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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

Senators Tavares, Brown

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 procuring, 6
storing, and accessing epinephrine autoinjectors 7
for 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 by 35
doing one of the following: 36

(1) Having a licensed health professional authorized to 37
prescribe drugs, acting in accordance with section 4723.483, 38
4730.432, or 4731.96 of the Revised Code, personally furnish the 39
epinephrine autoinjectors to the school or school district or 40

issue a prescription for them in the name of the school or 41
district; 42

(2) Having the district's superintendent obtain a 43
prescriber-issued protocol that includes definitive orders for 44
epinephrine autoinjectors and the dosages of epinephrine to be 45
administered through them. A- 46

A district board that elects to procure epinephrine 47
autoinjectors under this section is encouraged to maintain, at 48
all times, at least two epinephrine injectors at each school 49
operated by the district. 50

(B) A district board that elects to procure epinephrine 51
autoinjectors under this section shall require the district's 52
superintendent to adopt a policy governing their maintenance and 53
use. Before adopting the policy, the superintendent shall 54
consult with a licensed health professional authorized to 55
prescribe drugs, ~~as defined in section 4729.01 of the Revised~~ 56
~~Code.~~ 57

~~(C) A component of a policy adopted by a superintendent~~ 58
~~under division (B) of this section shall be a prescriber-issued~~ 59
~~protocol specifying definitive orders for epinephrine~~ 60
~~autoinjectors and the dosages of epinephrine to be administered~~ 61
~~through them. The policy also adopted under division (B) of this~~ 62
section shall do all of the following: 63

(1) Identify the one or more locations in each school 64
operated by the district in which an epinephrine autoinjector 65
must be stored; 66

(2) Specify the conditions under which an epinephrine 67
autoinjector must be stored, replaced, and disposed; 68

(3) Specify the individuals employed by or under contract 69

with the district board, in addition to a school nurse licensed 70
under section 3319.221 of the Revised Code or an athletic 71
trainer licensed under Chapter 4755. of the Revised Code, who 72
may access and use an epinephrine autoinjector to provide a 73
dosage of epinephrine to an individual in an emergency situation 74
identified under division (C) (5) of this section; 75

(4) Specify any training that employees or contractors 76
specified under division (C) (3) of this section, other than a 77
school nurse or athletic trainer, must complete before being 78
authorized to access and use an epinephrine autoinjector; 79

(5) Identify the emergency situations, including when an 80
individual exhibits signs and symptoms of anaphylaxis, in which 81
a school nurse, athletic trainer, or other employees or 82
contractors specified under division (C) (3) of this section may 83
access and use an epinephrine autoinjector; 84

(6) Specify that assistance from an emergency medical 85
service provider must be requested immediately after an 86
epinephrine autoinjector is used; 87

(7) Specify the individuals, in addition to students, 88
school employees or contractors, and school visitors, to whom a 89
dosage of epinephrine may be administered through an epinephrine 90
autoinjector in an emergency situation specified under division 91
(C) (5) of this section. 92

~~(D) A school or school district, a member of a district~~ 93
~~board of education, or a district or school employee or~~ 94
~~contractor is~~ (1) The following are not liable in damages in a 95
civil action for injury, death, or loss to person or property 96
that allegedly arises from an act or omission associated with 97
procuring, maintaining, accessing, or using an epinephrine 98

autoinjector under this section, unless the act or omission	99
constitutes willful or wanton misconduct;	100
<u>(a) A school or school district;</u>	101
<u>(b) A member of a district board of education;</u>	102
<u>(c) A district or school employee or contractor;</u>	103
<u>(d) A licensed health professional authorized to prescribe</u>	104
<u>drugs who personally furnishes or prescribes epinephrine</u>	105
<u>autoinjectors, consults with a superintendent, or issues a</u>	106
<u>protocol pursuant to this section.</u>	107
<u>(2) This section does not eliminate, limit, or reduce any</u>	108
other immunity or defense that a school or school district,	109
member of a district board of education, or -district or school	110
employee or contractor, <u>or licensed health professional</u> may be	111
entitled to under Chapter 2744. or any other provision of the	112
Revised Code or under the common law of this state.	113
(E) A school district board of education may accept	114
donations of epinephrine autoinjectors from a wholesale	115
distributor of dangerous drugs or a manufacturer of dangerous	116
drugs, as defined in section 4729.01 of the Revised Code, and	117
may accept donations of money from any person to purchase	118
epinephrine autoinjectors.	119
(F) A district board that elects to procure epinephrine	120
autoinjectors under this section shall report to the department	121
of education each procurement and occurrence in which an	122
epinephrine autoinjector is used from a school's supply of	123
epinephrine autoinjectors.	124
<u>(G) As used in this section, "licensed health professional</u>	125
<u>authorized to prescribe drugs" and "prescriber" have the same</u>	126

meanings as in section 4729.01 of the Revised Code. 127

Sec. 3313.7111. (A) With the approval of its governing 128
authority, a chartered or nonchartered nonpublic school may 129
procure epinephrine autoinjectors in the manner prescribed by 130
section 3313.7110 of the Revised Code. A chartered or 131
nonchartered nonpublic school that elects to do so shall comply 132
with all provisions of that section as if it were a school 133
district. 134

~~(B) A chartered or nonchartered nonpublic school, a member~~ 135
~~of a chartered or nonchartered nonpublic school governing~~ 136
~~authority, or an employee or contractor of the school is~~ (1) The 137
following are not liable in damages in a civil action for 138
injury, death, or loss to person or property that allegedly 139
arises from an act or omission associated with procuring, 140
maintaining, accessing, or using an epinephrine autoinjector 141
under this section, unless the act or omission constitutes 142
willful or wanton misconduct; 143

(a) A chartered or nonchartered nonpublic school; 144

(b) A member of a chartered or nonchartered nonpublic 145
school governing authority; 146

(c) An employee or contractor of the school; 147

(d) A licensed health professional authorized to prescribe 148
drugs who personally furnishes or prescribes epinephrine 149
autoinjectors, provides a consultation, or issues a protocol 150
pursuant to this section. 151

(2) This division does not eliminate, limit, or reduce any 152
other immunity or defense that a chartered or nonchartered 153
nonpublic school or governing authority, member of a chartered 154
or nonchartered nonpublic school governing authority, chartered 155

or nonchartered nonpublic school employee or contractor, or 156
licensed health professional may be entitled to under any other 157
provision of the Revised Code or the common law of this state. 158

