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Representative Hagan

Cosponsors: Representatives Duffey, Becker, Roegner, Blessing, Hackett, Gonzales, Huffman, Antonio, Barnes, Bishoff, Brown, Butler, Ginter, Johnson, T., Kuhns, LaTourette, Lepore-Hagan, Schuring, Sears, Sprague, Amstutz, Anielski, Arndt, Ashford, Baker, Boose, Boyd, Buchy, Burkley, Celebrezze, Cera, Conditt, Cupp, Derickson, Dever, DeVitis, Dovilla, Driehaus, Fedor, Green, Grossman, Hall, Hambley, Hayes, Henne, Hill, Howse, Koehler, Kunze, Landis, Leland, Maag, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Rogers, Ruhl, Ryan, Schaffer, Scherer, Sheehy, Smith, K., Smith, R., Stinziano, Strahorn, Sweeney, Terhar, Thompson, Young

A BILL

To amend sections 3313.7110, 3313.7111, 3314.143, 1
3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 2
5101.76 and to enact sections 2925.64, 3728.01, 3
3728.03, 3728.04, 3728.05, 3728.09, 3728.10, 4
3728.11, 4723.483, 4729.88, 4730.432, and 5
4731.96 of the Revised Code regarding storage of 6
and access to epinephrine autoinjectors for 7
which there are no patient-specific 8
prescriptions and civil immunity of health 9
professionals. 10

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

Section 1. That sections 3313.7110, 3313.7111, 3314.143, 11
3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 5101.76 be 12

amended and sections 2925.64, 3728.01, 3728.03, 3728.04, 13
3728.05, 3728.09, 3728.10, 3728.11, 4723.483, 4729.88, 4730.432, 14
and 4731.96 of the Revised Code be enacted to read as follows: 15

Sec. 2925.64. (A) As used in this section: 16

(1) "Administer epinephrine" means to inject an individual 17
with epinephrine using an autoinjector in a manufactured dosage 18
form. 19

(2) "Prescriber" and "qualified entity" have the same 20
meanings as in section 3728.01 of the Revised Code. 21

(B) An individual or qualified entity is not subject to 22
criminal prosecution for a violation of section 4731.41 of the 23
Revised Code or criminal prosecution under this chapter if the 24
individual or entity, acting in good faith and in accordance 25
with Chapter 3728. of the Revised Code, administers epinephrine 26
or provides an epinephrine autoinjector to an individual who 27
appears to be experiencing or at risk of experiencing 28
anaphalaxis or to the parent, guardian, or custodian of such an 29
individual. 30

Sec. 3313.7110. (A) The board of education of each city, 31
local, exempted village, or joint vocational school district may 32
procure epinephrine autoinjectors for each school operated by 33
the district to have on the school premises for use in emergency 34
situations identified under division (C) (5) of this section. A 35
district board that elects to procure epinephrine autoinjectors 36
under this section is encouraged to maintain, at all times, at 37
least two epinephrine injectors at each school operated by the 38
district. 39

(B) A district board that elects to procure epinephrine 40
autoinjectors under this section shall require the district's 41

superintendent to adopt a policy governing their maintenance and 42
use. Before adopting the policy, the superintendent shall 43
consult with a licensed health professional authorized to 44
prescribe drugs, as defined in section 4729.01 of the Revised 45
Code. 46

(C) A component of a policy adopted by a superintendent 47
under division (B) of this section shall be a prescriber-issued 48
protocol specifying definitive orders for epinephrine 49
autoinjectors and the dosages of epinephrine to be administered 50
through them. The policy also shall do all of the following: 51

(1) Identify the one or more locations in each school 52
operated by the district in which an epinephrine autoinjector 53
must be stored; 54

(2) Specify the conditions under which an epinephrine 55
autoinjector must be stored, replaced, and disposed; 56

(3) Specify the individuals employed by or under contract 57
with the district board, in addition to a school nurse licensed 58
under section 3319.221 of the Revised Code or an athletic 59
trainer licensed under Chapter 4755. of the Revised Code, who 60
may access and use an epinephrine autoinjector to provide a 61
dosage of epinephrine to an individual in an emergency situation 62
identified under division (C) (5) of this section; 63

(4) Specify any training that employees or contractors 64
specified under division (C) (3) of this section, other than a 65
school nurse or athletic trainer, must complete before being 66
authorized to access and use an epinephrine autoinjector; 67

(5) Identify the emergency situations, including when an 68
individual exhibits signs and symptoms of anaphylaxis, in which 69
a school nurse, athletic trainer, or other employees or 70

contractors specified under division (C) (3) of this section may 71
access and use an epinephrine autoinjector; 72

(6) Specify that assistance from an emergency medical 73
service provider must be requested immediately after an 74
epinephrine autoinjector is used; 75

(7) Specify the individuals, in addition to students, 76
school employees or contractors, and school visitors, to whom a 77
dosage of epinephrine may be administered through an epinephrine 78
autoinjector in an emergency situation specified under division 79
(C) (5) of this section. 80

~~(D) A school or school district, a member of a district~~ 81
~~board of education, or a district or school employee or~~ 82
~~contractor is~~ (1) The following are not liable in damages in a 83
civil action for injury, death, or loss to person or property 84
that allegedly arises from an act or omission associated with 85
procuring, maintaining, accessing, or using an epinephrine 86
autoinjector under this section, unless the act or omission 87
constitutes willful or wanton misconduct; 88

(a) A school or school district; 89

(b) A member of a district board of education; 90

(c) A district or school employee or contractor; 91

(d) A licensed health professional authorized to prescribe 92
drugs who consults with a superintendent or issues a protocol 93
pursuant to this section. 94

(2) This section does not eliminate, limit, or reduce any 95
other immunity or defense that a school or school district, 96
member of a district board of education, ~~or~~ district or school 97
employee or contractor, or licensed health professional may be 98

entitled to under Chapter 2744. or any other provision of the 99
Revised Code or under the common law of this state. 100

(E) A school district board of education may accept 101
donations of epinephrine autoinjectors from a wholesale 102
distributor of dangerous drugs or a manufacturer of dangerous 103
drugs, as defined in section 4729.01 of the Revised Code, and 104
may accept donations of money from any person to purchase 105
epinephrine autoinjectors. 106

(F) A district board that elects to procure epinephrine 107
autoinjectors under this section shall report to the department 108
of education each procurement and occurrence in which an 109
epinephrine autoinjector is used from a school's supply of 110
epinephrine autoinjectors. 111

