

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. Sub. H. B. No. 341**

**Representative Ginter**

**Cosponsors: Representatives Seitz, Blair, Lightbody, Koehler, Liston, Abrams, Brent, Brown, Callender, Carfagna, Carruthers, Crawley, Crossman, Cupp, Denson, Edwards, Fraizer, Galonski, Hambley, Hicks-Hudson, Hillyer, Holmes, A., Kick, Lanese, LaRe, Leland, Lepore-Hagan, Manning, D., Manning, G., McClain, Miller, J., O'Brien, Patterson, Perales, Richardson, Riedel, Robinson, Roemer, Rogers, Romanchuk, Russo, Scherer, Sheehy, Smith, T., Sobecki, Stein, Swearingen, Sweeney, Upchurch, Weinstein, West, Wiggam**

**Senators Huffman, S., Antonio, Blessing, Burke, Craig, Dolan, Eklund, Gavarone, Hoagland, Johnson, Kunze, Lehner, Manning, McColley, Obhof, O'Brien, Peterson, Schaffer, Thomas, Williams, Wilson, Yuko**

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**A BILL**

To amend sections 121.22, 2925.01, 2925.61, 1  
4723.50, 4723.52, 4729.01, 4729.29, 4729.44, 2  
4729.45, 4729.51, 4729.514, 4729.541, 4729.553, 3  
4729.80, 4730.56, and 4731.83; to amend, for the 4  
purpose of adopting new section numbers as 5  
indicated in parentheses, sections 4723.486 6  
(4723.488), 4723.488 (4723.484), and 4730.431 7  
(4730.434); and to enact new section 4723.486 8  
and sections 4723.485, 4729.515, 4730.435, and 9  
4730.436 of the Revised Code regarding the 10  
administration of addiction treatment drugs, 11  
federal agency access to the Ohio Automated Rx 12  
Reporting System, the Board of Pharmacy's 13  
exemption from open meetings requirements, the 14  
occasional sale of certain drugs at wholesale, 15  
and naloxone access and education. 16

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

**Section 1.** That sections 121.22, 2925.01, 2925.61, 17  
4723.50, 4723.52, 4729.01, 4729.29, 4729.44, 4729.45, 4729.51, 18  
4729.514, 4729.541, 4729.553, 4729.80, 4730.56, and 4731.83 be 19  
amended; sections 4723.486 (4723.488), 4723.488 (4723.484), and 20  
4730.431 (4730.434) be amended for the purpose of adopting new 21  
section numbers as indicated in parentheses; and new section 22  
4723.486 and sections 4723.485, 4729.515, 4730.435, and 4730.436 23  
of the Revised Code be enacted to read as follows: 24

**Sec. 121.22.** (A) This section shall be liberally construed 25  
to require public officials to take official action and to 26  
conduct all deliberations upon official business only in open 27  
meetings unless the subject matter is specifically excepted by 28  
law. 29

(B) As used in this section: 30

(1) "Public body" means any of the following: 31

(a) Any board, commission, committee, council, or similar 32  
decision-making body of a state agency, institution, or 33  
authority, and any legislative authority or board, commission, 34  
committee, council, agency, authority, or similar decision- 35  
making body of any county, township, municipal corporation, 36  
school district, or other political subdivision or local public 37  
institution; 38

(b) Any committee or subcommittee of a body described in 39  
division (B) (1) (a) of this section; 40

(c) A court of jurisdiction of a sanitary district 41  
organized wholly for the purpose of providing a water supply for 42

domestic, municipal, and public use when meeting for the purpose 43  
of the appointment, removal, or reappointment of a member of the 44  
board of directors of such a district pursuant to section 45  
6115.10 of the Revised Code, if applicable, or for any other 46  
matter related to such a district other than litigation 47  
involving the district. As used in division (B)(1)(c) of this 48  
section, "court of jurisdiction" has the same meaning as "court" 49  
in section 6115.01 of the Revised Code. 50

(2) "Meeting" means any prearranged discussion of the 51  
public business of the public body by a majority of its members. 52

(3) "Regulated individual" means either of the following: 53

(a) A student in a state or local public educational 54  
institution; 55

(b) A person who is, voluntarily or involuntarily, an 56  
inmate, patient, or resident of a state or local institution 57  
because of criminal behavior, mental illness, an intellectual 58  
disability, disease, disability, age, or other condition 59  
requiring custodial care. 60

(4) "Public office" has the same meaning as in section 61  
149.011 of the Revised Code. 62

(C) All meetings of any public body are declared to be 63  
public meetings open to the public at all times. A member of a 64  
public body shall be present in person at a meeting open to the 65  
public to be considered present or to vote at the meeting and 66  
for purposes of determining whether a quorum is present at the 67  
meeting. 68

The minutes of a regular or special meeting of any public 69  
body shall be promptly prepared, filed, and maintained and shall 70  
be open to public inspection. The minutes need only reflect the 71

general subject matter of discussions in executive sessions	72
authorized under division (G) or (J) of this section.	73
(D) This section does not apply to any of the following:	74
(1) A grand jury;	75
(2) An audit conference conducted by the auditor of state	76
or independent certified public accountants with officials of	77
the public office that is the subject of the audit;	78
(3) The adult parole authority when its hearings are	79
conducted at a correctional institution for the sole purpose of	80
interviewing inmates to determine parole or pardon and the	81
department of rehabilitation and correction when its hearings	82
are conducted at a correctional institution for the sole purpose	83
of making determinations under section 2967.271 of the Revised	84
Code regarding the release or maintained incarceration of an	85
offender to whom that section applies;	86
(4) The organized crime investigations commission	87
established under section 177.01 of the Revised Code;	88
(5) Meetings of a child fatality review board established	89
under section 307.621 of the Revised Code, meetings related to a	90
review conducted pursuant to guidelines established by the	91
director of health under section 3701.70 of the Revised Code,	92
and meetings conducted pursuant to sections 5153.171 to 5153.173	93
of the Revised Code;	94
(6) The state medical board when determining whether to	95
suspend a license or certificate without a prior hearing	96
pursuant to division (G) of either section 4730.25 or 4731.22 of	97
the Revised Code;	98
(7) The board of nursing when determining whether to	99

suspend a license or certificate without a prior hearing 100  
pursuant to division (B) of section 4723.281 of the Revised 101  
Code; 102

(8) The state board of pharmacy when determining whether 103  
to ~~suspend~~ do either of the following: 104

(a) Suspend a license, certification, or registration 105  
without a prior hearing, including during meetings conducted by 106  
telephone conference, pursuant to ~~division (D) of section~~ 107  
~~4729.16~~ Chapters 3719., 3796., 4729., and 4752. of the Revised 108  
Code and rules adopted thereunder; or 109

(b) Restrict a person from obtaining further information 110  
from the drug database established in section 4729.75 of the 111  
Revised Code without a prior hearing pursuant to division (C) of 112  
section 4729.86 of the Revised Code. 113

(9) The state chiropractic board when determining whether 114  
to suspend a license without a hearing pursuant to section 115  
4734.37 of the Revised Code; 116

(10) The executive committee of the emergency response 117  
commission when determining whether to issue an enforcement 118  
order or request that a civil action, civil penalty action, or 119  
criminal action be brought to enforce Chapter 3750. of the 120  
Revised Code; 121

(11) The board of directors of the nonprofit corporation 122  
formed under section 187.01 of the Revised Code or any committee 123  
thereof, and the board of directors of any subsidiary of that 124  
corporation or a committee thereof; 125

(12) An audit conference conducted by the audit staff of 126  
the department of job and family services with officials of the 127  
public office that is the subject of that audit under section 128

5101.37 of the Revised Code;	129
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	130 131 132 133 134
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	135 136 137 138
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code;	139 140 141 142
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;	143 144
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code.	145 146
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	147 148 149 150 151 152 153 154 155
(1) Marketing plans;	156

(2) Specific business strategy;	157
(3) Production techniques and trade secrets;	158
(4) Financial projections;	159
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	160 161 162 163
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.	164 165 166 167
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.	168 169 170 171 172 173 174 175 176 177 178
The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by	179 180 181 182 183 184 185

the person. 186

(G) Except as provided in divisions (G)(8) and (J) of this 187  
section, the members of a public body may hold an executive 188  
session only after a majority of a quorum of the public body 189  
determines, by a roll call vote, to hold an executive session 190  
and only at a regular or special meeting for the sole purpose of 191  
the consideration of any of the following matters: 192

(1) To consider the appointment, employment, dismissal, 193  
discipline, promotion, demotion, or compensation of a public 194  
employee or official, or the investigation of charges or 195  
complaints against a public employee, official, licensee, or 196  
regulated individual, unless the public employee, official, 197  
licensee, or regulated individual requests a public hearing. 198  
Except as otherwise provided by law, no public body shall hold 199  
an executive session for the discipline of an elected official 200  
for conduct related to the performance of the elected official's 201  
official duties or for the elected official's removal from 202  
office. If a public body holds an executive session pursuant to 203  
division (G)(1) of this section, the motion and vote to hold 204  
that executive session shall state which one or more of the 205  
approved purposes listed in division (G)(1) of this section are 206  
the purposes for which the executive session is to be held, but 207  
need not include the name of any person to be considered at the 208  
meeting. 209