(C) A chartered or nonchartered nonpublic school may 159
accept donations of epinephrine autoinjectors from a wholesale 160
distributor of dangerous drugs or a manufacturer of dangerous 161
drugs, as defined in section 4729.01 of the Revised Code, and 162
may accept donations of money from any person to purchase 163
epinephrine autoinjectors. 164

(D) A chartered or nonchartered nonpublic school that 165
elects to procure epinephrine autoinjectors under this section 166
shall report to the department of education each procurement and 167
occurrence in which an epinephrine autoinjector is used from the 168
school's supply of epinephrine autoinjectors. 169

Sec. 3314.143. (A) With the approval of its governing 170
authority, a community school established under this chapter may 171
procure epinephrine autoinjectors in the manner prescribed by 172
section 3313.7110 of the Revised Code. A community school that 173
elects to do so shall comply with all provisions of that section 174
as if it were a school district. 175

~~(B) A community school, a member of a community school-~~ 176
~~governing authority, or a community school employee or~~ 177
~~contractor is~~ (1) The following are not liable in damages in a 178
civil action for injury, death, or loss to person or property 179
that allegedly arises from an act or omission associated with 180
procuring, maintaining, accessing, or using an epinephrine 181
autoinjector under this section, unless the act or omission 182
constitutes willful or wanton misconduct; 183

(a) A community school; 184

<u>(b) A member of a community school governing authority;</u>	185
<u>(c) A community school employee or contractor;</u>	186
<u>(d) A licensed health professional authorized to prescribe</u>	187
<u>drugs who personally furnishes or prescribes epinephrine</u>	188
<u>autoinjectors, provides a consultation, or issues a protocol</u>	189
<u>pursuant to this section.</u>	190
<u>(2) This division does not eliminate, limit, or reduce any</u>	191
<u>other immunity or defense that a community school or governing</u>	192
<u>authority, member of a community school governing authority, or</u>	193
<u>community school employee or contractor, <u>or licensed health</u></u>	194
<u>professional</u> may be entitled to under Chapter 2744. or any other	195
provision of the Revised Code or under the common law of this	196
state.	197
(C) A community school may accept donations of epinephrine	198
autoinjectors from a wholesale distributor of dangerous drugs or	199
a manufacturer of dangerous drugs, as defined in section 4729.01	200
of the Revised Code, and may accept donations of money from any	201
person to purchase epinephrine autoinjectors.	202
(D) A community school that elects to procure epinephrine	203
autoinjectors under this section shall report to the department	204
of education each procurement and occurrence in which an	205
epinephrine autoinjector is used from the school's supply of	206
epinephrine autoinjectors.	207
Sec. 3326.28. (A) With the approval of its governing body,	208
a STEM school established under this chapter may procure	209
epinephrine autoinjectors in the manner prescribed by section	210
3313.7110 of the Revised Code. A STEM school that elects to do	211
so shall comply with all provisions of that section as if it	212
were a school district.	213

~~(B) A STEM school, a member of a STEM school governing body, or a STEM school employee or contractor is~~ 214
(1) The 215
following are not liable in damages in a civil action for 216
injury, death, or loss to person or property that allegedly 217
arises from an act or omission associated with procuring, 218
maintaining, accessing, or using an epinephrine autoinjector 219
under this section, unless the act or omission constitutes 220
willful or wanton misconduct. 221

(a) A STEM school; 222

(b) A member of a STEM school governing body; 223

(c) A STEM school employee or contractor; 224

(d) A licensed health professional authorized to prescribe 225
drugs who personally furnishes or prescribes epinephrine 226
autoinjectors, provides a consultation, or issues a protocol 227
pursuant to this section. 228

(2) This division does not eliminate, limit, or reduce any 229
other immunity or defense that a STEM school or governing body, 230
member of a STEM school governing body, ~~or~~ STEM school employee 231
or contractor, or licensed health professional may be entitled 232
to under Chapter 2744. or any other provision of the Revised 233
Code or under the common law of this state. 234

(C) A STEM school may accept donations of epinephrine 235
autoinjectors from a wholesale distributor of dangerous drugs or 236
a manufacturer of dangerous drugs, as defined in section 4729.01 237
of the Revised Code, and may accept donations of money from any 238
person to purchase epinephrine autoinjectors. 239

(D) A STEM school that elects to procure epinephrine 240
autoinjectors under this section shall report to the department 241
of education each procurement and occurrence in which an 242

epinephrine autoinjector is used from the school's supply of 243
epinephrine autoinjectors. 244

Sec. 3328.29. (A) With the approval of its board of 245
trustees, a college-preparatory boarding school established 246
under this chapter may procure epinephrine autoinjectors in the 247
manner prescribed by section 3313.7110 of the Revised Code. A 248
college-preparatory boarding school that elects to do so shall 249
comply with all provisions of that section as if it were a 250
school district. 251

~~(B) A college-preparatory boarding school, a member of a 252
college-preparatory boarding school board of trustees, or a 253
college-preparatory boarding school employee or contractor is 254~~
(1) The following are not liable in damages in a civil action 255
for injury, death, or loss to person or property that allegedly 256
arises from an act or omission associated with procuring, 257
maintaining, accessing, or using an epinephrine autoinjector 258
under this section, unless the act or omission constitutes 259
willful or wanton misconduct; 260

(a) A college-preparatory boarding school; 261

(b) A member of a college-preparatory boarding school 262
board of trustees; 263

(c) A college-preparatory boarding school employee or 264
contractor; 265

(d) A licensed health professional authorized to prescribe 266
drugs who personally furnishes or prescribes epinephrine 267
autoinjectors, provides a consultation, or issues a protocol 268
pursuant to this section. 269

(2) This division does not eliminate, limit, or reduce any 270
other immunity or defense that a college-preparatory boarding 271

school or board of trustees, member of a college-preparatory 272
boarding school board of trustees, ~~or~~ college-preparatory 273
boarding school employee or contractor, or licensed health 274
professional may be entitled to under Chapter 2744. or any other 275
provision of the Revised Code or under the common law of this 276
state. 277

(C) A college-preparatory boarding school may accept 278
donations of epinephrine autoinjectors from a wholesale 279
distributor of dangerous drugs or a manufacturer of dangerous 280
drugs, as defined in section 4729.01 of the Revised Code, and 281
may accept donations of money from any person to purchase 282
epinephrine autoinjectors. 283