Sec. 3313.7111. (A) With the approval of its governing 112
authority, a chartered or nonchartered nonpublic school may 113
procure epinephrine autoinjectors in the manner prescribed by 114
section 3313.7110 of the Revised Code. A chartered or 115
nonchartered nonpublic school that elects to do so shall comply 116
with all provisions of that section as if it were a school 117
district. 118

~~(B) A chartered or nonchartered nonpublic school, a member~~ 119
~~of a chartered or nonchartered nonpublic school governing~~ 120
~~authority, or an employee or contractor of the school is~~ (1) The 121
following are not liable in damages in a civil action for 122
injury, death, or loss to person or property that allegedly 123
arises from an act or omission associated with procuring, 124
maintaining, accessing, or using an epinephrine autoinjector 125
under this section, unless the act or omission constitutes 126
willful or wanton misconduct. 127

<u>(a) A chartered or nonchartered nonpublic school;</u>	128
<u>(b) A member of a chartered or nonchartered nonpublic school governing authority;</u>	129 130
<u>(c) An employee or contractor of the school;</u>	131
<u>(d) A licensed health professional authorized to prescribe drugs who provides a consultation or issues a protocol pursuant to this section.</u>	132 133 134
<u>(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.</u>	135 136 137 138 139 140 141
(C) A chartered or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	142 143 144 145 146 147
(D) A chartered or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.	148 149 150 151 152
Sec. 3314.143. (A) With the approval of its governing authority, a community school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A community school that	153 154 155 156

elects to do so shall comply with all provisions of that section 157
as if it were a school district. 158

~~(B) A community school, a member of a community school-~~ 159
~~governing authority, or a community school employee or~~ 160
~~contractor is~~ (1) The following are not liable in damages in a 161
civil action for injury, death, or loss to person or property 162
that allegedly arises from an act or omission associated with 163
procuring, maintaining, accessing, or using an epinephrine 164
autoinjector under this section, unless the act or omission 165
constitutes willful or wanton misconduct; 166

(a) A community school; 167

(b) A member of a community school governing authority; 168

(c) A community school employee or contractor; 169

(d) A licensed health professional authorized to prescribe 170
drugs who provides a consultation or issues a protocol pursuant 171
to this section. 172

(2) This division does not eliminate, limit, or reduce any 173
other immunity or defense that a community school or governing 174
authority, member of a community school governing authority, ~~or~~ 175
community school employee or contractor, or licensed health 176
professional may be entitled to under Chapter 2744. or any other 177
provision of the Revised Code or under the common law of this 178
state. 179

(C) A community school may accept donations of epinephrine 180
autoinjectors from a wholesale distributor of dangerous drugs or 181
a manufacturer of dangerous drugs, as defined in section 4729.01 182
of the Revised Code, and may accept donations of money from any 183
person to purchase epinephrine autoinjectors. 184

(D) A community school that elects to procure epinephrine 185
autoinjectors under this section shall report to the department 186
of education each procurement and occurrence in which an 187
epinephrine autoinjector is used from the school's supply of 188
epinephrine autoinjectors. 189

Sec. 3326.28. (A) With the approval of its governing body, 190
a STEM school established under this chapter may procure 191
epinephrine autoinjectors in the manner prescribed by section 192
3313.7110 of the Revised Code. A STEM school that elects to do 193
so shall comply with all provisions of that section as if it 194
were a school district. 195

~~(B) A STEM school, a member of a STEM school governing~~ 196
~~body, or a STEM school employee or contractor is~~ (1) The 197
following are not liable in damages in a civil action for 198
injury, death, or loss to person or property that allegedly 199
arises from an act or omission associated with procuring, 200
maintaining, accessing, or using an epinephrine autoinjector 201
under this section, unless the act or omission constitutes 202
willful or wanton misconduct. 203

(a) A STEM school; 204

(b) A member of a STEM school governing body; 205

(c) A STEM school employee or contractor; 206

(d) A licensed health professional authorized to prescribe 207
drugs who provides a consultation or issues a protocol pursuant 208
to this section. 209

(2) This division does not eliminate, limit, or reduce any 210
other immunity or defense that a STEM school or governing body, 211
member of a STEM school governing body, ~~or~~ STEM school employee 212
or contractor, or licensed health professional may be entitled 213

to under Chapter 2744. or any other provision of the Revised 214
Code or under the common law of this state. 215

(C) A STEM school may accept donations of epinephrine 216
autoinjectors from a wholesale distributor of dangerous drugs or 217
a manufacturer of dangerous drugs, as defined in section 4729.01 218
of the Revised Code, and may accept donations of money from any 219
person to purchase epinephrine autoinjectors. 220

(D) A STEM school that elects to procure epinephrine 221
autoinjectors under this section shall report to the department 222
of education each procurement and occurrence in which an 223
epinephrine autoinjector is used from the school's supply of 224
epinephrine autoinjectors. 225

Sec. 3328.29. (A) With the approval of its board of 226
trustees, a college-preparatory boarding school established 227
under this chapter may procure epinephrine autoinjectors in the 228
manner prescribed by section 3313.7110 of the Revised Code. A 229
college-preparatory boarding school that elects to do so shall 230
comply with all provisions of that section as if it were a 231
school district. 232

(B) ~~A college preparatory boarding school, a member of a~~ 233
~~college preparatory boarding school board of trustees, or a~~ 234
~~college preparatory boarding school employee or contractor is~~ 235
(1) The following are not liable in damages in a civil action 236
for injury, death, or loss to person or property that allegedly 237
arises from an act or omission associated with procuring, 238
maintaining, accessing, or using an epinephrine autoinjector 239
under this section, unless the act or omission constitutes 240
willful or wanton misconduct: 241

(a) A college-preparatory boarding school; 242

<u>(b) A member of a college-preparatory boarding school</u>	243
<u>board of trustees;</u>	244
<u>(c) A college-preparatory boarding school employee or</u>	245
<u>contractor;</u>	246
<u>(d) A licensed health professional authorized to prescribe</u>	247
<u>drugs who provides a consultation or issues a protocol pursuant</u>	248
<u>to this section.</u>	249
<u>(2) This division does not eliminate, limit, or reduce any</u>	250
other immunity or defense that a college-preparatory boarding	251
school or board of trustees, member of a college-preparatory	252
boarding school board of trustees, or college-preparatory	253
boarding school employee or contractor, <u>or licensed health</u>	254
<u>professional</u> may be entitled to under Chapter 2744. or any other	255
provision of the Revised Code or under the common law of this	256
state.	257
(C) A college-preparatory boarding school may accept	258
donations of epinephrine autoinjectors from a wholesale	259
distributor of dangerous drugs or a manufacturer of dangerous	260
drugs, as defined in section 4729.01 of the Revised Code, and	261
may accept donations of money from any person to purchase	262
epinephrine autoinjectors.	263
(D) A college-preparatory boarding school that elects to	264
procure epinephrine autoinjectors under this section shall	265
report to the department of education each procurement and	266
occurrence in which an epinephrine autoinjector is used from a	267
school's supply of epinephrine autoinjectors.	268
<u>Sec. 3728.01. As used in this chapter:</u>	269
<u>(A) "Administer epinephrine" means to inject an individual</u>	270
<u>with epinephrine using an autoinjector in a manufactured dosage</u>	271

