

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 236**

**Representatives Fraizer, Lipps**

**Cosponsors: Representatives Lightbody, West, Click, Leland, Lepore-Hagan,  
Liston, Seitz, Smith, M.**

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**A BILL**

To amend sections 3719.41 and 4729.01 and to enact 1  
sections 930.01, 930.02, 930.03, 930.04, 930.05, 2  
930.06, 930.07, and 930.99 of the Revised Code 3  
to regulate the processing, sale, and 4  
distribution of kratom. 5

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

**Section 1.** That sections 3719.41 and 4729.01 be amended 6  
and sections 930.01, 930.02, 930.03, 930.04, 930.05, 930.06, 7  
930.07, and 930.99 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 930.01.** As used in this chapter: 10

(A) "Kratom" means the plant mitragyna speciosa and any 11  
part of that plant, including the seeds thereof and all 12  
derivatives and extracts. 13

(B) "Kratom product" means any product that is made with 14  
kratom. "Kratom product" includes dietary supplements or food 15  
intended for human consumption. 16

(C) "Kratom processing license" means a license to process 17  
kratom issued under this chapter. 18

(D) "Process" or "processing" means converting kratom into 19  
a kratom product. 20

**Sec. 930.02.** (A) The director of agriculture shall 21  
establish a program to monitor and regulate kratom processing 22  
and the sale of kratom products in this state. Under the 23  
program, the director shall issue kratom processing licenses in 24  
accordance with rules adopted under section 930.03 of the 25  
Revised Code. 26

(B) Any person that wishes to process kratom shall apply 27  
for and obtain a kratom processing license from the director in 28  
accordance with rules adopted under section 930.03 of the 29  
Revised Code. Such licenses are valid for three years, unless 30  
earlier suspended or revoked by the director. 31

(C) Subject to section 930.04 of the Revised Code, any 32  
person may, without a kratom processing license, possess, buy, 33  
or sell kratom or kratom products. 34

**Sec. 930.03.** The director of agriculture, in consultation 35  
with the governor and attorney general, shall adopt rules in 36  
accordance with Chapter 119. of the Revised Code establishing 37  
standards and procedures for the regulation of kratom 38  
processing. The rules shall include all of the following: 39

(A) The form of an application for a kratom processing 40  
license and the information required to be included in each 41  
license application; 42

(B) The amount of an initial application fee that an 43  
applicant shall submit along with an application for a kratom 44  
processing license, and the amount of an annual license fee that 45

a licensee shall submit for a kratom processing license. In 46  
adopting rules under division (B) of this section, the director 47  
shall ensure both of the following: 48

(1) That the amount of the application fee and annual 49  
license fee does not exceed an amount sufficient to cover the 50  
costs incurred by the department of agriculture to administer 51  
and enforce this chapter; 52

(2) That there is one uniform application fee and one 53  
uniform annual license fee that applies to all applicants for a 54  
kratom processing license. 55

(C) Requirements and procedures regarding standards of 56  
financial responsibility for each applicant for a kratom 57  
processing license; 58

(D) Procedures and requirements for the issuance, renewal, 59  
denial, suspension, and revocation of a kratom processing 60  
license, including providing for a hearing under Chapter 119. of 61  
the Revised Code with regard to such a denial, suspension, or 62  
revocation; 63

(E) Grounds for the denial, suspension, and revocation of 64  
a kratom processing license; 65

(F) A requirement that any person that materially 66  
falsifies information in an application for a kratom processing 67  
license is ineligible to receive the license; 68

(G) A procedure for testing kratom products for purposes 69  
of determining compliance with this chapter and rules adopted 70  
under it; 71

(H) Requirements and procedures for the issuance, 72  
administration, and enforcement of corrective action plans 73

<u>issued under section 930.05 of the Revised Code;</u>	74
<u>(I) A procedure for conducting annual inspections of, at a minimum, a random sample of kratom processing license holders to verify that kratom plants are not being processed in violation of this chapter and rules adopted under it;</u>	75 76 77 78
<u>(J) A procedure for the effective disposal of all products derived from plants processed in violation of this chapter and rules adopted under it;</u>	79 80 81
<u>(K) Annual reporting requirements and procedures for kratom processing license holders;</u>	82 83
<u>(L) Recordkeeping and documentation maintenance requirements and procedures for kratom processing license holders;</u>	84 85 86
<u>(M) Fees for the laboratory testing of plants and products;</u>	87 88
<u>(N) Standards for the labeling of kratom products that require a label to include, at a minimum, specific directions necessary for the safe and effective use of a kratom product by consumers and a recommended serving size;</u>	89 90 91 92
<u>(O) Procedures and requirements for the transportation and distribution of kratom products;</u>	93 94
<u>(P) Any other requirements or procedures necessary to administer and enforce this chapter.</u>	95 96
<b>Sec. 930.04.</b> (A) <u>As used in this section:</u>	97
<u>(1) "Controlled substance" has the same meaning as in section 4729.01 of the Revised Code.</u>	98 99
<u>(2) "Drug" has the same meaning as in section 3719.01 of</u>	100