(2) To consider the purchase of property for public 210  
purposes, the sale of property at competitive bidding, or the 211  
sale or other disposition of unneeded, obsolete, or unfit-for- 212  
use property in accordance with section 505.10 of the Revised 213  
Code, if premature disclosure of information would give an 214  
unfair competitive or bargaining advantage to a person whose 215



personal, private interest is adverse to the general public 216  
interest. No member of a public body shall use division (G) (2) 217  
of this section as a subterfuge for providing covert information 218  
to prospective buyers or sellers. A purchase or sale of public 219  
property is void if the seller or buyer of the public property 220  
has received covert information from a member of a public body 221  
that has not been disclosed to the general public in sufficient 222  
time for other prospective buyers and sellers to prepare and 223  
submit offers. 224

If the minutes of the public body show that all meetings 225  
and deliberations of the public body have been conducted in 226  
compliance with this section, any instrument executed by the 227  
public body purporting to convey, lease, or otherwise dispose of 228  
any right, title, or interest in any public property shall be 229  
conclusively presumed to have been executed in compliance with 230  
this section insofar as title or other interest of any bona fide 231  
purchasers, lessees, or transferees of the property is 232  
concerned. 233

(3) Conferences with an attorney for the public body 234  
concerning disputes involving the public body that are the 235  
subject of pending or imminent court action; 236

(4) Preparing for, conducting, or reviewing negotiations 237  
or bargaining sessions with public employees concerning their 238  
compensation or other terms and conditions of their employment; 239

(5) Matters required to be kept confidential by federal 240  
law or regulations or state statutes; 241

(6) Details relative to the security arrangements and 242  
emergency response protocols for a public body or a public 243  
office, if disclosure of the matters discussed could reasonably 244

be expected to jeopardize the security of the public body or 245  
public office; 246

(7) In the case of a county hospital operated pursuant to 247  
Chapter 339. of the Revised Code, a joint township hospital 248  
operated pursuant to Chapter 513. of the Revised Code, or a 249  
municipal hospital operated pursuant to Chapter 749. of the 250  
Revised Code, to consider trade secrets, as defined in section 251  
1333.61 of the Revised Code; 252

(8) To consider confidential information related to the 253  
marketing plans, specific business strategy, production 254  
techniques, trade secrets, or personal financial statements of 255  
an applicant for economic development assistance, or to 256  
negotiations with other political subdivisions respecting 257  
requests for economic development assistance, provided that both 258  
of the following conditions apply: 259

(a) The information is directly related to a request for 260  
economic development assistance that is to be provided or 261  
administered under any provision of Chapter 715., 725., 1724., 262  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 263  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 264  
5709.81 of the Revised Code, or that involves public 265  
infrastructure improvements or the extension of utility services 266  
that are directly related to an economic development project. 267

(b) A unanimous quorum of the public body determines, by a 268  
roll call vote, that the executive session is necessary to 269  
protect the interests of the applicant or the possible 270  
investment or expenditure of public funds to be made in 271  
connection with the economic development project. 272

If a public body holds an executive session to consider 273

any of the matters listed in divisions (G) (2) to (8) of this 274  
section, the motion and vote to hold that executive session 275  
shall state which one or more of the approved matters listed in 276  
those divisions are to be considered at the executive session. 277

A public body specified in division (B) (1) (c) of this 278  
section shall not hold an executive session when meeting for the 279  
purposes specified in that division. 280

(H) A resolution, rule, or formal action of any kind is 281  
invalid unless adopted in an open meeting of the public body. A 282  
resolution, rule, or formal action adopted in an open meeting 283  
that results from deliberations in a meeting not open to the 284  
public is invalid unless the deliberations were for a purpose 285  
specifically authorized in division (G) or (J) of this section 286  
and conducted at an executive session held in compliance with 287  
this section. A resolution, rule, or formal action adopted in an 288  
open meeting is invalid if the public body that adopted the 289  
resolution, rule, or formal action violated division (F) of this 290  
section. 291

(I) (1) Any person may bring an action to enforce this 292  
section. An action under division (I) (1) of this section shall 293  
be brought within two years after the date of the alleged 294  
violation or threatened violation. Upon proof of a violation or 295  
threatened violation of this section in an action brought by any 296  
person, the court of common pleas shall issue an injunction to 297  
compel the members of the public body to comply with its 298  
provisions. 299

(2) (a) If the court of common pleas issues an injunction 300  
pursuant to division (I) (1) of this section, the court shall 301  
order the public body that it enjoins to pay a civil forfeiture 302  
of five hundred dollars to the party that sought the injunction 303

and shall award to that party all court costs and, subject to 304  
reduction as described in division (I) (2) of this section, 305  
reasonable attorney's fees. The court, in its discretion, may 306  
reduce an award of attorney's fees to the party that sought the 307  
injunction or not award attorney's fees to that party if the 308  
court determines both of the following: 309

(i) That, based on the ordinary application of statutory 310  
law and case law as it existed at the time of violation or 311  
threatened violation that was the basis of the injunction, a 312  
well-informed public body reasonably would believe that the 313  
public body was not violating or threatening to violate this 314  
section; 315

(ii) That a well-informed public body reasonably would 316  
believe that the conduct or threatened conduct that was the 317  
basis of the injunction would serve the public policy that 318  
underlies the authority that is asserted as permitting that 319  
conduct or threatened conduct. 320

(b) If the court of common pleas does not issue an 321  
injunction pursuant to division (I) (1) of this section and the 322  
court determines at that time that the bringing of the action 323  
was frivolous conduct, as defined in division (A) of section 324  
2323.51 of the Revised Code, the court shall award to the public 325  
body all court costs and reasonable attorney's fees, as 326  
determined by the court. 327

(3) Irreparable harm and prejudice to the party that 328  
sought the injunction shall be conclusively and irrebuttably 329  
presumed upon proof of a violation or threatened violation of 330  
this section. 331

(4) A member of a public body who knowingly violates an 332

injunction issued pursuant to division (I) (1) of this section 333  
may be removed from office by an action brought in the court of 334  
common pleas for that purpose by the prosecuting attorney or the 335  
attorney general. 336

(J) (1) Pursuant to division (C) of section 5901.09 of the 337  
Revised Code, a veterans service commission shall hold an 338  
executive session for one or more of the following purposes 339  
unless an applicant requests a public hearing: 340

(a) Interviewing an applicant for financial assistance 341  
under sections 5901.01 to 5901.15 of the Revised Code; 342

(b) Discussing applications, statements, and other 343  
documents described in division (B) of section 5901.09 of the 344  
Revised Code; 345

(c) Reviewing matters relating to an applicant's request 346  
for financial assistance under sections 5901.01 to 5901.15 of 347  
the Revised Code. 348

(2) A veterans service commission shall not exclude an 349  
applicant for, recipient of, or former recipient of financial 350  
assistance under sections 5901.01 to 5901.15 of the Revised 351  
Code, and shall not exclude representatives selected by the 352  
applicant, recipient, or former recipient, from a meeting that 353  
the commission conducts as an executive session that pertains to 354  
the applicant's, recipient's, or former recipient's application 355  
for financial assistance. 356

(3) A veterans service commission shall vote on the grant 357  
or denial of financial assistance under sections 5901.01 to 358  
5901.15 of the Revised Code only in an open meeting of the 359  
commission. The minutes of the meeting shall indicate the name, 360  
address, and occupation of the applicant, whether the assistance 361

was granted or denied, the amount of the assistance if 362  
assistance is granted, and the votes for and against the 363  
granting of assistance. 364

**Sec. 2925.01.** As used in this chapter: 365

(A) "Administer," "controlled substance," "controlled 366  
substance analog," "dispense," "distribute," "hypodermic," 367  
"manufacturer," "official written order," "person," 368  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 369  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 370  
have the same meanings as in section 3719.01 of the Revised 371  
Code. 372

(B) "Drug dependent person" and "drug of abuse" have the 373  
same meanings as in section 3719.011 of the Revised Code. 374

(C) "Drug," "dangerous drug," "licensed health 375  
professional authorized to prescribe drugs," and "prescription" 376  
have the same meanings as in section 4729.01 of the Revised 377  
Code. 378

(D) "Bulk amount" of a controlled substance means any of 379  
the following: 380

(1) For any compound, mixture, preparation, or substance 381  
included in schedule I, schedule II, or schedule III, with the 382  
exception of any controlled substance analog, marihuana, 383  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 384  
hashish and except as provided in division (D)(2), (5), or (6) 385  
of this section, whichever of the following is applicable: 386

(a) An amount equal to or exceeding ten grams or twenty- 387  
five unit doses of a compound, mixture, preparation, or 388  
substance that is or contains any amount of a schedule I opiate 389  
or opium derivative; 390

(b) An amount equal to or exceeding ten grams of a 391  
compound, mixture, preparation, or substance that is or contains 392  
any amount of raw or gum opium; 393

(c) An amount equal to or exceeding thirty grams or ten 394  
unit doses of a compound, mixture, preparation, or substance 395  
that is or contains any amount of a schedule I hallucinogen 396  
other than tetrahydrocannabinol or lysergic acid amide, or a 397  
schedule I stimulant or depressant; 398

(d) An amount equal to or exceeding twenty grams or five 399  
times the maximum daily dose in the usual dose range specified 400  
in a standard pharmaceutical reference manual of a compound, 401  
mixture, preparation, or substance that is or contains any 402  
amount of a schedule II opiate or opium derivative; 403