<u>form.</u>	272
<u>(B) "Prescriber" means an individual who is authorized by</u>	273
<u>law to prescribe drugs or dangerous drugs or drug therapy</u>	274
<u>related devices in the course of the individual's professional</u>	275
<u>practice, including only the following:</u>	276
<u>(1) A clinical nurse specialist, certified nurse-midwife,</u>	277
<u>or certified nurse practitioner who holds a certificate to</u>	278
<u>prescribe issued under section 4723.48 of the Revised Code;</u>	279
<u>(2) A physician authorized under Chapter 4731. of the</u>	280
<u>Revised Code to practice medicine and surgery, osteopathic</u>	281
<u>medicine and surgery, or podiatric medicine and surgery;</u>	282
<u>(3) A physician assistant who holds a certificate to</u>	283
<u>prescribe issued under Chapter 4730. of the Revised Code.</u>	284
<u>(C) "Qualified entity" means any public or private entity</u>	285
<u>that is associated with a location where allergens capable of</u>	286
<u>causing anaphylaxis may be present, including child day-care</u>	287
<u>centers, colleges and universities, places of employment,</u>	288
<u>restaurants, amusement parks, recreation camps, sports playing</u>	289
<u>fields and arenas, and other similar locations, except that</u>	290
<u>"qualified entity" does not include either of the following:</u>	291
<u>(1) A chartered or nonchartered nonpublic school;</u>	292
<u>community school; science, technology, engineering, and</u>	293
<u>mathematics school; or a school operated by the board of</u>	294
<u>education of a city, local, exempted village, or joint</u>	295
<u>vocational school district;</u>	296
<u>(2) A camp described in section 5101.76 of the Revised</u>	297
<u>Code.</u>	298
<u>Sec. 3728.03. (A) A qualified entity may acquire and</u>	299

maintain a supply of epinephrine autoinjectors that, in 300
accordance with section 4723.483, 4730.432, or 4731.96 of the 301
Revised Code, are personally furnished by a prescriber or 302
obtained pursuant to a prescription issued by a prescriber. 303

(B) Epinephrine autoinjectors acquired pursuant to this 304
section shall be stored in a location readily accessible in an 305
emergency and maintained in accordance with the manufacturer's 306
instructions and any additional requirements that may be 307
established by the department of health under section 3728.11 of 308
the Revised Code. 309

(C) A qualified entity that acquires epinephrine 310
autoinjectors pursuant to this section shall designate one or 311
more individuals who are employees or agents of the entity and 312
have successfully completed anaphylaxis training in accordance 313
with section 3728.04 of the Revised Code to be responsible for 314
oversight of the epinephrine autoinjectors, including storage, 315
maintenance, and control. The qualified entity may authorize 316
those individuals and other individuals who have successfully 317
completed the anaphylaxis training to administer epinephrine. 318

Sec. 3728.04. (A) The anaphylaxis training required by 319
section 3728.03 of the Revised Code may be any of the following: 320

(1) Training conducted by a nationally recognized 321
organization that has experience in providing training in 322
emergency health care to individuals who are not health care 323
professionals; 324

(2) Training by individuals or organizations approved by 325
the department of health under section 3728.11 of the Revised 326
Code; 327

(3) Classes approved by the department under section 328

3728.11 of the Revised Code. 329

(B) Training may be completed in person or through an 330
online system. The training must cover all of the following and 331
may include any other material the organization or individual 332
conducting it or the department considers appropriate: 333

(1) Ways of recognizing the signs and symptoms of severe 334
allergic reactions, including anaphylaxis; 335

(2) Standards and procedures for administration of 336
epinephrine and storage of epinephrine autoinjectors; 337

(3) Emergency follow-up procedures. 338

(C) An individual must successfully complete training 339
before being authorized to administer epinephrine under section 340
3728.03 of the Revised Code and every two years thereafter. A 341
qualified entity may authorize an individual to administer 342
epinephrine only if the individual provides the entity with a 343
certificate issued by the organization or individual conducting 344
the training attesting to successful completion. The certificate 345
must be on a form developed by the department of health under 346
section 3728.11 of the Revised Code. 347

Sec. 3728.05. (A) An individual who has completed the 348
anaphylaxis training required by section 3728.03 of the Revised 349
Code and is authorized by a qualified entity may use an 350
epinephrine autoinjector from a supply maintained under section 351
3728.03 of the Revised Code to do either of the following: 352

(1) Administer epinephrine to an individual believed in 353
good faith to be experiencing anaphylaxis; 354

(2) Provide, for immediate administration, an epinephrine 355
autoinjector to an individual believed in good faith to be 356

experiencing anaphylaxis or to the parent, guardian, or 357
caregiver of such an individual. 358

(B) Epinephrine may be administered under this section 359
regardless of whether the individual believed to be experiencing 360
anaphylaxis has a prescription for an epinephrine autoinjector 361
or has previously been diagnosed with an allergy. 362

Sec. 3728.09. (A) The following are not liable in damages 363
in a civil action for injury, death, or loss to person or 364
property that allegedly arises from an act or omission 365
associated with administering epinephrine or acquiring, 366
maintaining, accessing, or using an epinephrine autoinjector 367
under this chapter, unless the act or omission constitutes 368
willful or wanton misconduct: 369

(1) A qualified entity that maintains a supply of 370
epinephrine autoinjectors as authorized in accordance with 371
section 3728.03 of the Revised Code, and any employees or agents 372
of the qualified entity; 373

(2) A trained individual who administers epinephrine or 374
accesses an epinephrine autoinjector as authorized in-accordance 375
with section 3728.05 of the Revised Code; 376

(3) An individual or organization that conducts 377
anaphylaxis training in accordance with section 3728.04 of the 378
Revised Code. 379

(B) This section does not eliminate, limit, or reduce any 380
other immunity or defense a person may be entitled to under any 381
other provision of the Revised Code or under the common law of 382
this state. 383