<u>the Revised Code.</u>	101
<u>(B) No person shall process kratom without a kratom</u>	102
<u>processing license issued by the director of agriculture under</u>	103
<u>this chapter.</u>	104
<u>(C) No person who holds a kratom processing license shall</u>	105
<u>violate this chapter or rules adopted under it.</u>	106
<u>(D) No person subject to a corrective action plan issued</u>	107
<u>by the director of agriculture under section 930.05 of the</u>	108
<u>Revised Code shall fail to comply with the plan.</u>	109
<u>(E) No person shall transport a kratom product in</u>	110
<u>violation of rules adopted under section 930.03 of the Revised</u>	111
<u>Code.</u>	112
<u>(F) No person shall distribute, sell, or expose for sale</u>	113
<u>any of the following:</u>	114
<u>(1) A kratom product that is adulterated with a dangerous</u>	115
<u>non-kratom substance. A kratom product is adulterated with a</u>	116
<u>dangerous non-kratom substance if the kratom product is mixed or</u>	117
<u>packed with a non-kratom substance and that substance affects</u>	118
<u>the quality or strength of the kratom product to such a degree</u>	119
<u>as to render the kratom product injurious to a consumer.</u>	120
<u>(2) A kratom product that is contaminated with a dangerous</u>	121
<u>non-kratom substance. A kratom product is contaminated with a</u>	122
<u>dangerous non-kratom substance if the kratom product contains a</u>	123
<u>poisonous or otherwise deleterious non-kratom ingredient,</u>	124
<u>including, but not limited to, any drug or controlled substance.</u>	125
<u>(3) A kratom product containing a level of 7-</u>	126
<u>hydroxymitragynine in the alkaloid fraction that is greater than</u>	127
<u>two per cent of the overall alkaloid composition of the kratom</u>	128

<u>product.</u>	129
<u>(4) A kratom product containing any synthetic alkaloids</u>	130
<u>including synthetic mitragynine, synthetic 7-hydroxymitragynine,</u>	131
<u>or any other synthetically derived compounds of the kratom</u>	132
<u>plant.</u>	133
<u>(5) A kratom product that is not properly labeled in</u>	134
<u>accordance with rules adopted under section 930.03 of the</u>	135
<u>Revised Code.</u>	136
<u>(6) A kratom product with a label containing claims that</u>	137
<u>the kratom product is intended to diagnose, treat, cure, or</u>	138
<u>prevent any medical condition or disease.</u>	139
<b><u>Sec. 930.05.</u></b> (A) <u>The director of agriculture shall issue a</u>	140
<u>corrective action plan to any person that the director</u>	141
<u>determines has negligently violated section 930.04 of the</u>	142
<u>Revised Code. The director shall include in the corrective</u>	143
<u>action plan both of the following:</u>	144
<u>(1) A reasonable date by which the person shall correct</u>	145
<u>the violation;</u>	146
<u>(2) A requirement that the person report to the director</u>	147
<u>regarding the person's compliance with the requirements of this</u>	148
<u>chapter, rules adopted under it, and the corrective action plan</u>	149
<u>for two calendar years immediately following the date of the</u>	150
<u>violation.</u>	151
<u>(B) If the director determines that a person negligently</u>	152
<u>violated section 930.04 of the Revised Code three or more times</u>	153
<u>in any five-year period, the director shall revoke the person's</u>	154
<u>kratom processing license, if any, and shall refuse to issue a</u>	155
<u>kratom processing license to that person for a period of five</u>	156
<u>years beginning on the date that the director determines that</u>	157

the person committed the most recent violation. 158

(C) The director shall report a person who the director 159  
determines has violated section 930.04 of the Revised Code with 160  
a culpable mental state greater than negligence to the attorney 161  
general and the applicable county prosecutor. 162