(e) An amount equal to or exceeding five grams or ten unit 404  
doses of a compound, mixture, preparation, or substance that is 405  
or contains any amount of phencyclidine; 406

(f) An amount equal to or exceeding one hundred twenty 407  
grams or thirty times the maximum daily dose in the usual dose 408  
range specified in a standard pharmaceutical reference manual of 409  
a compound, mixture, preparation, or substance that is or 410  
contains any amount of a schedule II stimulant that is in a 411  
final dosage form manufactured by a person authorized by the 412  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 413  
U.S.C.A. 301, as amended, and the federal drug abuse control 414  
laws, as defined in section 3719.01 of the Revised Code, that is 415  
or contains any amount of a schedule II depressant substance or 416  
a schedule II hallucinogenic substance; 417

(g) An amount equal to or exceeding three grams of a 418  
compound, mixture, preparation, or substance that is or contains 419

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code



and the sentencing provisions set forth in divisions (C) (10) (b) 449  
and (C) (11) of that section will not apply regarding the 450  
defendant and the violation, the bulk amount of the controlled 451  
substance for purposes of the violation is the amount specified 452  
in division (D) (1), (2), (3), (4), or (5) of this section for 453  
the other schedule III, IV, or V controlled substance that is 454  
combined with the fentanyl-related compound. 455

(E) "Unit dose" means an amount or unit of a compound, 456  
mixture, or preparation containing a controlled substance that 457  
is separately identifiable and in a form that indicates that it 458  
is the amount or unit by which the controlled substance is 459  
separately administered to or taken by an individual. 460

(F) "Cultivate" includes planting, watering, fertilizing, 461  
or tilling. 462

(G) "Drug abuse offense" means any of the following: 463

(1) A violation of division (A) of section 2913.02 that 464  
constitutes theft of drugs, or a violation of section 2925.02, 465  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 466  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 467  
or 2925.37 of the Revised Code; 468

(2) A violation of an existing or former law of this or 469  
any other state or of the United States that is substantially 470  
equivalent to any section listed in division (G) (1) of this 471  
section; 472

(3) An offense under an existing or former law of this or 473  
any other state, or of the United States, of which planting, 474  
cultivating, harvesting, processing, making, manufacturing, 475  
producing, shipping, transporting, delivering, acquiring, 476  
possessing, storing, distributing, dispensing, selling, inducing 477

another to use, administering to another, using, or otherwise 478  
dealing with a controlled substance is an element; 479

(4) A conspiracy to commit, attempt to commit, or 480  
complicity in committing or attempting to commit any offense 481  
under division (G) (1), (2), or (3) of this section. 482

(H) "Felony drug abuse offense" means any drug abuse 483  
offense that would constitute a felony under the laws of this 484  
state, any other state, or the United States. 485

(I) "Harmful intoxicant" does not include beer or 486  
intoxicating liquor but means any of the following: 487

(1) Any compound, mixture, preparation, or substance the 488  
gas, fumes, or vapor of which when inhaled can induce 489  
intoxication, excitement, giddiness, irrational behavior, 490  
depression, stupefaction, paralysis, unconsciousness, 491  
asphyxiation, or other harmful physiological effects, and 492  
includes, but is not limited to, any of the following: 493

(a) Any volatile organic solvent, plastic cement, model 494  
cement, fingernail polish remover, lacquer thinner, cleaning 495  
fluid, gasoline, or other preparation containing a volatile 496  
organic solvent; 497

(b) Any aerosol propellant; 498

(c) Any fluorocarbon refrigerant; 499

(d) Any anesthetic gas. 500

(2) Gamma Butyrolactone; 501

(3) 1,4 Butanediol. 502

(J) "Manufacture" means to plant, cultivate, harvest, 503  
process, make, prepare, or otherwise engage in any part of the 504

production of a drug, by propagation, extraction, chemical 505  
synthesis, or compounding, or any combination of the same, and 506  
includes packaging, repackaging, labeling, and other activities 507  
incident to production. 508

(K) "Possess" or "possession" means having control over a 509  
thing or substance, but may not be inferred solely from mere 510  
access to the thing or substance through ownership or occupation 511  
of the premises upon which the thing or substance is found. 512

(L) "Sample drug" means a drug or pharmaceutical 513  
preparation that would be hazardous to health or safety if used 514  
without the supervision of a licensed health professional 515  
authorized to prescribe drugs, or a drug of abuse, and that, at 516  
one time, had been placed in a container plainly marked as a 517  
sample by a manufacturer. 518

(M) "Standard pharmaceutical reference manual" means the 519  
current edition, with cumulative changes if any, of references 520  
that are approved by the state board of pharmacy. 521

(N) "Juvenile" means a person under eighteen years of age. 522

(O) "Counterfeit controlled substance" means any of the 523  
following: 524

(1) Any drug that bears, or whose container or label 525  
bears, a trademark, trade name, or other identifying mark used 526  
without authorization of the owner of rights to that trademark, 527  
trade name, or identifying mark; 528

(2) Any unmarked or unlabeled substance that is 529  
represented to be a controlled substance manufactured, 530  
processed, packed, or distributed by a person other than the 531  
person that manufactured, processed, packed, or distributed it; 532

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or

leased by a board of education of a school, the governing 562  
authority of a community school established under Chapter 3314. 563  
of the Revised Code, or the governing body of a nonpublic school 564  
for which the state board of education prescribes minimum 565  
standards under section 3301.07 of the Revised Code and on which 566  
some of the instruction, extracurricular activities, or training 567  
of the school is conducted, whether or not any instruction, 568  
extracurricular activities, or training provided by the school 569  
is being conducted on the parcel of real property at the time a 570  
criminal offense is committed. 571

(S) "School building" means any building in which any of 572  
the instruction, extracurricular activities, or training 573  
provided by a school is conducted, whether or not any 574  
instruction, extracurricular activities, or training provided by 575  
the school is being conducted in the school building at the time 576  
a criminal offense is committed. 577

(T) "Disciplinary counsel" means the disciplinary counsel 578  
appointed by the board of commissioners on grievances and 579  
discipline of the supreme court under the Rules for the 580  
Government of the Bar of Ohio. 581

(U) "Certified grievance committee" means a duly 582  
constituted and organized committee of the Ohio state bar 583  
association or of one or more local bar associations of the 584  
state of Ohio that complies with the criteria set forth in Rule 585  
V, section 6 of the Rules for the Government of the Bar of Ohio. 586

(V) "Professional license" means any license, permit, 587  
certificate, registration, qualification, admission, temporary 588  
license, temporary permit, temporary certificate, or temporary 589  
registration that is described in divisions (W) (1) to (37) of 590  
this section and that qualifies a person as a professionally 591

licensed person.	592
(W) "Professionally licensed person" means any of the	593
following:	594
(1) A person who has received a certificate or temporary	595
certificate as a certified public accountant or who has	596
registered as a public accountant under Chapter 4701. of the	597
Revised Code and who holds an Ohio permit issued under that	598
chapter;	599
(2) A person who holds a certificate of qualification to	600
practice architecture issued or renewed and registered under	601
Chapter 4703. of the Revised Code;	602
(3) A person who is registered as a landscape architect	603
under Chapter 4703. of the Revised Code or who holds a permit as	604
a landscape architect issued under that chapter;	605
(4) A person licensed under Chapter 4707. of the Revised	606
Code;	607
(5) A person who has been issued a certificate of	608
registration as a registered barber under Chapter 4709. of the	609
Revised Code;	610
(6) A person licensed and regulated to engage in the	611
business of a debt pooling company by a legislative authority,	612
under authority of Chapter 4710. of the Revised Code;	613
(7) A person who has been issued a cosmetologist's	614
license, hair designer's license, manicurist's license,	615
esthetician's license, natural hair stylist's license, advanced	616
cosmetologist's license, advanced hair designer's license,	617
advanced manicurist's license, advanced esthetician's license,	618
advanced natural hair stylist's license, cosmetology	619

instructor's license, hair design instructor's license, 620  
manicurist instructor's license, esthetics instructor's license, 621  
natural hair style instructor's license, independent 622  
contractor's license, or tanning facility permit under Chapter 623  
4713. of the Revised Code; 624

(8) A person who has been issued a license to practice 625  
dentistry, a general anesthesia permit, a conscious sedation 626  
permit, a limited resident's license, a limited teaching 627  
license, a dental hygienist's license, or a dental hygienist's 628  
teacher's certificate under Chapter 4715. of the Revised Code; 629

(9) A person who has been issued an embalmer's license, a 630  
funeral director's license, a funeral home license, or a 631  
crematory license, or who has been registered for an embalmer's 632  
or funeral director's apprenticeship under Chapter 4717. of the 633  
Revised Code; 634

(10) A person who has been licensed as a registered nurse 635  
or practical nurse, or who has been issued a certificate for the 636  
practice of nurse-midwifery under Chapter 4723. of the Revised 637  
Code; 638

(11) A person who has been licensed to practice optometry 639  
or to engage in optical dispensing under Chapter 4725. of the 640  
Revised Code; 641

(12) A person licensed to act as a pawnbroker under 642  
Chapter 4727. of the Revised Code; 643

(13) A person licensed to act as a precious metals dealer 644  
under Chapter 4728. of the Revised Code; 645