(C) A person located in this state is not liable for 384
injury, death, or loss to person or property that allegedly 385

arises from an act or omission associated with acquiring, 386
maintaining, accessing, or using an epinephrine autoinjector 387
outside of this state if either of the following is the case: 388

(1) The person would not have been liable had the act or 389
omission occurred within this state; 390

(2) The person is not liable under the law of the state in 391
which the act or omission occurred. 392

Sec. 3728.10. A qualified entity that maintains and makes 393
available epinephrine autoinjectors as authorized in accordance 394
with this chapter shall annually report to the department of 395
health, on a form developed by the department, each 396
administration of epinephrine or provision of an epinephrine 397
autoinjector under section 3728.05 of the Revised Code. 398

Sec. 3728.11. (A) The department of health shall do all of 399
the following: 400

(1) Prescribe a form to be used by an individual or 401
organization to certify successful completion of anaphylaxis 402
training under section 3728.04 of the Revised Code; 403

(2) Develop a form to be used to report each 404
administration of epinephrine or provision of an ephinephrine 405
autoinjector as required by section 3728.10 of the Revised Code; 406

(3) Annually publish a report summarizing and analyzing 407
all reports received by the department under section 3728.10 of 408
the Revised Code in the previous year. 409

(B) The department may do either of the following: 410

(1) Approve individuals or organizations to conduct 411
anaphylaxis training under section 3728.04 of the Revised Code 412
or approve certain classes offered by an individual or 413

organization; 414

(2) Adopt rules in accordance with Chapter 119. of the 415
Revised Code specifying standards and procedures for storage and 416
maintenance of epinephrine autoinjectors acquired pursuant to 417
section 3728.03 of the Revised Code. 418

Sec. 4723.483. (A) As used in this section, "qualified 419
entity" has the same meaning as in section 3728.01 of the 420
Revised Code. 421

(B) (1) Subject to division (B) (2) of this section, and 422
notwithstanding any provision of this chapter or rule adopted by 423
the board of nursing, a clinical nurse specialist, certified 424
nurse-midwife, or certified nurse practitioner who holds a 425
certificate to prescribe issued under section 4723.48 of the 426
Revised Code may do either of the following without having 427
examined an individual to whom epinephrine may be administered 428
under Chapter 3728. of the Revised Code: 429

(a) Personally furnish a supply of epinephrine 430
autoinjectors to a qualified entity for use in accordance with 431
sections 3728.03 to 3728.05 of the Revised Code; 432

(b) Issue a prescription for epinephrine autoinjectors to 433
a qualified entity for use in accordance with sections 3728.03 434
to 3728.05 of the Revised Code. 435

(2) An epinephrine autoinjector personally furnished or 436
prescribed under division (B) (1) of this section must be 437
furnished or prescribed in such a manner that it may be 438
administered only in a manufactured dosage form. 439

(C) A nurse who acts in good faith in accordance with this 440
section is not liable for or subject to any of the following for 441
any action or omission of a qualified entity to which an 442

epinephrine autoinjector is furnished or a prescription is 443
issued: damages in any civil action, prosecution in any criminal 444
proceeding, or professional disciplinary action. 445

Sec. 4729.01. As used in this chapter: 446

(A) "Pharmacy," except when used in a context that refers 447
to the practice of pharmacy, means any area, room, rooms, place 448
of business, department, or portion of any of the foregoing 449
where the practice of pharmacy is conducted. 450

(B) "Practice of pharmacy" means providing pharmacist care 451
requiring specialized knowledge, judgment, and skill derived 452
from the principles of biological, chemical, behavioral, social, 453
pharmaceutical, and clinical sciences. As used in this division, 454
"pharmacist care" includes the following: 455

(1) Interpreting prescriptions; 456

(2) Dispensing drugs and drug therapy related devices; 457

(3) Compounding drugs; 458

(4) Counseling individuals with regard to their drug 459
therapy, recommending drug therapy related devices, and 460
assisting in the selection of drugs and appliances for treatment 461
of common diseases and injuries and providing instruction in the 462
proper use of the drugs and appliances; 463

(5) Performing drug regimen reviews with individuals by 464
discussing all of the drugs that the individual is taking and 465
explaining the interactions of the drugs; 466

(6) Performing drug utilization reviews with licensed 467
health professionals authorized to prescribe drugs when the 468
pharmacist determines that an individual with a prescription has 469
a drug regimen that warrants additional discussion with the 470

prescriber;	471
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	472 473 474
(8) Acting pursuant to a consult agreement with a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established with the physician;	475 476 477 478 479
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	480 481
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	482 483 484
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	485 486
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	487 488
(3) As an incident to research, teaching activities, or chemical analysis;	489 490
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	491 492 493
(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:	494 495 496 497 498

(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.	499 500 501 502 503
(b) A limited quantity of the drug is compounded and provided to the professional.	504 505
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	506 507 508
(D) "Consult agreement" means an agreement to manage an individual's drug therapy that has been entered into by a pharmacist and a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	509 510 511 512 513
(E) "Drug" means:	514
(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;	515 516 517 518
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	519 520 521
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	522 523
(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,	524 525 526

parts, or accessories.	527
(F) "Dangerous drug" means any of the following:	528
(1) Any drug to which either of the following applies:	529
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	530
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	531
required to bear a label containing the legend "Caution: Federal	532
law prohibits dispensing without prescription" or "Caution:	533
Federal law restricts this drug to use by or on the order of a	534
licensed veterinarian" or any similar restrictive statement, or	535
the drug may be dispensed only upon a prescription;	536
(b) Under Chapter 3715. or 3719. of the Revised Code, the	537
drug may be dispensed only upon a prescription.	538
(2) Any drug that contains a schedule V controlled	539
substance and that is exempt from Chapter 3719. of the Revised	540
Code or to which that chapter does not apply;	541
(3) Any drug intended for administration by injection into	542
the human body other than through a natural orifice of the human	543
body.	544
(G) "Federal drug abuse control laws" has the same meaning	545
as in section 3719.01 of the Revised Code.	546
(H) "Prescription" means both <u>all</u> of the following:	547
(1) A written, electronic, or oral order for drugs or	548
combinations or mixtures of drugs to be used by a particular	549
individual or for treating a particular animal, issued by a	550
licensed health professional authorized to prescribe drugs;	551
(2) For purposes of section <u>sections</u> 2925.61, 4723.488,	552
4729.44, 4730.431, and 4731.94 of the Revised Code, a written,	553

electronic, or oral order for naloxone issued to and in the name 554
of a family member, friend, or other individual in a position to 555
assist an individual who there is reason to believe is at risk 556
of experiencing an opioid-related overdose; 557