Sec. 930.06. There is hereby created in the state treasury 163  
the kratom program fund. The fund shall consist of all fees 164  
collected under rules adopted under section 930.03 of the 165  
Revised Code; money appropriated to the fund; and any other 166  
money received from gifts or federal grants. All investment 167  
earnings of the fund shall be credited to the fund. The director 168  
of agriculture shall use money in the fund to administer and 169  
enforce this chapter and rules adopted under it. 170

Sec. 930.07. (A) The director of agriculture may enter at 171  
reasonable times upon any public or private property at which 172  
kratom is being processed, distributed, or sold for the purpose 173  
of determining compliance with this chapter and rules adopted 174  
under it. The director may apply for and any judge of an 175  
appropriate court of record may issue a search warrant, 176  
necessary to achieve the purposes of this chapter within the 177  
court's territorial jurisdiction. 178

(B) (1) If the director determines that emergency 179  
conditions exist requiring immediate action necessary to protect 180  
public health or safety or the environment, the director may 181  
issue an order stating the existence of such conditions and 182  
requiring specific actions be taken to mitigate those conditions 183  
without providing prior notice or an adjudication hearing in 184  
accordance with Chapter 119. of the Revised Code. 185

(2) Any person to whom such an order is issued shall 186

immediately comply with that order, and may apply to the 187  
director for an adjudication hearing. Upon receiving an 188  
application for an adjudication hearing, the director shall hold 189  
the hearing as soon as practicable and not later than thirty 190  
days after receipt of the application. On the basis of the 191  
hearing, the director shall continue the order in effect, revoke 192  
it, or modify it. 193

(C) In addition to any other available remedies, the 194  
director of agriculture, the attorney general, or a county 195  
prosecutor may apply to a court of common pleas in the county 196  
where any provision of section 930.04 of the Revised Code or an 197  
order issued under division (B) of this section is being 198  
violated for an injunction restraining any person from 199  
continuing the violation. 200

**Sec. 930.99.** (A) Whoever recklessly violates section 201  
930.04 of the Revised Code is guilty of the following: 202

(1) For a first offense, a minor misdemeanor; 203

(2) For each subsequent offense, a misdemeanor of the 204  
fourth degree. 205

The court shall order an offender who is convicted of or 206  
pleads guilty to a third or subsequent offense ineligible to 207  
receive a kratom processing license under this chapter. The 208  
court shall provide written notice of that order to the director 209  
of agriculture. Upon receipt of the notice, the director shall 210  
revoke any kratom processing license that the offender holds and 211  
shall refuse to issue a kratom processing license to the 212  
offender beginning on the date of the court order. 213

(B) The prosecuting attorney of the applicable county or 214  
the attorney general may prosecute an action under this section. 215

**Sec. 3719.41.** (A) For purposes of administration, 216  
enforcement, and regulation of the manufacture, distribution, 217  
dispensing, and possession of controlled substances, the state 218  
board of pharmacy shall adopt rules in accordance with Chapter 219  
119. of the Revised Code establishing schedule I, schedule II, 220  
schedule III, schedule IV, and schedule V incorporating the five 221  
schedules of controlled substances under the federal drug abuse 222  
control laws. 223

The board may include in the schedules any compound, 224  
mixture, preparation, or substance that was included in the 225  
schedules immediately prior to March 22, 2020, as long as the 226  
inclusion does not have the effect of providing less stringent 227  
control of the compound, mixture, preparation, or substance than 228  
is provided under the federal drug abuse control laws or 229  
regulations adopted under those laws. 230

(B) Except as provided in section 3719.45 of the Revised 231  
Code, the board periodically shall update the schedules by rule 232  
adopted in accordance with Chapter 119. of the Revised Code to 233  
correspond to any change in the federal drug abuse control laws 234  
or regulations adopted under those laws, any addition, transfer, 235  
or removal by congress or the attorney general of the United 236  
States as described in section 3719.43 of the Revised Code, and 237  
any addition, transfer, or removal by the board by rule adopted 238  
under section 3719.44 of the Revised Code. 239

(C) Notwithstanding divisions (A) and (B) of this section, 240  
the board shall not adopt rules including hemp ~~or~~, a hemp 241  
product, kratom, or a kratom product in a schedule as a 242  
controlled substance. 243