(14) A person licensed under Chapter 4729. of the Revised 646  
Code as a pharmacist or pharmacy intern or registered under that 647  
chapter as a registered pharmacy technician, certified pharmacy 648

technician, or pharmacy technician trainee;	649
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	650 651 652 653 654
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	655 656
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	657 658 659 660 661
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	662 663
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	664 665 666
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	667 668
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	669 670
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	671 672
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	673 674
(24) A person who has been issued a motor vehicle salvage	675



dealer's license under Chapter 4738. of the Revised Code;	676
(25) A person who has been licensed to act as a steam	677
engineer under Chapter 4739. of the Revised Code;	678
(26) A person who has been issued a license or temporary	679
permit to practice veterinary medicine or any of its branches,	680
or who is registered as a graduate animal technician under	681
Chapter 4741. of the Revised Code;	682
(27) A person who has been issued a hearing aid dealer's	683
or fitter's license or trainee permit under Chapter 4747. of the	684
Revised Code;	685
(28) A person who has been issued a class A, class B, or	686
class C license or who has been registered as an investigator or	687
security guard employee under Chapter 4749. of the Revised Code;	688
(29) A person licensed to practice as a nursing home	689
administrator under Chapter 4751. of the Revised Code;	690
(30) A person licensed to practice as a speech-language	691
pathologist or audiologist under Chapter 4753. of the Revised	692
Code;	693
(31) A person issued a license as an occupational	694
therapist or physical therapist under Chapter 4755. of the	695
Revised Code;	696
(32) A person who is licensed as a licensed professional	697
clinical counselor, licensed professional counselor, social	698
worker, independent social worker, independent marriage and	699
family therapist, or marriage and family therapist, or	700
registered as a social work assistant under Chapter 4757. of the	701
Revised Code;	702
(33) A person issued a license to practice dietetics under	703

Chapter 4759. of the Revised Code;	704
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	705 706 707
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	708 709
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	710 711
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	712 713 714
(X) "Cocaine" means any of the following:	715
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	716 717
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	718 719 720 721
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	722 723 724 725 726 727
(Y) "L.S.D." means lysergic acid diethylamide.	728
(Z) "Hashish" means <del>the a</del> resin or a preparation of <del>the a</del> resin <u>to which both of the following apply:</u>	729 730

(1) It is contained in marijuana or derived from any part 731  
of the plant of the genus cannabis, whether in solid form or in 732  
a liquid concentrate, liquid extract, or liquid distillate form. 733

(2) It has a delta-9 tetrahydrocannabinol concentration of 734  
more than three-tenths per cent. 735

"Hashish" does not include a hemp byproduct in the 736  
possession of a licensed hemp processor under Chapter 928. of 737  
the Revised Code, provided that the hemp byproduct is being 738  
produced, stored, and disposed of in accordance with rules 739  
adopted under section 928.03 of the Revised Code. 740

(AA) "Marihuana" has the same meaning as in section 741  
3719.01 of the Revised Code, except that it does not include 742  
hashish. 743

(BB) An offense is "committed in the vicinity of a 744  
juvenile" if the offender commits the offense within one hundred 745  
feet of a juvenile or within the view of a juvenile, regardless 746  
of whether the offender knows the age of the juvenile, whether 747  
the offender knows the offense is being committed within one 748  
hundred feet of or within view of the juvenile, or whether the 749  
juvenile actually views the commission of the offense. 750

(CC) "Presumption for a prison term" or "presumption that 751  
a prison term shall be imposed" means a presumption, as 752  
described in division (D) of section 2929.13 of the Revised 753  
Code, that a prison term is a necessary sanction for a felony in 754  
order to comply with the purposes and principles of sentencing 755  
under section 2929.11 of the Revised Code. 756

(DD) "Major drug offender" has the same meaning as in 757  
section 2929.01 of the Revised Code. 758

(EE) "Minor drug possession offense" means either of the 759

following:	760
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	761 762
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	763 764 765
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	766 767
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	768 769
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	770 771 772
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	773 774 775 776 777
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	778 779
(KK) "Fentanyl-related compound" means any of the following:	780 781
(1) Fentanyl;	782
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	783 784 785
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	786

thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	787
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	788 789
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	790 791 792
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	793 794
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	795 796
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	797 798
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	799 800
(10) Alfentanil;	801
(11) Carfentanil;	802
(12) Remifentanil;	803
(13) Sufentanil;	804
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	805 806
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	807 808 809 810 811 812 813

(a) A chemical scaffold consisting of both of the following:	814 815
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	816 817
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	818 819 820
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	821 822 823
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	824 825
(d) The compound has not been approved for medical use by the United States food and drug administration.	826 827
(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after <del>the effective date of this amendment</del> <u>March 22, 2019</u> , it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree.	828 829 830 831 832 833 834 835
(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after <del>the effective date of this amendment</del> <u>March 22, 2019</u> , it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section	836 837 838 839 840 841 842

for a felony of the second degree. 843

(NN) "Maximum first degree felony mandatory prison term" 844  
means the maximum definite prison term prescribed in division 845  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 846  
the first degree, except that if the violation for which 847  
sentence is being imposed is committed on or after ~~the effective~~ 848  
~~date of this amendment~~ March 22, 2019, it means the longest 849  
minimum prison term prescribed in division (A) (1) (a) of that 850  
section for a felony of the first degree. 851

(OO) "Maximum second degree felony mandatory prison term" 852  
means the maximum definite prison term prescribed in division 853  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 854  
the second degree, except that if the violation for which 855  
sentence is being imposed is committed on or after ~~the effective~~ 856  
~~date of this amendment~~ March 22, 2019, it means the longest 857  
minimum prison term prescribed in division (A) (2) (a) of that 858  
section for a felony of the second degree. 859

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 860  
as in section 928.01 of the Revised Code. 861

**Sec. 2925.61.** (A) As used in this section: 862

(1) "Law enforcement agency" means a government entity 863  
that employs peace officers to perform law enforcement duties. 864

(2) "Licensed health professional" means all of the 865  
following: 866

(a) A physician; 867

(b) A physician assistant who is licensed under Chapter 868  
4730. of the Revised Code, holds a valid prescriber number 869  
issued by the state medical board, and has been granted 870

physician-delegated prescriptive authority; 871

(c) An advanced practice registered nurse who holds a 872  
current, valid license issued under Chapter 4723. of the Revised 873  
Code and is designated as a clinical nurse specialist, certified 874  
nurse-midwife, or certified nurse practitioner. 875

(3) "Peace officer" has the same meaning as in section 876  
2921.51 of the Revised Code. 877

(4) "Physician" means an individual who is authorized 878  
under Chapter 4731. of the Revised Code to practice medicine and 879  
surgery, osteopathic medicine and surgery, or podiatric medicine 880  
and surgery. 881

(B) A family member, friend, or other individual who is in 882  
a position to assist an individual who is apparently 883  
experiencing or at risk of experiencing an opioid-related 884  
overdose, is not subject to criminal prosecution for a violation 885  
of section 4731.41 of the Revised Code ~~or, is not subject to~~ 886  
criminal prosecution under this chapter, and is not liable for 887  
damages in a civil action for injury, death, or loss to person 888  
or property for an act or omission that allegedly arises from 889  
obtaining, maintaining, accessing, or administering naloxone, if 890  
the individual, acting in good faith, does all of the following: 891

(1) Obtains naloxone pursuant to a prescription issued by 892  
a licensed health professional, or obtains naloxone from one of 893  
the following: 894

(a) A licensed health professional; 895

(b) An individual who is authorized to personally furnish 896  
naloxone by either a ~~any of the following:~~ 897

(i) A physician under section 4731.941 of the Revised Code 898



<del>or a;</del>	899
<u>(ii) An advanced practice registered nurse under section 4723.485 of the Revised Code;</u>	900 901
<u>(iii) A physician assistant under section 4730.435 of the Revised Code;</u>	902 903
<u>(iv) A board of health under section 3707.561 of the Revised Code to personally furnish naloxone;</u>	904 905
(c) A pharmacist or pharmacy intern who is authorized by a physician or board of health under section 4729.44 of the Revised Code to dispense naloxone without a prescription.	906 907 908
(2) Administers the naloxone obtained as described in division (B)(1) of this section to an individual who is apparently experiencing an opioid-related overdose;	909 910 911
(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.	912 913
(C) An individual who is an employee, volunteer, or contractor of a service entity, as defined in section 4729.514 of the Revised Code, and has been authorized under section 3707.562, <u>4723.486, 4730.436,</u> or 4731.943 of the Revised Code to administer naloxone is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter, if the individual, acting in good faith, does all of the following:	914 915 916 917 918 919 920 921
(1) Obtains naloxone from the service entity of which the individual is an employee, volunteer, or contractor;	922 923
(2) Administers the naloxone obtained to an individual who is apparently experiencing an opioid-related overdose;	924 925

(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.	926 927
(D) Divisions (B) and (C) of this section do not apply to a peace officer or to an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in section 4765.01 of the Revised Code.	928 929 930 931 932
(E) (1) If a peace officer, acting in good faith, administers naloxone to an individual who is apparently experiencing an opioid-related overdose, both of the following apply:	933 934 935 936
(a) The peace officer is not subject to administrative action, criminal prosecution for a violation of section 4731.41 of the Revised Code, or criminal prosecution under this chapter.	937 938 939
(b) The peace officer is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that allegedly arises from obtaining, maintaining, accessing, or administering the naloxone.	940 941 942 943
(2) Division (E) (1) (b) of this section does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under section 9.86 or Chapter 2744. of the Revised Code, any other provision of the Revised Code, or the common law of this state.	944 945 946 947 948
<b>Sec. <del>4723.488</del> 4723.484.</b> (A) Notwithstanding any provision of this chapter or rule adopted by the board of nursing, an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined	949 950 951 952 953 954

the individual to whom it may be administered if both of the 955  
following conditions are met: 956