(D) A college-preparatory boarding school that elects to 284
procure epinephrine autoinjectors under this section shall 285
report to the department of education each procurement and 286
occurrence in which an epinephrine autoinjector is used from a 287
school's supply of epinephrine autoinjectors. 288

Sec. 3728.01. As used in this chapter: 289

(A) "Administer epinephrine" means to inject an individual 290
with epinephrine using an autoinjector in a manufactured dosage 291
form. 292

(B) "Prescriber" means an individual who is authorized by 293
law to prescribe drugs or dangerous drugs or drug therapy 294
related devices in the course of the individual's professional 295
practice, including only the following: 296

(1) A clinical nurse specialist, certified nurse-midwife, 297
or certified nurse practitioner who holds a certificate to 298
prescribe issued under section 4723.48 of the Revised Code; 299

(2) A physician authorized under Chapter 4731. of the 300

Revised Code to practice medicine and surgery, osteopathic 301
medicine and surgery, or podiatric medicine and surgery; 302

(3) A physician assistant who is licensed under Chapter 303
4730. of the Revised Code, holds a valid prescriber number 304
issued by the state medical board, and has been granted 305
physician-delegated prescriptive authority. 306

(C) "Qualified entity" means any public or private entity 307
that is associated with a location where allergens capable of 308
causing anaphylaxis may be present, including child day-care 309
centers, colleges and universities, places of employment, 310
restaurants, amusement parks, recreation camps, sports playing 311
fields and arenas, and other similar locations, except that 312
"qualified entity" does not include either of the following: 313

(1) A chartered or nonchartered nonpublic school; 314
community school; science, technology, engineering, and 315
mathematics school; or a school operated by the board of 316
education of a city, local, exempted village, or joint 317
vocational school district; 318

(2) A camp described in section 5101.76 of the Revised 319
Code. 320

Sec. 3728.03. (A) A qualified entity may acquire and 321
maintain a supply of epinephrine autoinjectors that, in 322
accordance with section 4723.483, 4730.432, or 4731.96 of the 323
Revised Code, are personally furnished by a prescriber or 324
obtained pursuant to a prescription issued by a prescriber. 325

(B) Epinephrine autoinjectors acquired pursuant to this 326
section shall be stored in a location readily accessible in an 327
emergency and maintained in accordance with the manufacturer's 328
instructions and any additional requirements that may be 329

established by the department of health under section 3728.11 of 330
the Revised Code. 331

(C) A qualified entity that acquires epinephrine 332
autoinjectors pursuant to this section shall designate one or 333
more individuals who are employees or agents of the entity and 334
have successfully completed anaphylaxis training in accordance 335
with section 3728.04 of the Revised Code to be responsible for 336
oversight of the epinephrine autoinjectors, including storage, 337
maintenance, and control. The qualified entity may authorize 338
those individuals and other individuals who have successfully 339
completed the anaphylaxis training to administer epinephrine. 340

Sec. 3728.04. (A) The anaphylaxis training required by 341
section 3728.03 of the Revised Code may be any of the following: 342

(1) Training conducted by a nationally recognized 343
organization that has experience in providing training in 344
emergency health care to individuals who are not health care 345
professionals; 346

(2) Training by individuals or organizations approved by 347
the department of health under section 3728.11 of the Revised 348
Code; 349

(3) Classes approved by the department under section 350
3728.11 of the Revised Code. 351

(B) Training may be completed in person or through an 352
online system. The training must cover all of the following and 353
may include any other material the organization or individual 354
conducting it or the department considers appropriate: 355

(1) Ways of recognizing the signs and symptoms of severe 356
allergic reactions, including anaphylaxis; 357

<u>(2) Standards and procedures for administration of</u>	358
<u>epinephrine and storage of epinephrine autoinjectors;</u>	359
<u>(3) Emergency follow-up procedures.</u>	360
<u>(C) An individual must successfully complete training</u>	361
<u>before being authorized to administer epinephrine under section</u>	362
<u>3728.03 of the Revised Code and every two years thereafter. A</u>	363
<u>qualified entity may authorize an individual to administer</u>	364
<u>epinephrine only if the individual provides the entity with a</u>	365
<u>certificate issued by the organization or individual conducting</u>	366
<u>the training attesting to successful completion. The certificate</u>	367
<u>must be on a form developed by the department of health under</u>	368
<u>section 3728.11 of the Revised Code.</u>	369
<u>Sec. 3728.05.</u> (A) <u>An individual who has completed the</u>	370
<u>anaphylaxis training required by section 3728.03 of the Revised</u>	371
<u>Code and is authorized by a qualified entity may use an</u>	372
<u>epinephrine autoinjector from a supply maintained under section</u>	373
<u>3728.03 of the Revised Code to do either of the following:</u>	374
<u>(1) Administer epinephrine to an individual believed in</u>	375
<u>good faith to be experiencing anaphylaxis;</u>	376
<u>(2) Provide, for immediate administration, an epinephrine</u>	377
<u>autoinjector to an individual believed in good faith to be</u>	378
<u>experiencing anaphylaxis or to the parent, guardian, or</u>	379
<u>caregiver of such an individual.</u>	380
<u>(B) Epinephrine may be administered under this section</u>	381
<u>regardless of whether the individual believed to be experiencing</u>	382
<u>anaphylaxis has a prescription for an epinephrine autoinjector</u>	383
<u>or has previously been diagnosed with an allergy.</u>	384
<u>Sec. 3728.09.</u> (A) <u>The following are not liable in damages</u>	385
<u>in a civil action for injury, death, or loss to person or</u>	386

property that allegedly arises from an act or omission 387
associated with administering epinephrine or acquiring, 388
maintaining, accessing, or using an epinephrine autoinjector 389
under this chapter, unless the act or omission constitutes 390
willful or wanton misconduct: 391

(1) A qualified entity that maintains a supply of 392
epinephrine autoinjectors as authorized in accordance with 393
section 3728.03 of the Revised Code, and any employees or agents 394
of the qualified entity; 395

(2) A trained individual who administers epinephrine or 396
accesses an epinephrine autoinjector as authorized in-accordance 397
with section 3728.05 of the Revised Code; 398

(3) An individual or organization that conducts 399
anaphylaxis training in accordance with section 3728.04 of the 400
Revised Code. 401

(B) This section does not eliminate, limit, or reduce any 402
other immunity or defense a person may be entitled to under any 403
other provision of the Revised Code or under the common law of 404
this state. 405