(D) As used in this section, ~~"hemp":~~ 244

(1) " <u>Hemp</u> " and "hemp product" have the same meanings as in section 928.01 of the Revised Code;	245 246
(2) " <u>Kratom</u> " and " <u>kratom product</u> " have the same meanings as in section 930.01 of the Revised Code.	247 248
<b>Sec. 4729.01.</b> As used in this chapter:	249
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	250 251 252 253
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	254 255 256 257 258
(1) Interpreting prescriptions;	259
(2) Dispensing drugs and drug therapy related devices;	260
(3) Compounding drugs;	261
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	262 263 264 265 266
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	267 268 269
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the	270 271

pharmacist determines that an individual with a prescription has	272
a drug regimen that warrants additional discussion with the	273
prescriber;	274
(7) Advising an individual and the health care	275
professionals treating an individual with regard to the	276
individual's drug therapy;	277
(8) Acting pursuant to a consult agreement, if an	278
agreement has been established;	279
(9) Engaging in the administration of immunizations to the	280
extent authorized by section 4729.41 of the Revised Code;	281
(10) Engaging in the administration of drugs to the extent	282
authorized by section 4729.45 of the Revised Code.	283
(C) "Compounding" means the preparation, mixing,	284
assembling, packaging, and labeling of one or more drugs in any	285
of the following circumstances:	286
(1) Pursuant to a prescription issued by a licensed health	287
professional authorized to prescribe drugs;	288
(2) Pursuant to the modification of a prescription made in	289
accordance with a consult agreement;	290
(3) As an incident to research, teaching activities, or	291
chemical analysis;	292
(4) In anticipation of orders for drugs pursuant to	293
prescriptions, based on routine, regularly observed dispensing	294
patterns;	295
(5) Pursuant to a request made by a licensed health	296
professional authorized to prescribe drugs for a drug that is to	297
be used by the professional for the purpose of direct	298

administration to patients in the course of the professional's	299
practice, if all of the following apply:	300
(a) At the time the request is made, the drug is not	301
commercially available regardless of the reason that the drug is	302
not available, including the absence of a manufacturer for the	303
drug or the lack of a readily available supply of the drug from	304
a manufacturer.	305
(b) A limited quantity of the drug is compounded and	306
provided to the professional.	307
(c) The drug is compounded and provided to the	308
professional as an occasional exception to the normal practice	309
of dispensing drugs pursuant to patient-specific prescriptions.	310
(D) "Consult agreement" means an agreement that has been	311
entered into under section 4729.39 of the Revised Code.	312
(E) "Drug" means:	313
(1) Any article recognized in the United States	314
pharmacopoeia and national formulary, or any supplement to them,	315
intended for use in the diagnosis, cure, mitigation, treatment,	316
or prevention of disease in humans or animals;	317
(2) Any other article intended for use in the diagnosis,	318
cure, mitigation, treatment, or prevention of disease in humans	319
or animals;	320
(3) Any article, other than food, intended to affect the	321
structure or any function of the body of humans or animals;	322
(4) Any article intended for use as a component of any	323
article specified in division (E) (1), (2), or (3) of this	324
section; but does not include devices or their components,	325
parts, or accessories.	326

"Drug" does not include "hemp" or a "hemp product" as	327
those terms are defined in section 928.01 of the Revised Code.	328
<u>"Drug" does not include "kratom" or a "kratom product" as those</u>	329
<u>terms are defined in section 930.01 of the Revised Code.</u>	330
(F) "Dangerous drug" means any of the following:	331
(1) Any drug to which either of the following applies:	332
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	333
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	334
required to bear a label containing the legend "Caution: Federal	335
law prohibits dispensing without prescription" or "Caution:	336
Federal law restricts this drug to use by or on the order of a	337
licensed veterinarian" or any similar restrictive statement, or	338
the drug may be dispensed only upon a prescription;	339
(b) Under Chapter 3715. or 3719. of the Revised Code, the	340
drug may be dispensed only upon a prescription.	341
(2) Any drug that contains a schedule V controlled	342
substance and that is exempt from Chapter 3719. of the Revised	343
Code or to which that chapter does not apply;	344
(3) Any drug intended for administration by injection into	345
the human body other than through a natural orifice of the human	346
body;	347
(4) Any drug that is a biological product, as defined in	348
section 3715.01 of the Revised Code.	349
(G) "Federal drug abuse control laws" has the same meaning	350
as in section 3719.01 of the Revised Code.	351
(H) "Prescription" means all of the following:	352
(1) A written, electronic, or oral order for drugs or	353

combinations or mixtures of drugs to be used by a particular 354  
individual or for treating a particular animal, issued by a 355  
licensed health professional authorized to prescribe drugs; 356