(1) The naloxone supply is furnished to, or the 957  
prescription is issued to and in the name of, a family member, 958  
friend, or other individual in a position to assist an 959  
individual who there is reason to believe is at risk of 960  
experiencing an opioid-related overdose. 961

(2) The advanced practice registered nurse instructs the 962  
individual receiving the naloxone supply or prescription to 963  
summon emergency services as soon as practicable either before 964  
or after administering naloxone to an individual apparently 965  
experiencing an opioid-related overdose. 966

(B) An advanced practice registered nurse who under 967  
division (A) of this section in good faith furnishes a supply of 968  
naloxone or issues a prescription for naloxone is not liable for 969  
or subject to any of the following for any action or omission of 970  
the individual to whom the naloxone is furnished or the 971  
prescription is issued: damages in any civil action, prosecution 972  
in any criminal proceeding, or professional disciplinary action. 973

Sec. 4723.485. (A) (1) An advanced practice registered 974  
nurse who is designated as a clinical nurse specialist, 975  
certified nurse-midwife, or certified nurse practitioner and who 976  
has established a protocol that meets the requirements of 977  
division (C) of this section may authorize one or more other 978  
individuals to personally furnish a supply of naloxone pursuant 979  
to the protocol to either of the following: 980

(a) An individual who there is reason to believe is 981  
experiencing or at risk of experiencing an opioid-related 982  
overdose; 983

<u>(b) A family member, friend, or other person in a position</u>	984
<u>to assist an individual who there is reason to believe is at</u>	985
<u>risk of experiencing an opioid-related overdose.</u>	986
<u>(2) An individual authorized under this section to</u>	987
<u>personally furnish naloxone may do so without having examined</u>	988
<u>the individual to whom it may be administered.</u>	989
<u>(B) An individual authorized by an advanced practice</u>	990
<u>registered nurse under this section may personally furnish</u>	991
<u>naloxone to an individual described in division (A)(1)(a) or (b)</u>	992
<u>of this section if both of the following conditions are met:</u>	993
<u>(1) The authorized individual complies with the protocol</u>	994
<u>established by the authorizing advanced practice registered</u>	995
<u>nurse, including having completed the training required by the</u>	996
<u>protocol.</u>	997
<u>(2) The authorized individual instructs the individual to</u>	998
<u>whom naloxone is furnished to summon emergency services as soon</u>	999
<u>as practicable either before or after administering naloxone.</u>	1000
<u>(C) A protocol established by an advanced practice</u>	1001
<u>registered nurse for purposes of this section shall be</u>	1002
<u>established in writing and include all of the following:</u>	1003
<u>(1) A description of the clinical pharmacology of</u>	1004
<u>naloxone;</u>	1005
<u>(2) Precautions and contraindications concerning</u>	1006
<u>furnishing naloxone;</u>	1007
<u>(3) Any limitations the advanced practice registered nurse</u>	1008
<u>specifies concerning the individuals to whom naloxone may be</u>	1009
<u>furnished;</u>	1010
<u>(4) The naloxone dosage that may be furnished and any</u>	1011

variation in the dosage based on circumstances specified in the 1012  
protocol; 1013

(5) Labeling, storage, record keeping, and administrative 1014  
requirements; 1015

(6) Training requirements that must be met before an 1016  
individual will be authorized to furnish naloxone; 1017

(7) Any instructions or training that the authorized 1018  
individual must provide to an individual to whom naloxone is 1019  
furnished. 1020

(D) An advanced practice registered nurse who in good 1021  
faith authorizes another individual to personally furnish 1022  
naloxone in accordance with a protocol established by the 1023  
advanced practice registered nurse under this section is not 1024  
liable for or subject to any of the following for any action or 1025  
omission of the individual to whom the naloxone is furnished: 1026  
damages in any civil action, prosecution in any criminal 1027  
proceeding, or professional disciplinary action. 1028

An individual authorized under this section to personally 1029  
furnish naloxone who does so in good faith is not liable for or 1030  
subject to any of the following for any action or omission of 1031  
the individual to whom the naloxone is furnished: damages in any 1032  
civil action, prosecution in any criminal proceeding, or 1033  
professional disciplinary action. 1034

**Sec. 4723.486.** (A) As used in this section, "service 1035  
entity" has the same meaning as in section 4729.514 of the 1036  
Revised Code. 1037

(B) An advanced practice registered nurse who is 1038  
designated as a clinical nurse specialist, certified nurse- 1039  
midwife, or certified nurse practitioner and who has established 1040

a protocol under division (D) of this section may authorize an individual who is an employee, volunteer, or contractor of a service entity to administer naloxone to an individual who is apparently experiencing an opioid-related overdose. 1041  
1042  
1043  
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(C) An individual authorized by an advanced practice registered nurse under this section may administer naloxone to an individual who is apparently experiencing an opioid-related overdose if all of the following conditions are met: 1045  
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1047  
1048

(1) The naloxone is obtained from a service entity of which the authorized individual is an employee, volunteer, or contractor. 1049  
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(2) The authorized individual complies with the protocol established by the authorizing advanced practice registered nurse. 1052  
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(3) The authorized individual summons emergency services as soon as practicable either before or after administering the naloxone. 1055  
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(D) A protocol established by an advanced practice registered nurse for purposes of this section must be in writing and include all of the following: 1058  
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1060

(1) A description of the clinical pharmacology of naloxone; 1061  
1062

(2) Precautions and contraindications concerning the administration of naloxone; 1063  
1064

(3) Any limitations the advanced practice registered nurse specifies concerning the individuals to whom naloxone may be administered; 1065  
1066  
1067

(4) The naloxone dosage that may be administered and any 1068

variation in the dosage based on circumstances specified in the 1069  
protocol; 1070

(5) Labeling, storage, record keeping, and administrative 1071  
requirements; 1072

(6) Training requirements that must be met before an 1073  
individual can be authorized to administer naloxone. 1074

(E) An advanced practice registered nurse who in good 1075  
faith authorizes an individual to administer naloxone under this 1076  
section is not liable for or subject to any of the following for 1077  
any act or omission of the authorized individual: damages in any 1078  
civil action, prosecution in any criminal proceeding, or 1079  
professional disciplinary action. 1080

A service entity or an employee, volunteer, or contractor 1081  
of a service entity is not liable for or subject to any of the 1082  
following for injury, death, or loss to person or property that 1083  
allegedly arises from an act or omission associated with 1084  
procuring, maintaining, accessing, or administering naloxone 1085  
under this section, unless the act or omission constitutes 1086  
willful or wanton misconduct: damages in any civil action, 1087  
prosecution in any criminal proceeding, or professional 1088  
disciplinary action. 1089

This section does not eliminate, limit, or reduce any 1090  
other immunity or defense that a service entity or an employee, 1091  
volunteer, or contractor of a service entity may be entitled to 1092  
under Chapter 2305. or any other provision of the Revised Code 1093  
or under the common law of this state. 1094

**Sec. ~~4723.486~~ 4723.488.** (A) Except as provided in division 1095  
(B) of this section, in the case of a license holder who is 1096  
seeking renewal of a license to practice nursing as an advanced 1097

practice registered nurse and who prescribes opioid analgesics 1098  
or benzodiazepines, as defined in section 3719.01 of the Revised 1099  
Code, the holder shall certify to the board whether the holder 1100  
has been granted access to the drug database established and 1101  
maintained by the state board of pharmacy pursuant to section 1102  
4729.75 of the Revised Code. 1103

(B) The requirement in division (A) of this section does 1104  
not apply if any of the following is the case: 1105

(1) The state board of pharmacy notifies the board of 1106  
nursing pursuant to section 4729.861 of the Revised Code that 1107  
the license holder has been restricted from obtaining further 1108  
information from the drug database. 1109

(2) The state board of pharmacy no longer maintains the 1110  
drug database. 1111

(3) The license holder does not practice nursing in this 1112  
state. 1113

(C) If a license holder certifies to the board of nursing 1114  
that the holder has been granted access to the drug database and 1115  
the board finds through an audit or other means that the holder 1116  
has not been granted access, the board may take action under 1117  
section 4723.28 of the Revised Code. 1118

**Sec. 4723.50.** (A) As used in this section: 1119

(1) "Controlled substance" has the same meaning as in 1120  
section 3719.01 of the Revised Code. 1121

(2) "Medication-assisted treatment" has the same meaning 1122  
as in section 340.01 of the Revised Code. 1123

(B) In accordance with Chapter 119. of the Revised Code, 1124  
the board of nursing shall adopt rules as necessary to implement 1125



the provisions of this chapter pertaining to the authority of 1126  
advanced practice registered nurses who are designated as 1127  
clinical nurse specialists, certified nurse-midwives, and 1128  
certified nurse practitioners to prescribe and furnish drugs and 1129  
therapeutic devices. 1130