(C) A person located in this state is not liable for 406
injury, death, or loss to person or property that allegedly 407
arises from an act or omission associated with acquiring, 408
maintaining, accessing, or using an epinephrine autoinjector 409
outside of this state if either of the following is the case: 410

(1) The person would not have been liable had the act or 411
omission occurred within this state; 412

(2) The person is not liable under the law of the state in 413
which the act or omission occurred. 414

Sec. 3728.10. A qualified entity that maintains and makes available epinephrine autoinjectors as authorized in accordance with this chapter shall annually report to the department of health, on a form developed by the department, each administration of epinephrine or provision of an epinephrine autoinjector under section 3728.05 of the Revised Code. 415
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Sec. 3728.11. (A) The department of health shall do all of the following: 421
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(1) Develop a form to be used by an individual or organization to certify successful completion of anaphylaxis training under section 3728.04 of the Revised Code; 423
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(2) Develop a form to be used to report each administration of epinephrine or provision of an epinephrine autoinjector as required by section 3728.10 of the Revised Code; 426
427
428

(3) Annually publish a report summarizing and analyzing all reports received by the department under section 3728.10 of the Revised Code in the previous year. 429
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(B) The department may do either of the following: 432

(1) Approve individuals or organizations to conduct anaphylaxis training under section 3728.04 of the Revised Code or approve certain classes offered by an individual or organization; 433
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(2) Adopt rules in accordance with Chapter 119. of the Revised Code specifying standards and procedures for storage and maintenance of epinephrine autoinjectors acquired pursuant to section 3728.03 of the Revised Code. 437
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Sec. 4723.483. (A) (1) Subject to division (A) (2) of this section, and notwithstanding any provision of this chapter or 441
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rule adopted by the board of nursing, a clinical nurse 443
specialist, certified nurse-midwife, or certified nurse 444
practitioner who holds a certificate to prescribe issued under 445
section 4723.48 of the Revised Code may do either of the 446
following without having examined an individual to whom 447
epinephrine may be administered: 448

(a) Personally furnish a supply of epinephrine 449
autoinjectors for use in accordance with sections 3313.7110, 450
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 451
5101.76 of the Revised Code; 452

(b) Issue a prescription for epinephrine autoinjectors for 453
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 454
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 455
Code. 456

(2) An epinephrine autoinjector personally furnished or 457
prescribed under division (A)(1) of this section must be 458
furnished or prescribed in such a manner that it may be 459
administered only in a manufactured dosage form. 460

(B) A nurse who acts in good faith in accordance with this 461
section is not liable for or subject to any of the following for 462
any action or omission of an entity to which an epinephrine 463
autoinjector is furnished or a prescription is issued: damages 464
in any civil action, prosecution in any criminal proceeding, or 465
professional disciplinary action. 466

Sec. 4729.01. As used in this chapter: 467

(A) "Pharmacy," except when used in a context that refers 468
to the practice of pharmacy, means any area, room, rooms, place 469
of business, department, or portion of any of the foregoing 470
where the practice of pharmacy is conducted. 471

(B) "Practice of pharmacy" means providing pharmacist care	472
requiring specialized knowledge, judgment, and skill derived	473
from the principles of biological, chemical, behavioral, social,	474
pharmaceutical, and clinical sciences. As used in this division,	475
"pharmacist care" includes the following:	476
(1) Interpreting prescriptions;	477
(2) Dispensing drugs and drug therapy related devices;	478
(3) Compounding drugs;	479
(4) Counseling individuals with regard to their drug	480
therapy, recommending drug therapy related devices, and	481
assisting in the selection of drugs and appliances for treatment	482
of common diseases and injuries and providing instruction in the	483
proper use of the drugs and appliances;	484
(5) Performing drug regimen reviews with individuals by	485
discussing all of the drugs that the individual is taking and	486
explaining the interactions of the drugs;	487
(6) Performing drug utilization reviews with licensed	488
health professionals authorized to prescribe drugs when the	489
pharmacist determines that an individual with a prescription has	490
a drug regimen that warrants additional discussion with the	491
prescriber;	492
(7) Advising an individual and the health care	493
professionals treating an individual with regard to the	494
individual's drug therapy;	495
(8) Acting pursuant to a consult agreement with one or	496
more physicians authorized under Chapter 4731. of the Revised	497
Code to practice medicine and surgery or osteopathic medicine	498
and surgery, if an agreement has been established;	499

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	500 501
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	502 503 504
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	505 506
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	507 508
(3) As an incident to research, teaching activities, or chemical analysis;	509 510
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	511 512 513
(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:	514 515 516 517 518
(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.	519 520 521 522 523
(b) A limited quantity of the drug is compounded and provided to the professional.	524 525
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice	526 527

of dispensing drugs pursuant to patient-specific prescriptions.	528
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	529 530
(E) "Drug" means:	531
(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;	532 533 534 535
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	536 537 538
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	539 540
(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.	541 542 543 544
(F) "Dangerous drug" means any of the following:	545
(1) Any drug to which either of the following applies:	546
(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;	547 548 549 550 551 552 553
(b) Under Chapter 3715. or 3719. of the Revised Code, the	554

drug may be dispensed only upon a prescription.	555
(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;	556 557 558
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	559 560 561
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	562 563
(H) "Prescription" means both <u>all</u> of the following:	564
(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;	565 566 567 568
(2) For purposes of sections 2925.61, 4723.488, 4729.44, 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.	569 570 571 572 573 574
(3) 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, gonorrhoea, 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;	575 576 577 578 579 580
<u>(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.432,</u>	581 582

4731.96, and 5101.76 of the Revised Code, a written, electronic, 583
or oral order for an epinephrine autoinjector issued to and in 584
the name of a school, school district, or camp; 585

(5) For purposes of Chapter 3728. and sections 4723.483, 586
4729.88, 4730.432, and 4731.96 of the Revised Code, a written, 587
electronic, or oral order for an epinephrine autoinjector issued 588
to and in the name of a qualified entity, as defined in section 589
3728.01 of the Revised Code. 590

(I) "Licensed health professional authorized to prescribe 591
drugs" or "prescriber" means an individual who is authorized by 592
law to prescribe drugs or dangerous drugs or drug therapy 593
related devices in the course of the individual's professional 594
practice, including only the following: 595

(1) A dentist licensed under Chapter 4715. of the Revised 596
Code; 597

(2) A clinical nurse specialist, certified nurse-midwife, 598
or certified nurse practitioner who holds a certificate to 599
prescribe issued under section 4723.48 of the Revised Code; 600

(3) An optometrist licensed under Chapter 4725. of the 601
Revised Code to practice optometry under a therapeutic 602
pharmaceutical agents certificate; 603

(4) A physician authorized under Chapter 4731. of the 604
Revised Code to practice medicine and surgery, osteopathic 605
medicine and surgery, or podiatric medicine and surgery; 606

(5) A physician assistant who holds a license to practice 607
as a physician assistant issued under Chapter 4730. of the 608
Revised Code, holds a valid prescriber number issued by the 609
state medical board, and has been granted physician-delegated 610
prescriptive authority; 611

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

(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.

