongoing ~~physician-patient-practitioner-patient~~ relationship with each patient whose drug therapy is ~~being to be~~ managed.

(2) The diagnosis for which each patient has been prescribed drug therapy is ~~is~~ must be within the scope of each ~~physician's practitioner's~~ practice.

(3) Each pharmacist ~~has~~ must have training and experience related to the particular diagnosis for which drug therapy is ~~to be~~ prescribed.

~~(B)(D)~~ (D) With respect to consult agreements, all of the following apply:

(1) Under a consult agreement, a pharmacist is authorized to do both of the following, but only to the extent specified in the agreement, this section, and the rules adopted under this section:

(a) Manage drug therapy for treatment of specified diagnoses or diseases for each patient who is subject to the agreement, including all of the following:

(i) Changing the duration of treatment for the current drug therapy;

(ii) Adjusting a drug's strength, dose, dosage form, frequency of administration, or route of administration;

(iii) Discontinuing the use of a drug;

(iv) Administering a drug;

(v) Notwithstanding the definition of "licensed health professional authorized to prescribe drugs" in section 4729.01 of the Revised Code, adding a drug to the patient's drug therapy.

(b)(i) Order ~~laboratory and diagnostic tests, including blood and urine tests and evaluate results, that are~~ related to the drug therapy being managed, and evaluate the results of the tests that are ordered.

(ii) A pharmacist's authority to evaluate ~~blood and urine tests test results~~ under division ~~(B)(1)(b)(i)(D)(1)(b)(i)~~ of this section does not authorize the pharmacist to make a diagnosis.

(2)(a) A consult agreement, or the portion of the agreement that applies to a particular patient, may be terminated by any of the following:

- (i) A pharmacist who entered into the agreement;
- (ii) A ~~physician-practitioner~~ who entered into the agreement;
- (iii) A patient whose drug therapy is being managed;
- (iv) An individual who consented to the treatment on behalf of a patient or an individual authorized to act on behalf of a patient.

(b) The pharmacist or ~~physician-practitioner~~ who receives the notice of a patient's termination of the agreement shall provide written notice to every other pharmacist or ~~physician-practitioner~~ who is a party to the agreement. A pharmacist or ~~physician-practitioner~~ who terminates a consult agreement with regard to one or more patients shall provide written notice to all other pharmacists and ~~physicians-practitioners~~ who entered into the agreement and to each individual who consented to treatment under the agreement. The termination of a consult agreement with regard to one or more patients shall be recorded by the pharmacist and ~~physician-practitioner~~ in the medical records of each patient to whom the termination applies.

(3) A consult agreement shall be made in writing and shall include all of the following:

(a) The diagnoses and diseases being managed under the agreement, including whether each disease is primary or comorbid;

(b) A description of the drugs or drug categories the agreement involves;

(c) A description of the procedures, decision criteria, and plan the pharmacist is to follow in acting under a consult agreement;

(d) A description of how the pharmacist is to comply with divisions ~~(B)(5)-(D)(5)~~ and (6) of this section.

(4) The content of a consult agreement shall be communicated to each patient whose drug therapy is managed under the agreement.

(5) A pharmacist acting under a consult agreement shall maintain a record of each action taken for each patient whose drug therapy is managed under the agreement.

(6) Communication between a pharmacist and ~~physician-practitioner~~ acting under a consult agreement shall take place at regular intervals specified by the primary ~~physician-practitioner~~ acting under the agreement. The agreement may include a requirement that a pharmacist send a consult report to each consulting ~~physician-practitioner~~.

(7) A consult agreement is effective for two years and may be renewed if the conditions specified in division ~~(A)-(C)~~ of this section are continue to be met.



(8) A consult agreement does not permit a pharmacist to manage drug therapy prescribed by a physician-practitioner who has not entered into the agreement.

~~(C) The state board of pharmacy, in consultation with the state medical board, shall adopt rules to be followed by pharmacists, and the state medical board, in consultation with the state board of pharmacy, shall adopt rules to be followed by physicians, that establish~~ (E) The state board of pharmacy, state medical board, and board of nursing shall each adopt rules as follows for its license holders establishing standards and procedures for entering into a consult agreement and managing a patient's drug therapy under a consult agreement:

(1) The state board of pharmacy, in consultation with the state medical board and board of nursing, shall adopt rules to be followed by pharmacists.

(2) The state medical board, in consultation with the state board of pharmacy, shall adopt rules to be followed by physicians and rules to be followed by physician assistants.