The board shall adopt rules that are consistent with a 1131  
recommended exclusionary formulary the board receives from the 1132  
committee on prescriptive governance pursuant to section 1133  
4723.492 of the Revised Code. After reviewing a formulary 1134  
submitted by the committee, the board may either adopt the 1135  
formulary as a rule or ask the committee to reconsider and 1136  
resubmit the formulary. The board shall not adopt any rule that 1137  
does not conform to a formulary developed by the committee. 1138

The exclusionary formulary shall permit, in a manner 1139  
consistent with section 4723.481 of the Revised Code, the 1140  
prescribing of controlled substances, including drugs that 1141  
contain buprenorphine used in medication-assisted treatment and 1142  
both oral and long-acting opioid antagonists. The formulary 1143  
shall not permit the prescribing or furnishing of any of the 1144  
following: 1145

(1) A drug or device to perform or induce an abortion; 1146

(2) A drug or device prohibited by federal or state law. 1147

(C) In addition to the rules described in division (B) of 1148  
this section, the board shall adopt rules under this section 1149  
that do the following: 1150

(1) Establish standards for board approval of the course 1151  
of study in advanced pharmacology and related topics required by 1152  
section 4723.482 of the Revised Code; 1153

(2) Establish requirements for board approval of the two- 1154

hour course of instruction in the laws of this state as required 1155  
under division (C) (1) of section 4723.482 of the Revised Code 1156  
~~and division (B) (2) of section 4723.484 of the Revised Code;~~ 1157

(3) Establish criteria for the components of the standard 1158  
care arrangements described in section 4723.431 of the Revised 1159  
Code that apply to the authority to prescribe, including the 1160  
components that apply to the authority to prescribe schedule II 1161  
controlled substances. The rules shall be consistent with that 1162  
section and include all of the following: 1163

(a) Quality assurance standards; 1164

(b) Standards for periodic review by a collaborating 1165  
physician or podiatrist of the records of patients treated by 1166  
the clinical nurse specialist, certified nurse-midwife, or 1167  
certified nurse practitioner; 1168

(c) Acceptable travel time between the location at which 1169  
the clinical nurse specialist, certified nurse-midwife, or 1170  
certified nurse practitioner is engaging in the prescribing 1171  
components of the nurse's practice and the location of the 1172  
nurse's collaborating physician or podiatrist; 1173

(d) Any other criteria recommended by the committee on 1174  
prescriptive governance. 1175

**Sec. 4723.52.** (A) As used in this section: 1176

(1) "Community addiction services provider" has the same 1177  
meaning as in section 5119.01 of the Revised Code. 1178

(2) "Medication-assisted treatment" has the same meaning 1179  
as in section 340.01 of the Revised Code. 1180

(B) An advanced practice registered nurse shall comply 1181  
with section 3719.064 of the Revised Code and rules adopted 1182

under section 4723.51 of the Revised Code when treating a 1183  
patient for addiction with medication-assisted treatment or 1184  
proposing to initiate such treatment. 1185

(C) An advanced practice registered nurse who fails to 1186  
comply with this section shall treat not more than thirty 1187  
patients at any one time with medication-assisted treatment even 1188  
if the facility or location at which the treatment is provided 1189  
is either of the following: 1190

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 1191  
section 4729.553 of the Revised Code from being required to 1192  
possess a category III terminal distributor of dangerous drugs 1193  
license with an office-based opioid treatment classification; 1194

(2) A community addiction services provider that provides 1195  
alcohol and drug addiction services that are certified by the 1196  
department of mental health and addiction services under section 1197  
5119.36 of the Revised Code. 1198

**Sec. 4729.01.** As used in this chapter: 1199

(A) "Pharmacy," except when used in a context that refers 1200  
to the practice of pharmacy, means any area, room, rooms, place 1201  
of business, department, or portion of any of the foregoing 1202  
where the practice of pharmacy is conducted. 1203

(B) "Practice of pharmacy" means providing pharmacist care 1204  
requiring specialized knowledge, judgment, and skill derived 1205  
from the principles of biological, chemical, behavioral, social, 1206  
pharmaceutical, and clinical sciences. As used in this division, 1207  
"pharmacist care" includes the following: 1208

(1) Interpreting prescriptions; 1209

(2) Dispensing drugs and drug therapy related devices; 1210

(3) Compounding drugs;	1211
(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;	1212 1213 1214 1215 1216
(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;	1217 1218 1219
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	1220 1221 1222 1223 1224
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	1225 1226 1227
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	1228 1229 1230 1231
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	1232 1233
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	1234 1235
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	1236 1237 1238

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	1239 1240
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	1241 1242
(3) As an incident to research, teaching activities, or chemical analysis;	1243 1244
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	1245 1246 1247
(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:	1248 1249 1250 1251 1252
(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.	1253 1254 1255 1256 1257
(b) A limited quantity of the drug is compounded and provided to the professional.	1258 1259
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	1260 1261 1262
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	1263 1264
(E) "Drug" means:	1265

(1) Any article recognized in the United States	1266
pharmacopoeia and national formulary, or any supplement to them,	1267
intended for use in the diagnosis, cure, mitigation, treatment,	1268
or prevention of disease in humans or animals;	1269
(2) Any other article intended for use in the diagnosis,	1270
cure, mitigation, treatment, or prevention of disease in humans	1271
or animals;	1272
(3) Any article, other than food, intended to affect the	1273
structure or any function of the body of humans or animals;	1274
(4) Any article intended for use as a component of any	1275
article specified in division (E) (1), (2), or (3) of this	1276
section; but does not include devices or their components,	1277
parts, or accessories.	1278
"Drug" does not include "hemp" or a "hemp product" as	1279
those terms are defined in section 928.01 of the Revised Code.	1280
(F) "Dangerous drug" means any of the following:	1281
(1) Any drug to which either of the following applies:	1282
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	1283
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	1284
required to bear a label containing the legend "Caution: Federal	1285
law prohibits dispensing without prescription" or "Caution:	1286
Federal law restricts this drug to use by or on the order of a	1287
licensed veterinarian" or any similar restrictive statement, or	1288
the drug may be dispensed only upon a prescription;	1289
(b) Under Chapter 3715. or 3719. of the Revised Code, the	1290
drug may be dispensed only upon a prescription.	1291
(2) Any drug that contains a schedule V controlled	1292
substance and that is exempt from Chapter 3719. of the Revised	1293

Code or to which that chapter does not apply;	1294
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	1295 1296 1297
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	1298 1299
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	1300 1301
(H) "Prescription" means all of the following:	1302
(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;	1303 1304 1305 1306
(2) For purposes of sections 2925.61, <del>4723.488</del> 4723.484, <del>4730.431</del> 4730.434, 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.	1307 1308 1309 1310 1311 1312
(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of either of the following:	1313 1314 1315
(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;	1316 1317
(b) A family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	1318 1319 1320

(4) For purposes of sections 4723.4810, 4729.282, 1321  
4730.432, and 4731.93 of the Revised Code, a written, 1322  
electronic, or oral order for a drug to treat chlamydia, 1323  
gonorrhoea, or trichomoniasis issued to and in the name of a 1324  
patient who is not the intended user of the drug but is the 1325  
sexual partner of the intended user; 1326

(5) For purposes of sections 3313.7110, 3313.7111, 1327  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1328  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 1329  
or oral order for an epinephrine autoinjector issued to and in 1330  
the name of a school, school district, or camp; 1331

(6) For purposes of Chapter 3728. and sections 4723.483, 1332  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1333  
electronic, or oral order for an epinephrine autoinjector issued 1334  
to and in the name of a qualified entity, as defined in section 1335  
3728.01 of the Revised Code. 1336

(I) "Licensed health professional authorized to prescribe 1337  
drugs" or "prescriber" means an individual who is authorized by 1338  
law to prescribe drugs or dangerous drugs or drug therapy 1339  
related devices in the course of the individual's professional 1340  
practice, including only the following: 1341

(1) A dentist licensed under Chapter 4715. of the Revised 1342  
Code; 1343

(2) A clinical nurse specialist, certified nurse-midwife, 1344  
or certified nurse practitioner who holds a current, valid 1345  
license issued under Chapter 4723. of the Revised Code to 1346  
practice nursing as an advanced practice registered nurse; 1347

(3) A certified registered nurse anesthetist who holds a 1348  
current, valid license issued under Chapter 4723. of the Revised 1349



Code to practice nursing as an advanced practice registered 1350  
nurse, but only to the extent of the nurse's authority under 1351  
sections 4723.43 and 4723.434 of the Revised Code; 1352

(4) An optometrist licensed under Chapter 4725. of the 1353  
Revised Code to practice optometry under a therapeutic 1354  
pharmaceutical agents certificate; 1355

(5) A physician authorized under Chapter 4731. of the 1356  
Revised Code to practice medicine and surgery, osteopathic 1357  
medicine and surgery, or podiatric medicine and surgery; 1358

(6) A physician assistant who holds a license to practice 1359  
as a physician assistant issued under Chapter 4730. of the 1360  
Revised Code, holds a valid prescriber number issued by the 1361  
state medical board, and has been granted physician-delegated 1362  
prescriptive authority; 1363

(7) A veterinarian licensed under Chapter 4741. of the 1364  
Revised Code. 1365

(J) "Sale" or "sell" includes any transaction made by any 1366  
person, whether as principal proprietor, agent, or employee, to 1367  
do or offer to do any of the following: deliver, distribute, 1368  
broker, exchange, gift or otherwise give away, or transfer, 1369  
whether the transfer is by passage of title, physical movement, 1370  
or both. 1371