(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. 640

(4) The dosage form; 641

(5) The price charged for a specific quantity of the drug 642
product. The stated price shall include all charges to the 643
consumer, including, but not limited to, the cost of the drug 644
product, professional fees, handling fees, if any, and a 645
statement identifying professional services routinely furnished 646
by the pharmacy. Any mailing fees and delivery fees may be 647
stated separately without repetition. The information shall not 648
be false or misleading. 649

(O) "Wholesale distributor of dangerous drugs" means a 650
person engaged in the sale of dangerous drugs at wholesale and 651
includes any agent or employee of such a person authorized by 652
the person to engage in the sale of dangerous drugs at 653
wholesale. 654

(P) "Manufacturer of dangerous drugs" means a person, 655
other than a pharmacist, who manufactures dangerous drugs and 656
who is engaged in the sale of those dangerous drugs within this 657
state. 658

(Q) "Terminal distributor of dangerous drugs" means a 659
person who is engaged in the sale of dangerous drugs at retail, 660
or any person, other than a wholesale distributor or a 661
pharmacist, who has possession, custody, or control of dangerous 662
drugs for any purpose other than for that person's own use and 663
consumption, and includes pharmacies, hospitals, nursing homes, 664
and laboratories and all other persons who procure dangerous 665
drugs for sale or other distribution by or under the supervision 666
of a pharmacist or licensed health professional authorized to 667
prescribe drugs. 668

(R) "Promote to the public" means disseminating a 669
representation to the public in any manner or by any means, 670
other than by labeling, for the purpose of inducing, or that is 671
likely to induce, directly or indirectly, the purchase of a 672
dangerous drug at retail. 673

(S) "Person" includes any individual, partnership, 674
association, limited liability company, or corporation, the 675
state, any political subdivision of the state, and any district, 676
department, or agency of the state or its political 677
subdivisions. 678

(T) "Finished dosage form" has the same meaning as in 679
section 3715.01 of the Revised Code. 680

(U) "Generically equivalent drug" has the same meaning as 681
in section 3715.01 of the Revised Code. 682

(V) "Animal shelter" means a facility operated by a humane 683
society or any society organized under Chapter 1717. of the 684
Revised Code or a dog pound operated pursuant to Chapter 955. of 685
the Revised Code. 686

(W) "Food" has the same meaning as in section 3715.01 of 687
the Revised Code. 688

(X) "Pain management clinic" has the same meaning as in 689
section 4731.054 of the Revised Code. 690

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 691
of this section, no person other than a registered wholesale 692
distributor of dangerous drugs shall possess for sale, sell, 693
distribute, or deliver, at wholesale, dangerous drugs, except as 694
follows: 695

(a) A pharmacist who is a licensed terminal distributor of 696

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 inhalers, as defined in section 3313.7113 of the Revised Code, and 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;	725 726
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	727 728
(e) A chartered or nonchartered nonpublic school.	729
(B) (1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	730 731 732
(a) Except as provided in division (B) (2) (a) of this section and division (B) of section 4729.541 of the Revised Code, a licensed health professional authorized to prescribe drugs;	733 734 735 736
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	737 738 739
(c) A registered wholesale distributor of dangerous drugs;	740
(d) A manufacturer of dangerous drugs;	741
(e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;	742 743
(f) Carriers or warehouses for the purpose of carriage or storage;	744 745
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	746 747 748
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes	749 750 751

education by a national certifying body specified in rules 752
adopted by the state board of pharmacy under section 4729.68 of 753
the Revised Code, but only with respect to insulin that will be 754
used for the purpose of diabetes education and only if diabetes 755
education is within the individual's scope of practice under 756
statutes and rules regulating the individual's profession; 757

(i) An individual who holds a valid certificate issued by 758
a nationally recognized S.C.U.B.A. diving certifying 759
organization approved by the state board of pharmacy in rule, 760
but only with respect to medical oxygen that will be used for 761
the purpose of emergency care or treatment at the scene of a 762
diving emergency; 763

(j) Except as provided in division (B) (2) (b) of this 764
section and division (A) of section 4729.541 of the Revised 765
Code, a business entity that is a corporation formed under 766
division (B) of section 1701.03 of the Revised Code, a limited 767
liability company formed under Chapter 1705. of the Revised 768
Code, or a professional association formed under Chapter 1785. 769
of the Revised Code if the entity has a sole shareholder who is 770
a licensed health professional authorized to prescribe drugs and 771
is authorized to provide the professional services being offered 772
by the entity; 773

(k) Except as provided in division (B) (2) (c) of this 774
section and division (A) of section 4729.541 of the Revised 775
Code, a business entity that is a corporation formed under 776
division (B) of section 1701.03 of the Revised Code, a limited 777
liability company formed under Chapter 1705. of the Revised 778
Code, a partnership or a limited liability partnership formed 779
under Chapter 1775. of the Revised Code, or a professional 780
association formed under Chapter 1785. of the Revised Code, if, 781

to be a shareholder, member, or partner, an individual is 782
required to be licensed, certified, or otherwise legally 783
authorized under Title XLVII of the Revised Code to perform the 784
professional service provided by the entity and each such 785
individual is a licensed health professional authorized to 786
prescribe drugs; 787

(l) With respect to epinephrine autoinjectors that may be 788
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 789
or 3328.29 of the Revised Code, any of the following: the board 790
of education of a city, local, exempted village, or joint 791
vocational school district; a chartered or nonchartered 792
nonpublic school; a community school established under Chapter 793
3314. of the Revised Code; a STEM school established under 794
Chapter 3326. of the Revised Code; or a college-preparatory 795
boarding school established under Chapter 3328. of the Revised 796
Code; 797