(3) For purposes of Chapter 3728. of the Revised Code, a 558
written, electronic, or oral order for an epinephrine 559
autoinjector issued to and in the name of a qualified entity, as 560
defined in section 3728.01 of the Revised Code. 561

(I) "Licensed health professional authorized to prescribe 562
drugs" or "prescriber" means an individual who is authorized by 563
law to prescribe drugs or dangerous drugs or drug therapy 564
related devices in the course of the individual's professional 565
practice, including only the following: 566

(1) A dentist licensed under Chapter 4715. of the Revised 567
Code; 568

(2) A clinical nurse specialist, certified nurse-midwife, 569
or certified nurse practitioner who holds a certificate to 570
prescribe issued under section 4723.48 of the Revised Code; 571

(3) An optometrist licensed under Chapter 4725. of the 572
Revised Code to practice optometry under a therapeutic 573
pharmaceutical agents certificate; 574

(4) A physician authorized under Chapter 4731. of the 575
Revised Code to practice medicine and surgery, osteopathic 576
medicine and surgery, or podiatric medicine and surgery; 577

(5) A physician assistant who holds a license to practice 578
as a physician assistant issued under Chapter 4730. of the 579
Revised Code, holds a valid prescriber number issued by the 580
state medical board, and has been granted physician-delegated 581
prescriptive authority; 582

(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	583 584
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	585 586 587 588
(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.	589 590 591
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	592 593
(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.	594 595 596 597 598
(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:	599 600 601
(1) The proprietary name of the drug product;	602
(2) The established (generic) name of the drug product;	603
(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	604 605 606 607 608 609 610

one ingredient. 611

(4) The dosage form; 612

(5) The price charged for a specific quantity of the drug 613
product. The stated price shall include all charges to the 614
consumer, including, but not limited to, the cost of the drug 615
product, professional fees, handling fees, if any, and a 616
statement identifying professional services routinely furnished 617
by the pharmacy. Any mailing fees and delivery fees may be 618
stated separately without repetition. The information shall not 619
be false or misleading. 620

(O) "Wholesale distributor of dangerous drugs" means a 621
person engaged in the sale of dangerous drugs at wholesale and 622
includes any agent or employee of such a person authorized by 623
the person to engage in the sale of dangerous drugs at 624
wholesale. 625

(P) "Manufacturer of dangerous drugs" means a person, 626
other than a pharmacist, who manufactures dangerous drugs and 627
who is engaged in the sale of those dangerous drugs within this 628
state. 629

(Q) "Terminal distributor of dangerous drugs" means a 630
person who is engaged in the sale of dangerous drugs at retail, 631
or any person, other than a wholesale distributor or a 632
pharmacist, who has possession, custody, or control of dangerous 633
drugs for any purpose other than for that person's own use and 634
consumption, and includes pharmacies, hospitals, nursing homes, 635
and laboratories and all other persons who procure dangerous 636
drugs for sale or other distribution by or under the supervision 637
of a pharmacist or licensed health professional authorized to 638
prescribe drugs. 639

(R) "Promote to the public" means disseminating a 640
representation to the public in any manner or by any means, 641
other than by labeling, for the purpose of inducing, or that is 642
likely to induce, directly or indirectly, the purchase of a 643
dangerous drug at retail. 644

(S) "Person" includes any individual, partnership, 645
association, limited liability company, or corporation, the 646
state, any political subdivision of the state, and any district, 647
department, or agency of the state or its political 648
subdivisions. 649

(T) "Finished dosage form" has the same meaning as in 650
section 3715.01 of the Revised Code. 651

(U) "Generically equivalent drug" has the same meaning as 652
in section 3715.01 of the Revised Code. 653

(V) "Animal shelter" means a facility operated by a humane 654
society or any society organized under Chapter 1717. of the 655
Revised Code or a dog pound operated pursuant to Chapter 955. of 656
the Revised Code. 657

(W) "Food" has the same meaning as in section 3715.01 of 658
the Revised Code. 659

(X) "Pain management clinic" has the same meaning as in 660
section 4731.054 of the Revised Code. 661

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 662
of this section, no person other than a registered wholesale 663
distributor of dangerous drugs shall possess for sale, sell, 664
distribute, or deliver, at wholesale, dangerous drugs, except as 665
follows: 666

(a) A pharmacist who is a licensed terminal distributor of 667

dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale.

(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery.

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

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

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

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

(2) A manufacturer of dangerous drugs may donate epinephrine autoinjectors to any of the following:

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

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

(c) A STEM school established under Chapter 3326. of the

Revised Code;	696
(d) A college-preparatory boarding school established	697
under Chapter 3328. of the Revised Code;	698
(e) A chartered or nonchartered nonpublic school.	699
(B) (1) No registered wholesale distributor of dangerous	700
drugs shall possess for sale, or sell, at wholesale, dangerous	701
drugs to any person other than the following:	702
(a) Except as provided in division (B) (2) (a) of this	703
section and division (B) of section 4729.541 of the Revised	704
Code, a licensed health professional authorized to prescribe	705
drugs;	706
(b) An optometrist licensed under Chapter 4725. of the	707
Revised Code who holds a topical ocular pharmaceutical agents	708
certificate;	709
(c) A registered wholesale distributor of dangerous drugs;	710
(d) A manufacturer of dangerous drugs;	711
(e) Subject to division (B) (3) of this section, a licensed	712
terminal distributor of dangerous drugs;	713
(f) Carriers or warehouses for the purpose of carriage or	714
storage;	715
(g) Terminal or wholesale distributors of dangerous drugs	716
who are not engaged in the sale of dangerous drugs within this	717
state;	718
(h) An individual who holds a current license,	719
certificate, or registration issued under Title XLVII of the	720
Revised Code and has been certified to conduct diabetes	721
education by a national certifying body specified in rules	722

adopted by the state board of pharmacy under section 4729.68 of 723
the Revised Code, but only with respect to insulin that will be 724
used for the purpose of diabetes education and only if diabetes 725
education is within the individual's scope of practice under 726
statutes and rules regulating the individual's profession; 727

(i) An individual who holds a valid certificate issued by 728
a nationally recognized S.C.U.B.A. diving certifying 729
organization approved by the state board of pharmacy in rule, 730
but only with respect to medical oxygen that will be used for 731
the purpose of emergency care or treatment at the scene of a 732
diving emergency; 733