(3) The board of nursing, in consultation with the state board of pharmacy and state medical board, shall adopt rules to be followed by clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The

The boards shall specify in the rules any categories of drugs or types of diseases for which a consult agreement may not be established. Either ~~Each~~ board may adopt any other rules it considers necessary for the implementation and administration of this section. All rules adopted under this ~~division-section~~ shall be adopted in accordance with Chapter 119. of the Revised Code.

~~(D)(1)-(F)(1)~~ Subject to ~~division (D)(2)-(F)(2)~~ of this section, both of the following apply:

(a) A pharmacist acting in accordance with a consult agreement regarding a physician's-practitioner's change in a drug for a patient whose drug therapy the pharmacist is managing under the agreement is not liable in damages in a tort or other civil action for injury or loss to person or property allegedly arising from the change.

(b) A physician-practitioner acting in accordance with a consult agreement regarding a pharmacist's change in a drug for a patient whose drug therapy the pharmacist is managing under a consult agreement is not liable in damages in a tort or other civil action for injury or loss to person or property allegedly arising from the change unless the physician-practitioner authorized the specific change.

(2) ~~Division (D)(1)-(F)(1)~~ of this section does not limit a physician's-

practitioner's or pharmacist's liability in damages in a tort or other civil action for injury or loss to person or property allegedly arising from actions that are not related to the ~~physician's~~ practitioner's or pharmacist's change in a drug for a patient whose drug therapy is being managed under a consult agreement.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

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

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

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

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

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

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

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

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

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances,

regardless of whether actual injury to a patient is established;

(20) Violation of the conditions placed by the board on a license to practice as a physician assistant;

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

(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;

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

(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.

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

refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

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

(F) For purposes of this division, any individual who holds a license issued under this chapter, or applies for a license issued under this chapter, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician assistant unable to practice because of the reasons set forth in division (B)(4) of this section, the board shall require the physician assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(5) of this section, if the board has reason to believe that any individual who holds a license issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the physician assistant shall demonstrate to the board the ability to resume practice or prescribing in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

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

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

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

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician

assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the physician assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the physician assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of

the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

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

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

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

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six



members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 5164.14. The medicaid program may cover a health care service that a pharmacist provides to a medicaid recipient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

(A) Managing drug therapy under a consult agreement ~~with a physician~~ pursuant to section 4729.39 of the Revised Code;

(B) Administering immunizations in accordance with section 4729.41 of the Revised Code;

(C) Administering drugs in accordance with section 4729.45 of the Revised Code."

In line 497, after "sections" insert "1751.91, 3923.89,"; delete ", and" and insert ", "

In line 498, after "4715.36" insert ", 4723.28, 4729.01, 4729.39, 4730.25, and 5164.14"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 272** - Representatives Oelslager, Hillyer  
Cosponsors: Representatives Becker, Skindell, Hambley, Crossman, Boggs, Brown, Butler, Fraizer, Galonski, Green, Grendell, Ingram, Lanese, Leland, Lepore-Hagan, Miller, A., Miller, J., Patton, Perales, Rogers, Scherer, Sheehy, Sobecki, Upchurch, West                      Senators Blessing, Brenner, Burke, Coley, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Johnson, McColley, Obhof, Roegner, Rulli, Schaffer, Wilson

To amend section 2307.382 and to enact sections 9.57 and 3501.40 of the Revised Code to expand the basis of a court's exercise of personal jurisdiction to include any basis consistent with the Ohio Constitution and the United States Constitution, to prohibit a public official from ordering the closure of all places of worship in a geographic area, and to prohibit a public official from changing the time, place, or manner of conducting an election, except in certain circumstances.

With the following additional amendments, in which the concurrence of the House is requested.

In line 1 of the title, after "2307.382" insert "and to enact section 9.57"

In line 1 of the title, after "2307.382" insert "and to enact section 3501.40"

In line 5 of the title, after "Constitution" insert "and to prohibit a public official from ordering the closure of all places of worship in a geographic area"

In line 5 of the title, after "Constitution" insert "and to prohibit a public official from changing the time, place, or manner of conducting an election, except in certain circumstances"

In line 6, after "2307.382" insert "be amended and section 9.57"

In line 6, after "2307.382" insert "be amended and section 3501.40"

In line 7, delete "amended" and insert "enacted"

After line 7, insert:

"Sec. 9.57. (A) Notwithstanding any contrary provision of the Revised Code, no public official shall issue an order to close all places of worship in the state or in a geographic area of the state.