(m) With respect to epinephrine autoinjectors that may be 798
possessed under section 5101.76 of the Revised Code, any of the 799
following: a residential camp, as defined in section 2151.011 of 800
the Revised Code; a child day camp, as defined in section 801
5104.01 of the Revised Code; or a child day camp operated by any 802
county, township, municipal corporation, township park district 803
created under section 511.18 of the Revised Code, park district 804
created under section 1545.04 of the Revised Code, or joint 805
recreation district established under section 755.14 of the 806
Revised Code; 807

(n) With respect to epinephrine autoinjectors that may be 808
possessed under Chapter 3728. of the Revised Code, a qualified 809
entity, as defined in section 3728.01 of the Revised Code; 810

(o) With respect to naloxone that may be possessed under 811

section 2925.61 of the Revised Code, a law enforcement agency 812
and its peace officers; 813

~~(e)~~ (p) With respect to inhalers that may be possessed 814
under section 3313.7113, 3313.7114, 3314.144, 3326.30, or 815
3328.30 of the Revised Code, any of the following: the board of 816
education of a city, local, exempted village, or joint 817
vocational school district; a chartered or nonchartered 818
nonpublic school; a community school established under Chapter 819
3314. of the Revised Code; a STEM school established under 820
Chapter 3326. of the Revised Code; or a college-preparatory 821
boarding school established under Chapter 3328. of the Revised 822
Code; 823

~~(p)~~ (g) With respect to inhalers that may be possessed 824
under section 5101.77 of the Revised Code, any of the following: 825
a residential camp, as defined in section 2151.011 of the 826
Revised Code; a child day camp, as defined in section 5104.01 of 827
the Revised Code; or a child day camp operated by any county, 828
township, municipal corporation, township park district created 829
under section 511.18 of the Revised Code, park district created 830
under section 1545.04 of the Revised Code, or joint recreation 831
district established under section 755.14 of the Revised Code. 832

(2) No registered wholesale distributor of dangerous drugs 833
shall possess for sale, or sell, at wholesale, dangerous drugs 834
to any of the following: 835

(a) A prescriber who is employed by a pain management 836
clinic that is not licensed as a terminal distributor of 837
dangerous drugs with a pain management clinic classification 838
issued under section 4729.552 of the Revised Code; 839

(b) A business entity described in division (B) (1) (j) of 840

this section that is, or is operating, a pain management clinic 841
without a license as a terminal distributor of dangerous drugs 842
with a pain management clinic classification issued under 843
section 4729.552 of the Revised Code; 844

(c) A business entity described in division (B) (1) (k) of 845
this section that is, or is operating, a pain management clinic 846
without a license as a terminal distributor of dangerous drugs 847
with a pain management clinic classification issued under 848
section 4729.552 of the Revised Code. 849

(3) No registered wholesale distributor of dangerous drugs 850
shall possess dangerous drugs for sale at wholesale, or sell 851
such drugs at wholesale, to a licensed terminal distributor of 852
dangerous drugs, except as follows: 853

(a) In the case of a terminal distributor with a category 854
I license, only dangerous drugs described in category I, as 855
defined in division (A) (1) of section 4729.54 of the Revised 856
Code; 857

(b) In the case of a terminal distributor with a category 858
II license, only dangerous drugs described in category I and 859
category II, as defined in divisions (A) (1) and (2) of section 860
4729.54 of the Revised Code; 861

(c) In the case of a terminal distributor with a category 862
III license, dangerous drugs described in category I, category 863
II, and category III, as defined in divisions (A) (1), (2), and 864
(3) of section 4729.54 of the Revised Code; 865

(d) In the case of a terminal distributor with a limited 866
category I, II, or III license, only the dangerous drugs 867
specified in the certificate furnished by the terminal 868
distributor in accordance with section 4729.60 of the Revised 869

Code.	870
(C) (1) Except as provided in division (C) (4) of this section, no person shall sell, at retail, dangerous drugs.	871 872
(2) Except as provided in division (C) (4) of this section, no person shall possess for sale, at retail, dangerous drugs.	873 874
(3) Except as provided in division (C) (4) of this section, no person shall possess dangerous drugs.	875 876
(4) Divisions (C) (1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs or a licensed terminal distributor of dangerous drugs.	877 878 879
Divisions (C) (1), (2), and (3) of this section do not apply to 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.	880 881 882 883 884
Divisions (C) (1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.	885 886 887 888 889 890 891 892 893 894 895
Divisions (C) (1), (2), and (3) of this section do not apply to an individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization	896 897 898

approved by the state board of pharmacy in rule, but only to the 899
extent that the individual possesses medical oxygen or 900
personally supplies medical oxygen for the purpose of emergency 901
care or treatment at the scene of a diving emergency. 902

Division (C) (3) of this section does not apply to the 903
board of education of a city, local, exempted village, or joint 904
vocational school district, a school building operated by a 905
school district board of education, a chartered or nonchartered 906
nonpublic school, a community school, a STEM school, or a 907
college-preparatory boarding school for the purpose of 908
possessing epinephrine autoinjectors under section 3313.7110, 909
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 910
for the purpose of possessing inhalers under section 3313.7113, 911
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 912

Division (C) (3) of this section does not apply to a 913
residential camp, as defined in section 2151.011 of the Revised 914
Code, a child day camp, as defined in section 5104.01 of the 915
Revised Code, or a child day camp operated by any county, 916
township, municipal corporation, township park district created 917
under section 511.18 of the Revised Code, park district created 918
under section 1545.04 of the Revised Code, or joint recreation 919
district established under section 755.14 of the Revised Code 920
for the purpose of possessing epinephrine autoinjectors under 921
section 5101.76 of the Revised Code and for the purpose of 922
possessing inhalers under section 5101.77 of the Revised Code. 923

Division (C) (3) of this section does not apply to a 924
qualified entity, as defined in section 3728.01 of the Revised 925
Code, for the purpose of possessing epinephrine autoinjectors 926
under Chapter 3728. of the Revised Code. 927

Division (C) (3) of this section does not apply to a law 928

enforcement agency or the agency's peace officers if the agency 929
or officers possess naloxone for administration to individuals 930
who are apparently experiencing opioid-related overdoses. 931

(D) No licensed terminal distributor of dangerous drugs 932
shall purchase for the purpose of resale dangerous drugs from 933
any person other than a registered wholesale distributor of 934
dangerous drugs, except as follows: 935