(j) Except as provided in division (B) (2) (b) of this 734
section and division (A) of section 4729.541 of the Revised 735
Code, a business entity that is a corporation formed under 736
division (B) of section 1701.03 of the Revised Code, a limited 737
liability company formed under Chapter 1705. of the Revised 738
Code, or a professional association formed under Chapter 1785. 739
of the Revised Code if the entity has a sole shareholder who is 740
a licensed health professional authorized to prescribe drugs and 741
is authorized to provide the professional services being offered 742
by the entity; 743

(k) Except as provided in division (B) (2) (c) of this 744
section and division (A) of section 4729.541 of the Revised 745
Code, a business entity that is a corporation formed under 746
division (B) of section 1701.03 of the Revised Code, a limited 747
liability company formed under Chapter 1705. of the Revised 748
Code, a partnership or a limited liability partnership formed 749
under Chapter 1775. of the Revised Code, or a professional 750
association formed under Chapter 1785. of the Revised Code, if, 751
to be a shareholder, member, or partner, an individual is 752

required to be licensed, certified, or otherwise legally 753
authorized under Title XLVII of the Revised Code to perform the 754
professional service provided by the entity and each such 755
individual is a licensed health professional authorized to 756
prescribe drugs; 757

(l) With respect to epinephrine autoinjectors that may be 758
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 759
or 3328.29 of the Revised Code, any of the following: the board 760
of education of a city, local, exempted village, or joint 761
vocational school district; a chartered or nonchartered 762
nonpublic school; a community school established under Chapter 763
3314. of the Revised Code; a STEM school established under 764
Chapter 3326. of the Revised Code; or a college-preparatory 765
boarding school established under Chapter 3328. of the Revised 766
Code; 767

(m) With respect to epinephrine autoinjectors that may be 768
possessed under section 5101.76 of the Revised Code, any of the 769
following: a residential camp, as defined in section 2151.011 of 770
the Revised Code; a child day camp, as defined in section 771
5104.01 of the Revised Code; or a child day camp operated by any 772
county, township, municipal corporation, township park district 773
created under section 511.18 of the Revised Code, park district 774
created under section 1545.04 of the Revised Code, or joint 775
recreation district established under section 755.14 of the 776
Revised Code; 777

(n) With respect to epinephrine autoinjectors that may be 778
possessed under Chapter 3728. of the Revised Code, a qualified 779
entity, as defined in section 3728.01 of the Revised Code; 780

(o) With respect to naloxone that may be possessed under 781
section 2925.61 of the Revised Code, a law enforcement agency 782

and its peace officers. 783

(2) No registered wholesale distributor of dangerous drugs 784
shall possess for sale, or sell, at wholesale, dangerous drugs 785
to any of the following: 786

(a) A prescriber who is employed by a pain management 787
clinic that is not licensed as a terminal distributor of 788
dangerous drugs with a pain management clinic classification 789
issued under section 4729.552 of the Revised Code; 790

(b) A business entity described in division (B)(1)(j) of 791
this section that is, or is operating, a pain management clinic 792
without a license as a terminal distributor of dangerous drugs 793
with a pain management clinic classification issued under 794
section 4729.552 of the Revised Code; 795

(c) A business entity described in division (B)(1)(k) of 796
this section that is, or is operating, a pain management clinic 797
without a license as a terminal distributor of dangerous drugs 798
with a pain management clinic classification issued under 799
section 4729.552 of the Revised Code. 800

(3) No registered wholesale distributor of dangerous drugs 801
shall possess dangerous drugs for sale at wholesale, or sell 802
such drugs at wholesale, to a licensed terminal distributor of 803
dangerous drugs, except as follows: 804

(a) In the case of a terminal distributor with a category 805
I license, only dangerous drugs described in category I, as 806
defined in division (A)(1) of section 4729.54 of the Revised 807
Code; 808

(b) In the case of a terminal distributor with a category 809
II license, only dangerous drugs described in category I and 810
category II, as defined in divisions (A)(1) and (2) of section 811

4729.54 of the Revised Code; 812

(c) In the case of a terminal distributor with a category 813
III license, dangerous drugs described in category I, category 814
II, and category III, as defined in divisions (A) (1), (2), and 815
(3) of section 4729.54 of the Revised Code; 816

(d) In the case of a terminal distributor with a limited 817
category I, II, or III license, only the dangerous drugs 818
specified in the certificate furnished by the terminal 819
distributor in accordance with section 4729.60 of the Revised 820
Code. 821

(C) (1) Except as provided in division (C) (4) of this 822
section, no person shall sell, at retail, dangerous drugs. 823

(2) Except as provided in division (C) (4) of this section, 824
no person shall possess for sale, at retail, dangerous drugs. 825

(3) Except as provided in division (C) (4) of this section, 826
no person shall possess dangerous drugs. 827

(4) Divisions (C) (1), (2), and (3) of this section do not 828
apply to a registered wholesale distributor of dangerous drugs 829
or a licensed terminal distributor of dangerous drugs. 830

Divisions (C) (1), (2), and (3) of this section do not 831
apply to a person who possesses, or possesses for sale or sells, 832
at retail, a dangerous drug in accordance with Chapters 3719., 833
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the 834
Revised Code. 835

Divisions (C) (1), (2), and (3) of this section do not 836
apply to an individual who holds a current license, certificate, 837
or registration issued under Title XLVII of the Revised Code and 838
has been certified to conduct diabetes education by a national 839

certifying body specified in rules adopted by the state board of 840
pharmacy under section 4729.68 of the Revised Code, but only to 841
the extent that the individual possesses insulin or personally 842
supplies insulin solely for the purpose of diabetes education 843
and only if diabetes education is within the individual's scope 844
of practice under statutes and rules regulating the individual's 845
profession. 846

Divisions (C) (1), (2), and (3) of this section do not 847
apply to an individual who holds a valid certificate issued by a 848
nationally recognized S.C.U.B.A. diving certifying organization 849
approved by the state board of pharmacy in rule, but only to the 850
extent that the individual possesses medical oxygen or 851
personally supplies medical oxygen for the purpose of emergency 852
care or treatment at the scene of a diving emergency. 853

Division (C) (3) of this section does not apply to the 854
board of education of a city, local, exempted village, or joint 855
vocational school district, a school building operated by a 856
school district board of education, a chartered or nonchartered 857
nonpublic school, a community school, a STEM school, or a 858
college-preparatory boarding school for the purpose of 859
possessing epinephrine autoinjectors under section 3313.7110, 860
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code. 861