(B) As used in this section:

(1) "Place of worship" means a building or grounds where activities of an organized religious group are conducted.

(2) "Public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law."

After line 52, insert:

"Sec. 3501.40. Except as permitted under section 161.09 of the Revised Code, and notwithstanding any other contrary provision of the Revised Code, no public official shall cause an election to be conducted other than in the time, place, and manner prescribed by the Revised Code.

As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law."

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **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

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

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 2 of the title, after "4729.29" insert ", 4729.44"; after "4729.45" insert ", 4729.51"

In line 14 of the title, after "requirements," insert "the occasional sale of certain drugs at wholesale,"; after "access" insert "and education"

In line 16, after "4729.29" insert ", 4729.44"; after "4729.45" insert ", 4729.51"

After line 1003, insert:

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

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

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

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

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

(2) 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.

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

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

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

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

A physician who in good faith authorizes a pharmacist or pharmacy intern to dispense naloxone without a prescription in accordance with a protocol developed pursuant to rules adopted under division (G) of this

section is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

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

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

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

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

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

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

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

(2) As part of the program, the board also shall educate the license holders, pharmacy technicians, and employees described in division (H)(1) of this section about maintaining an adequate supply of naloxone and methods for determining a pharmacy's stock of the drug.

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

After line 1123, insert:

"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:

(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.

(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 delivery.

(3) A licensed terminal distributor of dangerous drugs that is not a pharmacy may make occasional sales of ~~naloxone~~ the following at wholesale:

~~(4) A licensed terminal distributor of dangerous drugs that is not a pharmacy may make occasional sales of dangerous:~~

(a) Naloxone;

~~(b) Dangerous drugs at wholesale~~ if the drugs being sold are in shortage, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;

(c) Dangerous drugs other than those described in divisions (A)(3)(a) and (b) of this section or investigational drugs or products if authorized by rules adopted under section 4729.26 of the Revised Code.

(B) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to any person other than the following:

(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;

(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;

(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;

(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.

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

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

(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification

issued under section 4729.552 of the Revised Code;

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

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

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

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

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

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

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

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

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

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

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

(c) Possess dangerous drugs.

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

(i) A licensed terminal distributor of dangerous drugs;

(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;

(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.

(b) Division (E)(1)(c) of this section does not apply to any of the following:

(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;

(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.

(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:

(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.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.

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

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

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



In line 1858, after "4729.29" insert ", 4729.44"; after "4729.45" insert ", 4729.51"

In line 1 of the title, after "121.22" insert ", 2925.01"

In line 15, after "121.22" insert ", 2925.01"

After line 362, insert:

"Sec. 2925.01. As used in this chapter:

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

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

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

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

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

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

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

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

(d) 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 II opiate or opium derivative;

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

(f) 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 II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains 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) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the

violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

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

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

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

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

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

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

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

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

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

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

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

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

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

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

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

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

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

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

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

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

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

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

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

(W) "Professionally licensed person" means any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant

under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

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

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

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

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

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

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

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

(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;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(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;

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

(29) A person licensed to practice as a nursing home administrator

under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(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;

(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.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means ~~the a resin~~ or a preparation of ~~the a resin to~~ which both of the following apply:

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

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



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

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

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

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

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

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

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(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.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(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.

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.

(KK) "Fentanyl-related compound" means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)] -N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(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:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(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.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical

scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(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.

(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 for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term 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 the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term 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 the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

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

In line 1857, after "121.22" insert ", 2925.01"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 606** - Representative Grendell

Cosponsors: Representatives Seitz, Baldridge, Carfagna, Cross, DeVitis, Fraizer, Ginter, Green, Greenspan, Holmes, A., Hoops, Jones, Jordan, Keller, Kick, Koehler, Lanese, Lang, LaRe, McClain, Patton, Perales, Plummer, Reineke, Richardson, Riedel, Roemer, Scherer, Smith, T., Stein, Stephens, Wiggam, Wilkin                      Senators Coley, Blessing, Brenner, Burke, Dolan, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Lehner, McColley, Peterson, Schaffer, Schuring, Wilson

To make temporary changes related to qualified civil immunity for health care and emergency services provided during a government-declared disaster or emergency and for exposure to or transmission or contraction of certain coronaviruses and to declare an emergency.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

On motion of Representative Ginter, the House adjourned until Tuesday, September 1, 2020 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.