(K) "Wholesale sale" and "sale at wholesale" mean any sale 1372  
in which the purpose of the purchaser is to resell the article 1373  
purchased or received by the purchaser. 1374

(L) "Retail sale" and "sale at retail" mean any sale other 1375  
than a wholesale sale or sale at wholesale. 1376

(M) "Retail seller" means any person that sells any 1377

dangerous drug to consumers without assuming control over and 1378  
responsibility for its administration. Mere advice or 1379  
instructions regarding administration do not constitute control 1380  
or establish responsibility. 1381

(N) "Price information" means the price charged for a 1382  
prescription for a particular drug product and, in an easily 1383  
understandable manner, all of the following: 1384

(1) The proprietary name of the drug product; 1385

(2) The established (generic) name of the drug product; 1386

(3) The strength of the drug product if the product 1387  
contains a single active ingredient or if the drug product 1388  
contains more than one active ingredient and a relevant strength 1389  
can be associated with the product without indicating each 1390  
active ingredient. The established name and quantity of each 1391  
active ingredient are required if such a relevant strength 1392  
cannot be so associated with a drug product containing more than 1393  
one ingredient. 1394

(4) The dosage form; 1395

(5) The price charged for a specific quantity of the drug 1396  
product. The stated price shall include all charges to the 1397  
consumer, including, but not limited to, the cost of the drug 1398  
product, professional fees, handling fees, if any, and a 1399  
statement identifying professional services routinely furnished 1400  
by the pharmacy. Any mailing fees and delivery fees may be 1401  
stated separately without repetition. The information shall not 1402  
be false or misleading. 1403

(O) "Wholesale distributor of dangerous drugs" or 1404  
"wholesale distributor" means a person engaged in the sale of 1405  
dangerous drugs at wholesale and includes any agent or employee 1406

of such a person authorized by the person to engage in the sale 1407  
of dangerous drugs at wholesale. 1408

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1409  
means a person, other than a pharmacist or prescriber, who 1410  
manufactures dangerous drugs and who is engaged in the sale of 1411  
those dangerous drugs. 1412

(Q) "Terminal distributor of dangerous drugs" or "terminal 1413  
distributor" means a person who is engaged in the sale of 1414  
dangerous drugs at retail, or any person, other than a 1415  
manufacturer, repackager, outsourcing facility, third-party 1416  
logistics provider, wholesale distributor, or pharmacist, who 1417  
has possession, custody, or control of dangerous drugs for any 1418  
purpose other than for that person's own use and consumption. 1419  
"Terminal distributor" includes pharmacies, hospitals, nursing 1420  
homes, and laboratories and all other persons who procure 1421  
dangerous drugs for sale or other distribution by or under the 1422  
supervision of a pharmacist, licensed health professional 1423  
authorized to prescribe drugs, or other person authorized by the 1424  
state board of pharmacy. 1425

(R) "Promote to the public" means disseminating a 1426  
representation to the public in any manner or by any means, 1427  
other than by labeling, for the purpose of inducing, or that is 1428  
likely to induce, directly or indirectly, the purchase of a 1429  
dangerous drug at retail. 1430

(S) "Person" includes any individual, partnership, 1431  
association, limited liability company, or corporation, the 1432  
state, any political subdivision of the state, and any district, 1433  
department, or agency of the state or its political 1434  
subdivisions. 1435

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

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

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

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.

(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means

a person that repacks and relabels dangerous drugs for sale or distribution. 1465  
1466

(AA) "Outsourcing facility" means a facility that is 1467  
engaged in the compounding and sale of sterile drugs and is 1468  
registered as an outsourcing facility with the United States 1469  
food and drug administration. 1470

(BB) "Laboratory" means a laboratory licensed under this 1471  
chapter as a terminal distributor of dangerous drugs and 1472  
entrusted to have custody of any of the following drugs and to 1473  
use the drugs for scientific and clinical purposes and for 1474  
purposes of instruction: dangerous drugs that are not controlled 1475  
substances, as defined in section 3719.01 of the Revised Code; 1476  
dangerous drugs that are controlled substances, as defined in 1477  
that section; and controlled substances in schedule I, as 1478  
defined in that section. 1479

**Sec. 4729.29.** Divisions (A) and (B) of section 4729.01 and 1480  
section 4729.28 of the Revised Code do not do any of the 1481  
following: 1482

(A) Apply to a licensed health professional authorized to 1483  
prescribe drugs who is acting within the prescriber's scope of 1484  
professional practice; 1485

(B) Prevent a prescriber from personally furnishing the 1486  
prescriber's patients with drugs, within the prescriber's scope 1487  
of professional practice, that seem proper to the prescriber, as 1488  
long as the drugs are furnished in accordance with section 1489  
4729.291 of the Revised Code; 1490

(C) Apply to an individual who personally furnishes a 1491  
supply of naloxone under authority conferred ~~by a physician~~ 1492  
under section 4723.485, 4730.435, or 4731.941 of the Revised 1493

Code or prevent that individual from personally furnishing the 1494  
supply of naloxone in accordance with a protocol established by 1495  
~~the physician~~ under section 4723.485, 4730.435, or 4731.941 of 1496  
the Revised Code; 1497

(D) Apply to the sale of oxygen, the sale of peritoneal 1498  
dialysis solutions, or the sale of drugs that are not dangerous 1499  
drugs by a retail dealer, in original packages when labeled as 1500  
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1501  
1040 (1938), 21 U.S.C.A. 301, as amended. 1502

**Sec. 4729.44.** (A) As used in this section: 1503

(1) "Board of health" means a board of health of a city or 1504  
general health district or an authority having the duties of a 1505  
board of health under section 3709.05 of the Revised Code. 1506

(2) "Physician" means an individual authorized under 1507  
Chapter 4731. of the Revised Code to practice medicine and 1508  
surgery, osteopathic medicine and surgery, or podiatric medicine 1509  
and surgery. 1510

(B) If use of the protocol developed pursuant to rules 1511  
adopted under division (G) of this section has been authorized 1512  
under section 3707.56 or 4731.942 of the Revised Code, a 1513  
pharmacist or pharmacy intern may dispense naloxone without a 1514  
prescription to either of the following in accordance with that 1515  
protocol: 1516

(1) An individual who there is reason to believe is 1517  
experiencing or at risk of experiencing an opioid-related 1518  
overdose; 1519

(2) A family member, friend, or other individual in a 1520  
position to assist an individual who there is reason to believe 1521  
is at risk of experiencing an opioid-related overdose. 1522

(C) A pharmacist or pharmacy intern who dispenses naloxone 1523  
under this section shall instruct the individual to whom 1524  
naloxone is dispensed to summon emergency services as soon as 1525  
practicable either before or after administering naloxone. 1526

(D) A pharmacist may document on a prescription form the 1527  
dispensing of naloxone by the pharmacist or a pharmacy intern 1528  
supervised by the pharmacist. The form may be assigned a number 1529  
for record-keeping purposes. 1530

(E) This section does not affect the authority of a 1531  
pharmacist or pharmacy intern to fill or refill a prescription 1532  
for naloxone. 1533

(F) A board of health that in good faith authorizes a 1534  
pharmacist or pharmacy intern to dispense naloxone without a 1535  
prescription in accordance with a protocol developed pursuant to 1536  
rules adopted under division (G) of this section is not liable 1537  
for or subject to any of the following for any action or 1538  
omission of the individual to whom the naloxone is dispensed: 1539  
damages in any civil action, prosecution in any criminal 1540  
proceeding, or professional disciplinary action. 1541

A physician who in good faith authorizes a pharmacist or 1542  
pharmacy intern to dispense naloxone without a prescription in 1543  
accordance with a protocol developed pursuant to rules adopted 1544  
under division (G) of this section is not liable for or subject 1545  
to any of the following for any action or omission of the 1546  
individual to whom the naloxone is dispensed: damages in any 1547  
civil action, prosecution in any criminal proceeding, or 1548  
professional disciplinary action. 1549

A pharmacist or pharmacy intern authorized under this 1550  
section to dispense naloxone without a prescription who does so 1551

in good faith is not liable for or subject to any of the 1552  
following for any action or omission of the individual to whom 1553  
the naloxone is dispensed: damages in any civil action, 1554  
prosecution in any criminal proceeding, or professional 1555  
disciplinary action. 1556

(G) The state board of pharmacy shall, after consulting 1557  
with the department of health and state medical board, adopt 1558  
rules to implement this section. The rules shall specify a 1559  
protocol under which pharmacists or pharmacy interns may 1560  
dispense naloxone without a prescription. 1561

All rules adopted under this section shall be adopted in 1562  
accordance with Chapter 119. of the Revised Code. 1563

(H) (1) The state board of pharmacy shall develop a program 1564  
to educate all of the following about the authority of a 1565  
pharmacist or pharmacy intern to dispense naloxone without a 1566  
prescription: 1567

(a) Holders of licenses issued under this chapter that 1568  
engage in the sale or dispensing of naloxone pursuant to this 1569  
section; 1570

(b) Registered pharmacy technicians, certified pharmacy 1571  
technicians, and pharmacy technician trainees registered under 1572  
this chapter who engage in the sale of naloxone pursuant to this 1573  
section; 1574

(c) Individuals who are not licensed or registered under 1575  
this chapter but are employed by license holders described in 1576  
division (H) (1) (a) of this section. 1577