(2) For purposes of sections 2925.61, 4723.484, 4730.434, 357  
and 4731.94 of the Revised Code, a written, electronic, or oral 358  
order for naloxone issued to and in the name of a family member, 359  
friend, or other individual in a position to assist an 360  
individual who there is reason to believe is at risk of 361  
experiencing an opioid-related overdose. 362

(3) For purposes of section 4729.44 of the Revised Code, a 363  
written, electronic, or oral order for naloxone issued to and in 364  
the name of either of the following: 365

(a) An individual who there is reason to believe is at 366  
risk of experiencing an opioid-related overdose; 367

(b) A family member, friend, or other individual in a 368  
position to assist an individual who there is reason to believe 369  
is at risk of experiencing an opioid-related overdose. 370

(4) For purposes of sections 4723.4810, 4729.282, 371  
4730.432, and 4731.93 of the Revised Code, a written, 372  
electronic, or oral order for a drug to treat chlamydia, 373  
gonorrhea, or trichomoniasis issued to and in the name of a 374  
patient who is not the intended user of the drug but is the 375  
sexual partner of the intended user; 376

(5) For purposes of sections 3313.7110, 3313.7111, 377  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 378  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 379  
or oral order for an epinephrine autoinjector issued to and in 380  
the name of a school, school district, or camp; 381

(6) For purposes of Chapter 3728. and sections 4723.483, 382

4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 383  
electronic, or oral order for an epinephrine autoinjector issued 384  
to and in the name of a qualified entity, as defined in section 385  
3728.01 of the Revised Code; 386

(7) For purposes of sections 3313.7115, 3313.7116, 387  
3314.147, 3326.60, 3328.38, 4723.484, 4730.434, 4731.92, and 388  
5101.78 of the Revised Code, a written, electronic, or oral 389  
order for injectable or nasally administered glucagon in the 390  
name of a school, school district, or camp. 391

(I) "Licensed health professional authorized to prescribe 392  
drugs" or "prescriber" means an individual who is authorized by 393  
law to prescribe drugs or dangerous drugs or drug therapy 394  
related devices in the course of the individual's professional 395  
practice, including only the following: 396

(1) A dentist licensed under Chapter 4715. of the Revised 397  
Code; 398

(2) A clinical nurse specialist, certified nurse-midwife, 399  
or certified nurse practitioner who holds a current, valid 400  
license issued under Chapter 4723. of the Revised Code to 401  
practice nursing as an advanced practice registered nurse; 402

(3) A certified registered nurse anesthetist who holds a 403  
current, valid license issued under Chapter 4723. of the Revised 404  
Code to practice nursing as an advanced practice registered 405  
nurse, but only to the extent of the nurse's authority under 406  
sections 4723.43 and 4723.434 of the Revised Code; 407

(4) An optometrist licensed under Chapter 4725. of the 408  
Revised Code to practice optometry under a therapeutic 409  
pharmaceutical agents certificate; 410

(5) A physician authorized under Chapter 4731. of the 411

Revised Code to practice medicine and surgery, osteopathic	412
medicine and surgery, or podiatric medicine and surgery;	413
(6) A physician assistant who holds a license to practice	414
as a physician assistant issued under Chapter 4730. of the	415
Revised Code, holds a valid prescriber number issued by the	416
state medical board, and has been granted physician-delegated	417
prescriptive authority;	418
(7) A veterinarian licensed under Chapter 4741. of the	419
Revised Code.	420
(J) "Sale" or "sell" includes any transaction made by any	421
person, whether as principal proprietor, agent, or employee, to	422
do or offer to do any of the following: deliver, distribute,	423
broker, exchange, gift or otherwise give away, or transfer,	424
whether the transfer is by passage of title, physical movement,	425
or both.	426
(K) "Wholesale sale" and "sale at wholesale" mean any sale	427
in which the purpose of the purchaser is to resell the article	428
purchased or received by the purchaser.	429
(L) "Retail sale" and "sale at retail" mean any sale other	430
than a wholesale sale or sale at wholesale.	431
(M) "Retail seller" means any person that sells any	432
dangerous drug to consumers without assuming control over and	433
responsibility for its administration. Mere advice or	434
instructions regarding administration do not constitute control	435
or establish responsibility.	436
(N) "Price information" means the price charged for a	437
prescription for a particular drug product and, in an easily	438
understandable manner, all of the following:	439