(1) A licensed terminal distributor of dangerous drugs may 936
make occasional purchases of dangerous drugs for resale from a 937
pharmacist who is a licensed terminal distributor of dangerous 938
drugs or who is employed by a licensed terminal distributor of 939
dangerous drugs; 940

(2) A licensed terminal distributor of dangerous drugs 941
having more than one establishment or place may transfer or 942
receive dangerous drugs from one establishment or place for 943
which a license has been issued to the terminal distributor to 944
another establishment or place for which a license has been 945
issued to the terminal distributor if the license issued for 946
each establishment or place is in effect at the time of the 947
transfer or receipt. 948

(E) No licensed terminal distributor of dangerous drugs 949
shall engage in the sale or other distribution of dangerous 950
drugs at retail or maintain possession, custody, or control of 951
dangerous drugs for any purpose other than the distributor's 952
personal use or consumption, at any establishment or place other 953
than that or those described in the license issued by the state 954
board of pharmacy to such terminal distributor. 955

(F) Nothing in this section shall be construed to 956
interfere with the performance of official duties by any law 957

enforcement official authorized by municipal, county, state, or 958
federal law to collect samples of any drug, regardless of its 959
nature or in whose possession it may be. 960

(G) Notwithstanding anything to the contrary in this 961
section, the board of education of a city, local, exempted 962
village, or joint vocational school district may deliver 963
epinephrine autoinjectors to a school under its control for the 964
purpose of possessing the epinephrine autoinjectors under 965
section 3313.7110 of the Revised Code and may deliver inhalers 966
to a school under its control for the purpose of possessing the 967
inhalers under section 3313.7113 of the Revised Code. 968

Sec. 4729.60. (A) Before a registered wholesale 969
distributor of dangerous drugs may sell dangerous drugs at 970
wholesale to any person, other than the persons specified in 971
divisions (B) (1) (a) to (d), (f) to (h), and (l) to ~~(n)~~ (g) of 972
section 4729.51 of the Revised Code, such wholesale distributor 973
shall obtain from the purchaser and the purchaser shall furnish 974
to the wholesale distributor a certificate indicating that the 975
purchaser is a licensed terminal distributor of dangerous drugs. 976
The certificate shall be in the form that the state board of 977
pharmacy shall prescribe, and shall set forth the name of the 978
licensee, the number of the license, a description of the place 979
or establishment or each place or establishment for which the 980
license was issued, the category of licensure, and, if the 981
license is a limited category I, II, or III license, the 982
dangerous drugs that the licensee is authorized to possess, have 983
custody or control of, and distribute. 984

If no certificate is obtained or furnished before a sale 985
is made, it shall be presumed that the sale of dangerous drugs 986
by the wholesale distributor is in violation of division (B) of 987

section 4729.51 of the Revised Code and the purchase of 988
dangerous drugs by the purchaser is in violation of division (C) 989
of section 4729.51 of the Revised Code. If a registered 990
wholesale distributor of dangerous drugs obtains or is furnished 991
a certificate from a terminal distributor of dangerous drugs and 992
relies on the certificate in selling dangerous drugs at 993
wholesale to the terminal distributor of dangerous drugs, the 994
wholesale distributor of dangerous drugs shall be deemed not to 995
have violated division (B) of section 4729.51 of the Revised 996
Code in making the sale. 997

(B) Before a licensed terminal distributor of dangerous 998
drugs may purchase dangerous drugs at wholesale, the terminal 999
distributor shall obtain from the seller and the seller shall 1000
furnish to the terminal distributor the number of the seller's 1001
registration certificate to engage in the sale of dangerous 1002
drugs at wholesale. 1003

If no registration number is obtained or furnished before 1004
a purchase is made, it shall be presumed that the purchase of 1005
dangerous drugs by the terminal distributor is in violation of 1006
division (D) of section 4729.51 of the Revised Code and the sale 1007
of dangerous drugs by the seller is in violation of division (A) 1008
of section 4729.51 of the Revised Code. If a licensed terminal 1009
distributor of dangerous drugs obtains or is furnished a 1010
registration number from a wholesale distributor of dangerous 1011
drugs and relies on the registration number in purchasing 1012
dangerous drugs at wholesale from the wholesale distributor of 1013
dangerous drugs, the terminal distributor shall be deemed not to 1014
have violated division (D) of section 4729.51 of the Revised 1015
Code in making the purchase. 1016

Sec. 4729.88. Notwithstanding any provision of this 1017

chapter or rule adopted by the state board of pharmacy, a 1018
pharmacist may dispense epinephrine autoinjectors pursuant to a 1019
prescription issued under section 4723.483, 4730.432, or 4731.96 1020
of the Revised Code. 1021

A pharmacist who in good faith dispenses epinephrine 1022
autoinjectors under this section is not liable for or subject to 1023
any of the following for any action or omission of an entity to 1024
which an epinephrine autoinjector is dispensed: damages in any 1025
civil action, prosecution in any criminal proceeding, or 1026
professional disciplinary action. 1027

Sec. 4730.432. (A) (1) Subject to division (A) (2) of this 1028
section, and notwithstanding any provision of this chapter or 1029
rule adopted by the state medical board, a physician assistant 1030
who holds a license issued under this chapter and a valid 1031
prescriber number issued by the state medical board and has been 1032
granted physician-delegated prescriptive authority may do either 1033
of the following without having examined an individual to whom 1034
epinephrine may be administered: 1035

(a) Personally furnish a supply of epinephrine 1036
autoinjectors for use in accordance with sections 3313.7110, 1037
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 1038
5101.76 of the Revised Code; 1039

(b) Issue a prescription for epinephrine autoinjectors for 1040
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 1041
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 1042
Code. 1043

(2) An epinephrine autoinjector personally furnished or 1044
prescribed under division (A) (1) of this section must be 1045
furnished or prescribed in such a manner that it may be 1046

administered only in a manufactured dosage form. 1047

(B) A physician assistant who acts in good faith in 1048
accordance with this section is not liable for or subject to any 1049
of the following for any action or omission of an entity to 1050
which an epinephrine autoinjector is furnished or a prescription 1051
is issued: damages in any civil action, prosecution in any 1052
criminal proceeding, or professional disciplinary action. 1053

Sec. 4731.96. (A) As used in this section, "physician" 1054
means an individual authorized under this chapter to practice 1055
medicine and surgery, osteopathic medicine and surgery, or 1056
podiatric medicine and surgery. 1057