Division (C) (3) of this section does not apply to a 862
residential camp, as defined in section 2151.011 of the Revised 863
Code, a child day camp, as defined in section 5104.01 of the 864
Revised Code, or a child day camp operated by any county, 865
township, municipal corporation, township park district created 866
under section 511.18 of the Revised Code, park district created 867
under section 1545.04 of the Revised Code, or joint recreation 868
district established under section 755.14 of the Revised Code 869

for the purpose of possessing epinephrine autoinjectors under 870
section 5101.76 of the Revised Code. 871

Division (C) (3) of this section does not apply to a 872
qualified entity, as defined in section 3728.01 of the Revised 873
Code, for the purpose of possessing epinephrine autoinjectors 874
under Chapter 3728. of the Revised Code. 875

Division (C) (3) of this section does not apply to a law 876
enforcement agency or the agency's peace officers if the agency 877
or officers possess naloxone for administration to individuals 878
who are apparently experiencing opioid-related overdoses. 879

(D) No licensed terminal distributor of dangerous drugs 880
shall purchase for the purpose of resale dangerous drugs from 881
any person other than a registered wholesale distributor of 882
dangerous drugs, except as follows: 883

(1) A licensed terminal distributor of dangerous drugs may 884
make occasional purchases of dangerous drugs for resale from a 885
pharmacist who is a licensed terminal distributor of dangerous 886
drugs or who is employed by a licensed terminal distributor of 887
dangerous drugs; 888

(2) A licensed terminal distributor of dangerous drugs 889
having more than one establishment or place may transfer or 890
receive dangerous drugs from one establishment or place for 891
which a license has been issued to the terminal distributor to 892
another establishment or place for which a license has been 893
issued to the terminal distributor if the license issued for 894
each establishment or place is in effect at the time of the 895
transfer or receipt. 896

(E) No licensed terminal distributor of dangerous drugs 897
shall engage in the sale or other distribution of dangerous 898

drugs at retail or maintain possession, custody, or control of 899
dangerous drugs for any purpose other than the distributor's 900
personal use or consumption, at any establishment or place other 901
than that or those described in the license issued by the state 902
board of pharmacy to such terminal distributor. 903

(F) Nothing in this section shall be construed to 904
interfere with the performance of official duties by any law 905
enforcement official authorized by municipal, county, state, or 906
federal law to collect samples of any drug, regardless of its 907
nature or in whose possession it may be. 908

(G) Notwithstanding anything to the contrary in this 909
section, the board of education of a city, local, exempted 910
village, or joint vocational school district may deliver 911
epinephrine autoinjectors to a school under its control for the 912
purpose of possessing epinephrine autoinjectors under section 913
3313.7110 of the Revised Code. 914

Sec. 4729.60. (A) Before a registered wholesale 915
distributor of dangerous drugs may sell dangerous drugs at 916
wholesale to any person, other than the persons specified in 917
divisions (B) (1) (a) to (d), (f) to (h), and (l) to ~~(n)~~(o) of 918
section 4729.51 of the Revised Code, such wholesale distributor 919
shall obtain from the purchaser and the purchaser shall furnish 920
to the wholesale distributor a certificate indicating that the 921
purchaser is a licensed terminal distributor of dangerous drugs. 922
The certificate shall be in the form that the state board of 923
pharmacy shall prescribe, and shall set forth the name of the 924
licensee, the number of the license, a description of the place 925
or establishment or each place or establishment for which the 926
license was issued, the category of licensure, and, if the 927
license is a limited category I, II, or III license, the 928

dangerous drugs that the licensee is authorized to possess, have 929
custody or control of, and distribute. 930

If no certificate is obtained or furnished before a sale 931
is made, it shall be presumed that the sale of dangerous drugs 932
by the wholesale distributor is in violation of division (B) of 933
section 4729.51 of the Revised Code and the purchase of 934
dangerous drugs by the purchaser is in violation of division (C) 935
of section 4729.51 of the Revised Code. If a registered 936
wholesale distributor of dangerous drugs obtains or is furnished 937
a certificate from a terminal distributor of dangerous drugs and 938
relies on the certificate in selling dangerous drugs at 939
wholesale to the terminal distributor of dangerous drugs, the 940
wholesale distributor of dangerous drugs shall be deemed not to 941
have violated division (B) of section 4729.51 of the Revised 942
Code in making the sale. 943

(B) Before a licensed terminal distributor of dangerous 944
drugs may purchase dangerous drugs at wholesale, the terminal 945
distributor shall obtain from the seller and the seller shall 946
furnish to the terminal distributor the number of the seller's 947
registration certificate to engage in the sale of dangerous 948
drugs at wholesale. 949

If no registration number is obtained or furnished before 950
a purchase is made, it shall be presumed that the purchase of 951
dangerous drugs by the terminal distributor is in violation of 952
division (D) of section 4729.51 of the Revised Code and the sale 953
of dangerous drugs by the seller is in violation of division (A) 954
of section 4729.51 of the Revised Code. If a licensed terminal 955
distributor of dangerous drugs obtains or is furnished a 956
registration number from a wholesale distributor of dangerous 957
drugs and relies on the registration number in purchasing 958

dangerous drugs at wholesale from the wholesale distributor of 959
dangerous drugs, the terminal distributor shall be deemed not to 960
have violated division (D) of section 4729.51 of the Revised 961
Code in making the purchase. 962

Sec. 4729.88. Notwithstanding any provision of this 963
chapter or rule adopted by the state board of pharmacy, a 964
pharmacist may dispense epinephrine autoinjectors pursuant to a 965
prescription issued under section 4723.483, 4730.432, or 4731.96 966
of the Revised Code. 967

A pharmacist who in good faith dispenses epinephrine 968
autoinjectors under this section is not liable for or subject to 969
any of the following for any action or omission of an entity to 970
which an epinephrine autoinjector is dispensed: damages in any 971
civil action, prosecution in any criminal proceeding, or 972
professional disciplinary action. 973

Sec. 4730.432. (A) As used in this section, "qualified 974
entity" has the same meaning as in section 3728.01 of the 975
Revised Code. 976

(B) (1) Subject to division (B) (2) of this section, and 977
notwithstanding any provision of this chapter or rule adopted by 978
the state medical board, a physician assistant who holds a 979
certificate to prescribe issued under section 4730.44 of the 980
Revised Code may do either of the following without having 981
examined an individual to whom epinephrine may be administered 982
under Chapter 3728. of the Revised Code: 983

(a) Personally furnish a supply of epinephrine 984
autoinjectors to a qualified entity for use in accordance with 985
sections 3728.03 to 3728.05 of the Revised Code; 986

(b) Issue a prescription for epinephrine autoinjectors to 987

a qualified entity for use in accordance with sections 3728.03 988
to 3728.05 of the Revised Code. 989