(1) The proprietary name of the drug product;	440
(2) The established (generic) name of the drug product;	441
(3) The strength of the drug product if the product	442
contains a single active ingredient or if the drug product	443
contains more than one active ingredient and a relevant strength	444
can be associated with the product without indicating each	445
active ingredient. The established name and quantity of each	446
active ingredient are required if such a relevant strength	447
cannot be so associated with a drug product containing more than	448
one ingredient.	449
(4) The dosage form;	450
(5) The price charged for a specific quantity of the drug	451
product. The stated price shall include all charges to the	452
consumer, including, but not limited to, the cost of the drug	453
product, professional fees, handling fees, if any, and a	454
statement identifying professional services routinely furnished	455
by the pharmacy. Any mailing fees and delivery fees may be	456
stated separately without repetition. The information shall not	457
be false or misleading.	458
(O) "Wholesale distributor of dangerous drugs" or	459
"wholesale distributor" means a person engaged in the sale of	460
dangerous drugs at wholesale and includes any agent or employee	461
of such a person authorized by the person to engage in the sale	462
of dangerous drugs at wholesale.	463
(P) "Manufacturer of dangerous drugs" or "manufacturer"	464
means a person, other than a pharmacist or prescriber, who	465
manufactures dangerous drugs and who is engaged in the sale of	466
those dangerous drugs.	467
(Q) "Terminal distributor of dangerous drugs" or "terminal	468

distributor" means a person who is engaged in the sale of 469  
dangerous drugs at retail, or any person, other than a 470  
manufacturer, repackager, outsourcing facility, third-party 471  
logistics provider, wholesale distributor, or pharmacist, who 472  
has possession, custody, or control of dangerous drugs for any 473  
purpose other than for that person's own use and consumption. 474  
"Terminal distributor" includes pharmacies, hospitals, nursing 475  
homes, and laboratories and all other persons who procure 476  
dangerous drugs for sale or other distribution by or under the 477  
supervision of a pharmacist, licensed health professional 478  
authorized to prescribe drugs, or other person authorized by the 479  
state board of pharmacy. 480

(R) "Promote to the public" means disseminating a 481  
representation to the public in any manner or by any means, 482  
other than by labeling, for the purpose of inducing, or that is 483  
likely to induce, directly or indirectly, the purchase of a 484  
dangerous drug at retail. 485

(S) "Person" includes any individual, partnership, 486  
association, limited liability company, or corporation, the 487  
state, any political subdivision of the state, and any district, 488  
department, or agency of the state or its political 489  
subdivisions. 490

(T) (1) "Animal shelter" means a facility operated by a 491  
humane society or any society organized under Chapter 1717. of 492  
the Revised Code or a dog pound operated pursuant to Chapter 493  
955. of the Revised Code. 494

(2) "County dog warden" means a dog warden or deputy dog 495  
warden appointed or employed under section 955.12 of the Revised 496  
Code. 497

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.	498 499
(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.	500 501
(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration.	502 503 504 505 506
"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.	507 508 509
(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.	510 511 512 513 514
(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.	515 516 517 518 519 520 521
(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.	522 523 524
(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is	525 526

registered as an outsourcing facility with the United States 527  
food and drug administration. 528

(BB) "Laboratory" means a laboratory licensed under this 529  
chapter as a terminal distributor of dangerous drugs and 530  
entrusted to have custody of any of the following drugs and to 531  
use the drugs for scientific and clinical purposes and for 532  
purposes of instruction: dangerous drugs that are not controlled 533  
substances, as defined in section 3719.01 of the Revised Code; 534  
dangerous drugs that are controlled substances, as defined in 535  
that section; and controlled substances in schedule I, as 536  
defined in that section. 537

**Section 2.** That existing sections 3719.41 and 4729.01 of 538  
the Revised Code are hereby repealed. 539

**Section 3.** Section 4729.01 of the Revised Code is 540  
presented in this act as a composite of the section as amended 541  
by H.B. 24, H.B. 197, H.B. 203, H.B. 231, H.B. 341, and S.B. 57, 542  
all of the 133rd General Assembly. The General Assembly, 543  
applying the principle stated in division (B) of section 1.52 of 544  
the Revised Code that amendments are to be harmonized if 545  
reasonably capable of simultaneous operation, finds that the 546  
composite is the resulting version of the section in effect 547  
prior to the effective date of the section as presented in this 548  
act. 549