(B) (1) Subject to division (B) (2) of this section, and 1058
notwithstanding any provision of this chapter or rule adopted by 1059
the state medical board, a physician may do either of the 1060
following without having examined an individual to whom 1061
epinephrine may be administered: 1062

(a) Personally furnish a supply of epinephrine 1063
autoinjectors for use in accordance with sections 3313.7110, 1064
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 1065
5101.76 of the Revised Code; 1066

(b) Issue a prescription for epinephrine autoinjectors for 1067
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 1068
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 1069
Code. 1070

(2) An epinephrine autoinjector personally furnished or 1071
prescribed under division (B) (1) of this section must be 1072
furnished or prescribed in such a manner that it may be 1073
administered only in a manufactured dosage form. 1074

(C) A physician who acts in good faith in accordance with 1075

this section is not liable for or subject to any of the 1076
following for any action or omission of an entity to which an 1077
epinephrine autoinjector is furnished or a prescription is 1078
issued: damages in any civil action, prosecution in any criminal 1079
proceeding, or professional disciplinary action. 1080

Sec. 5101.76. (A) A residential camp, as defined in 1081
section 2151.011 of the Revised Code, a child day camp, as 1082
defined in section 5104.01 of the Revised Code, or a child day 1083
camp operated by any county, township, municipal corporation, 1084
township park district created under section 511.18 of the 1085
Revised Code, park district created under section 1545.04 of the 1086
Revised Code, or joint recreation district established under 1087
section 755.14 of the Revised Code may procure epinephrine 1088
autoinjectors for use in emergency situations identified under 1089
division (C) (5) of this section by doing one of the following: 1090

(1) Having a licensed health professional authorized to 1091
prescribe drugs, acting in accordance with section 4723.483, 1092
4730.432, or 4731.96 of the Revised Code, personally furnish the 1093
epinephrine autoinjectors to the camp or issue a prescription 1094
for them in the name of the camp; 1095

(2) Obtaining a prescriber-issued protocol that includes 1096
definitive orders for epinephrine autoinjectors and the dosages 1097
of epinephrine to be administered through them. A- 1098

A camp that elects to procure epinephrine autoinjectors 1099
under this section is encouraged to maintain at least two 1100
epinephrine autoinjectors at all times. 1101

(B) A camp that elects to procure epinephrine 1102
autoinjectors under this section shall adopt a policy governing 1103
their maintenance and use. Before adopting the policy, the camp 1104

shall consult with a licensed health professional authorized to 1105
prescribe drugs, ~~as defined in section 4729.01 of the Revised~~ 1106
~~Code.~~ 1107

~~(C) A component of a policy adopted by a camp under~~ 1108
~~division (B) of this section shall be a prescriber issued~~ 1109
~~protocol specifying definitive orders for epinephrine~~ 1110
~~autoinjectors and the dosages of epinephrine to be administered~~ 1111
~~through them. The policy also adopted under division (B) of this~~ 1112
section shall do all of the following: 1113

(1) Identify the one or more locations in which an 1114
epinephrine autoinjector must be stored; 1115

(2) Specify the conditions under which an epinephrine 1116
autoinjector must be stored, replaced, and disposed; 1117

(3) Specify the individuals employed by or under contract 1118
with the camp who may access and use an epinephrine autoinjector 1119
to provide a dosage of epinephrine to an individual in an 1120
emergency situation identified under division (C) (5) of this 1121
section; 1122

(4) Specify any training that employees or contractors 1123
specified under division (C) (3) of this section must complete 1124
before being authorized to access and use an epinephrine 1125
autoinjector; 1126

(5) Identify the emergency situations, including when an 1127
individual exhibits signs and symptoms of anaphylaxis, in which 1128
employees or contractors specified under division (C) (3) of this 1129
section may access and use an epinephrine autoinjector; 1130

(6) Specify that assistance from an emergency medical 1131
service provider must be requested immediately after an 1132
epinephrine autoinjector is used; 1133

(7) Specify the individuals to whom a dosage of 1134
epinephrine may be administered through an epinephrine 1135
autoinjector in an emergency situation specified under division 1136
(C) (5) of this section. 1137

~~(D) A camp or camp employee or contractor is~~ (1) The 1138
following are not liable in damages in a civil action for 1139
injury, death, or loss to person or property that allegedly 1140
arises from an act or omission associated with procuring, 1141
maintaining, accessing, or using an epinephrine autoinjector 1142
under this section, unless the act or omission constitutes 1143
willful or wanton misconduct. 1144

(a) A camp; 1145

(b) A camp employee or contractor; 1146

(c) A licensed health professional authorized to prescribe 1147
drugs who personally furnishes or prescribes epinephrine 1148
autoinjectors, provides a consultation, or issues a protocol 1149
pursuant to this section. 1150

(2) This section does not eliminate, limit, or reduce any 1151
other immunity or defense that a camp or camp employee or 1152
contractor or licensed health professional may be entitled to 1153
under Chapter 2744. or any other provision of the Revised Code 1154
or under the common law of this state. 1155

(E) A camp may accept donations of epinephrine 1156
autoinjectors from a wholesale distributor of dangerous drugs, 1157
as defined in section 4729.01 of the Revised Code, and may 1158
accept donations of money from any person to purchase 1159
epinephrine autoinjectors. 1160

(F) A camp that elects to procure epinephrine 1161
autoinjectors under this section shall report to the department 1162

of job and family services each procurement and occurrence in 1163
which an epinephrine autoinjector is used from a camp's supply 1164
of epinephrine autoinjectors. 1165

(G) As used in this section, "licensed health professional 1166
authorized to prescribe drugs" and "prescriber" have the same 1167
meanings as in section 4729.01 of the Revised Code. 1168

Section 2. That existing sections 3313.7110, 3313.7111, 1169
3314.143, 3326.28, 3328.29, 4729.01, 4729.51, 4729.60, and 1170
5101.76 of the Revised Code are hereby repealed. 1171

Section 3. Section 4729.01 of the Revised Code is 1172
presented in this act as a composite of the section as amended 1173
by both Sub. H.B. 124 and Am. Sub. H.B. 188 of the 131st General 1174
Assembly. The General Assembly, applying the principle stated in 1175
division (B) of section 1.52 of the Revised Code that amendments 1176
are to be harmonized if reasonably capable of simultaneous 1177
operation, finds that the composite is the resulting version of 1178
the section in effect prior to the effective date of the section 1179
as presented in this act. 1180