(2) An epinephrine autoinjector personally furnished or 990
prescribed under division (B)(1) of this section must be 991
furnished or prescribed in such a manner that it may be 992
administered only in a manufactured dosage form. 993

(C) A physician assistant who acts in good faith in 994
accordance with this section is not liable for or subject to any 995
of the following for any action or omission of an entity to 996
which an epinephrine autoinjector is furnished or a prescription 997
is issued: damages in any civil action, prosecution in any 998
criminal proceeding, or professional disciplinary action. 999

Sec. 4731.96. (A) As used in this section: 1000

(1) "Physician" means an individual authorized under this 1001
chapter to practice medicine and surgery, osteopathic medicine 1002
and surgery, or podiatric medicine and surgery. 1003

(2) "Qualified entity" has the same meaning as in section 1004
3728.01 of the Revised Code. 1005

(B)(1) Subject to division (B)(2) of this section, and 1006
notwithstanding any provision of this chapter or rule adopted by 1007
the state medical board, a physician may do either of the 1008
following without having examined an individual to whom 1009
epinephrine may be administered under Chapter 3728. of the 1010
Revised Code: 1011

(a) Personally furnish a supply of epinephrine 1012
autoinjectors to a qualified entity for use in accordance with 1013
sections 3728.03 to 3728.05 of the Revised Code; 1014

(b) Issue a prescription for epinephrine autoinjectors to 1015

a qualified entity for use in accordance with sections 3728.03 1016
to 3728.05 of the Revised Code. 1017

(2) An epinephrine autoinjector personally furnished or 1018
prescribed under division (B)(1) of this section must be 1019
furnished or prescribed in such a manner that it may be 1020
administered only in a manufactured dosage form. 1021

(C) A physician who acts in good faith in accordance with 1022
this section is not liable for or subject to any of the 1023
following for any action or omission of an entity to which an 1024
epinephrine autoinjector is furnished or a prescription is 1025
issued: damages in any civil action, prosecution in any criminal 1026
proceeding, or professional disciplinary action. 1027

Sec. 5101.76. (A) A residential camp, as defined in 1028
section 2151.011 of the Revised Code, a child day camp, as 1029
defined in section 5104.01 of the Revised Code, or a child day 1030
camp operated by any county, township, municipal corporation, 1031
township park district created under section 511.18 of the 1032
Revised Code, park district created under section 1545.04 of the 1033
Revised Code, or joint recreation district established under 1034
section 755.14 of the Revised Code may procure epinephrine 1035
autoinjectors for use in emergency situations identified under 1036
division (C)(5) of this section. A camp that elects to procure 1037
epinephrine autoinjectors under this section is encouraged to 1038
maintain at least two epinephrine autoinjectors at all times. 1039

(B) A camp that elects to procure epinephrine 1040
autoinjectors under this section shall adopt a policy governing 1041
their maintenance and use. Before adopting the policy, the camp 1042
shall consult with a licensed health professional authorized to 1043
prescribe drugs, as defined in section 4729.01 of the Revised 1044
Code. 1045

(C) A component of a policy adopted by a camp under 1046
division (B) of this section shall be a prescriber-issued 1047
protocol specifying definitive orders for epinephrine 1048
autoinjectors and the dosages of epinephrine to be administered 1049
through them. The policy also shall do all of the following: 1050

(1) Identify the one or more locations in which an 1051
epinephrine autoinjector must be stored; 1052

(2) Specify the conditions under which an epinephrine 1053
autoinjector must be stored, replaced, and disposed; 1054

(3) Specify the individuals employed by or under contract 1055
with the camp who may access and use an epinephrine autoinjector 1056
to provide a dosage of epinephrine to an individual in an 1057
emergency situation identified under division (C) (5) of this 1058
section; 1059

(4) Specify any training that employees or contractors 1060
specified under division (C) (3) of this section must complete 1061
before being authorized to access and use an epinephrine 1062
autoinjector; 1063

(5) Identify the emergency situations, including when an 1064
individual exhibits signs and symptoms of anaphylaxis, in which 1065
employees or contractors specified under division (C) (3) of this 1066
section may access and use an epinephrine autoinjector; 1067

(6) Specify that assistance from an emergency medical 1068
service provider must be requested immediately after an 1069
epinephrine autoinjector is used; 1070

(7) Specify the individuals to whom a dosage of 1071
epinephrine may be administered through an epinephrine 1072
autoinjector in an emergency situation specified under division 1073
(C) (5) of this section. 1074

~~(D) A camp or camp employee or contractor is (1) The~~ 1075
following are not liable in damages in a civil action for 1076
injury, death, or loss to person or property that allegedly 1077
arises from an act or omission associated with procuring, 1078
maintaining, accessing, or using an epinephrine autoinjector 1079
under this section, unless the act or omission constitutes 1080
willful or wanton misconduct. 1081

(a) A camp; 1082

(b) A camp employee or contractor; 1083

(c) A licensed health professional authorized to prescribe 1084
drugs who provides a consultation or issues a protocol pursuant 1085
to this section. 1086

(2) This section does not eliminate, limit, or reduce any 1087
other immunity or defense that a camp or camp employee or 1088
contractor or licensed health professional may be entitled to 1089
under Chapter 2744. or any other provision of the Revised Code 1090
or under the common law of this state. 1091

(E) A camp may accept donations of epinephrine 1092
autoinjectors from a wholesale distributor of dangerous drugs, 1093
as defined in section 4729.01 of the Revised Code, and may 1094
accept donations of money from any person to purchase 1095
epinephrine autoinjectors. 1096

(F) A camp that elects to procure epinephrine 1097
autoinjectors under this section shall report to the department 1098
of job and family services each procurement and occurrence in 1099
which an epinephrine autoinjector is used from a camp's supply 1100
of epinephrine autoinjectors. 1101

Section 2. That existing sections 3313.7110, 3313.7111, 1102
3314.143, 3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 1103

5101.76 of the Revised Code are hereby repealed. 1104

Section 3. Section 4729.01 of the Revised Code is 1105
presented in this act as a composite of the section as amended 1106
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 1107
Assembly. Section 4729.51 of the Revised Code is presented in 1108
this act as a composite of the section as amended by both Am. 1109
Sub. H.B. 4 and Am. Sub. H.B. 64 of the 131st General Assembly. 1110
The General Assembly, applying the principle stated in division 1111
(B) of section 1.52 of the Revised Code that amendments are to 1112
be harmonized if reasonably capable of simultaneous operation, 1113
finds that the composites are the resulting versions of the 1114
sections in effect prior to the effective date of the sections 1115
as presented in this act. 1116