(2) As part of the program, the board also shall educate 1578  
the license holders, pharmacy technicians, and employees 1579  
described in division (H) (1) of this section about maintaining 1580



an adequate supply of naloxone and methods for determining a 1581  
pharmacy's stock of the drug. 1582

(3) The board may use its web site to share information 1583  
under the program. 1584

**Sec. 4729.45.** (A) As used in this section, "physician" 1585  
means an individual authorized under Chapter 4731. of the 1586  
Revised Code to practice medicine and surgery or osteopathic 1587  
medicine and surgery. 1588

(B) (1) Subject to division (C) of this section, a 1589  
pharmacist licensed under this chapter may administer by 1590  
injection any of the following drugs as long as the drug that is 1591  
to be administered has been prescribed by a physician and the 1592  
individual to whom the drug was prescribed has an ongoing 1593  
physician-patient relationship with the physician: 1594

(a) ~~An opioid antagonist used for treatment of drug~~ 1595  
~~addiction and~~ An addiction treatment drug administered in a 1596  
long-acting or extended-release form; 1597

(b) An antipsychotic drug administered in a long-acting or 1598  
extended-release form; 1599

(c) Hydroxyprogesterone caproate; 1600

(d) Medroxyprogesterone acetate; 1601

(e) Cobalamin. 1602

(2) As part of engaging in the administration of drugs by 1603  
injection pursuant to this section, a pharmacist may administer 1604  
epinephrine or diphenhydramine, or both, to an individual in an 1605  
emergency situation resulting from an adverse reaction to a drug 1606  
administered by the pharmacist. 1607

(C) To be authorized to administer drugs pursuant to this section, a pharmacist must do all of the following:

(1) Successfully complete a course in the administration of drugs that satisfies the requirements established by the state board of pharmacy in rules adopted under division (H) (1) (a) of this section;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with a protocol that meets the requirements of division (F) of this section.

(D) Each time a pharmacist administers a drug pursuant to this section, the pharmacist shall do all of the following:

(1) Obtain permission in accordance with the procedures specified in rules adopted under division (H) of this section and comply with the following requirements:

(a) Except as provided in division (D) (1) (c) of this section, for each drug administered by a pharmacist to an individual who is eighteen years of age or older, the pharmacist shall obtain permission from the individual.

(b) For each drug administered by a pharmacist to an individual who is under eighteen years of age, the pharmacist shall obtain permission from the individual's parent or other person having care or charge of the individual.

(c) For each drug administered by a pharmacist to an individual who lacks the capacity to make informed health care

decisions, the pharmacist shall obtain permission from the 1636  
person authorized to make such decisions on the individual's 1637  
behalf. 1638

(2) In the case of ~~an opioid antagonist~~ an addiction 1639  
treatment drug described in division (B) (1) (a) of this section, 1640  
obtain in accordance with division (E) of this section test 1641  
results indicating that it is appropriate to administer the drug 1642  
to the individual if either of the following is to be 1643  
administered: 1644

(a) The initial dose of the drug; 1645

(b) Any subsequent dose, if the administration occurs more 1646  
than thirty days after the previous dose of the drug was 1647  
administered. 1648

(3) Observe the individual to whom the drug is 1649  
administered to determine whether the individual has an adverse 1650  
reaction to the drug; 1651

(4) Notify the physician who prescribed the drug that the 1652  
drug has been administered to the individual. 1653

(E) A pharmacist may obtain the test results described in 1654  
division (D) (2) of this section in either of the following ways: 1655

(1) From the physician; 1656

(2) By ordering blood and urine tests for the individual 1657  
to whom the ~~opioid antagonist~~ drug is to be administered. 1658

If a pharmacist orders blood and urine tests, the 1659  
pharmacist shall evaluate the results of the tests to determine 1660  
whether they indicate that it is appropriate to administer the 1661  
~~opioid antagonist~~ drug. A pharmacist's authority to evaluate 1662  
test results under this division does not authorize the 1663

pharmacist to make a diagnosis. 1664

(F) All of the following apply with respect to the 1665  
protocol required by division (C) (3) of this section: 1666

(1) The protocol must be established by a physician who 1667  
has a scope of practice that includes treatment of the condition 1668  
for which the individual has been prescribed the drug to be 1669  
administered. 1670

(2) The protocol must satisfy the requirements established 1671  
in rules adopted under division (H) (1) (b) of this section. 1672

(3) The protocol must do all of the following: 1673

(a) Specify a definitive set of treatment guidelines; 1674

(b) Specify the locations at which a pharmacist may engage 1675  
in the administration of drugs pursuant to this section; 1676

(c) Include provisions for implementing the requirements 1677  
of division (D) of this section, including for purposes of 1678  
division (D) (3) of this section provisions specifying the length 1679  
of time and location at which a pharmacist must observe an 1680  
individual who receives a drug to determine whether the 1681  
individual has an adverse reaction to the drug; 1682

(d) Specify procedures to be followed by a pharmacist when 1683  
administering epinephrine, diphenhydramine, or both, to an 1684  
individual who has an adverse reaction to a drug administered by 1685  
the pharmacist. 1686

(G) A pharmacist shall not do either of the following: 1687

(1) Engage in the administration of drugs pursuant to this 1688  
section unless the requirements of division (C) of this section 1689  
have been met; 1690

(2) Delegate to any person the pharmacist's authority to engage in the administration of drugs pursuant to this section. 1691  
1692

(H) (1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and include all of the following: 1693  
1694  
1695  
1696

(a) Requirements for courses in administration of drugs; 1697

(b) Requirements for protocols to be followed by pharmacists in administering drugs pursuant to this section; 1698  
1699

(c) Procedures to be followed by a pharmacist in obtaining permission to administer a drug to an individual. 1700  
1701

(2) The board shall consult with the state medical board before adopting rules regarding requirements for protocols under this section. 1702  
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1704

**Sec. 4729.51.** (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows: 1705  
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(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale. 1711  
1712  
1713

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs from one licensed location to another licensed location owned by the terminal distributor if the license issued for each location is in effect at the time of the transfer or 1714  
1715  
1716  
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1718

delivery.	1719
(3) A licensed terminal distributor of dangerous drugs	1720
that is not a pharmacy may make occasional sales of <del>naloxone</del> <u>the</u>	1721
<u>following</u> at wholesale.	1722
<del>(4) A licensed terminal distributor of dangerous drugs</del>	1723
<del>that is not a pharmacy may make occasional sales of dangerous:</del>	1724
<u>(a) Naloxone;</u>	1725
<u>(b) Dangerous drugs at wholesale</u> if the drugs being sold	1726
are in shortage, as defined in rules adopted <del>by the state board</del>	1727
<del>of pharmacy</del> under section 4729.26 of the Revised Code;	1728
<u>(c) Dangerous drugs other than those described in</u>	1729
<u>divisions (A) (3) (a) and (b) of this section or investigational</u>	1730
<u>drugs or products if authorized by rules adopted under section</u>	1731
<u>4729.26 of the Revised Code.</u>	1732
(B) No licensed manufacturer, outsourcing facility, third-	1733
party logistics provider, repackager, or wholesale distributor	1734
shall possess for sale, sell, or distribute, at wholesale,	1735
dangerous drugs or investigational drugs or products to any	1736
person other than the following:	1737
(1) Subject to division (D) of this section, a licensed	1738
terminal distributor of dangerous drugs;	1739
(2) Subject to division (C) of this section, any person	1740
exempt from licensure as a terminal distributor of dangerous	1741
drugs under section 4729.541 of the Revised Code;	1742
(3) A licensed manufacturer, outsourcing facility, third-	1743
party logistics provider, repackager, or wholesale distributor;	1744
(4) A terminal distributor, manufacturer, outsourcing	1745

facility, third-party logistics provider, repackager, or 1746  
wholesale distributor that is located in another state, is not 1747  
engaged in the sale of dangerous drugs within this state, and is 1748  
actively licensed to engage in the sale of dangerous drugs by 1749  
the state in which the distributor conducts business. 1750

(C) No licensed manufacturer, outsourcing facility, third- 1751  
party logistics provider, repackager, or wholesale distributor 1752  
shall possess for sale, sell, or distribute, at wholesale, 1753  
dangerous drugs or investigational drugs or products to either 1754  
of the following: 1755

(1) A prescriber who is employed by either of the 1756  
following: 1757

(a) A pain management clinic that is not licensed as a 1758  
terminal distributor of dangerous drugs with a pain management 1759  
clinic classification issued under section 4729.552 of the 1760  
Revised Code; 1761

(b) A facility, clinic, or other location that provides 1762  
office-based opioid treatment but is not licensed as a terminal 1763  
distributor of dangerous drugs with an office-based opioid 1764  
treatment classification issued under section 4729.553 of the 1765  
Revised Code if such a license is required by that section. 1766

(2) A business entity described in division (A) (2) or (3) 1767  
of section 4729.541 of the Revised Code that is, or is 1768  
operating, either of the following: 1769

(a) A pain management clinic without a license as a 1770  
terminal distributor of dangerous drugs with a pain management 1771  
clinic classification issued under section 4729.552 of the 1772  
Revised Code; 1773

(b) A facility, clinic, or other location that provides 1774

office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

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

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

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

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

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

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

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

(c) Possess dangerous drugs.

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



(i) A licensed terminal distributor of dangerous drugs;	1802
(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;	1803 1804 1805 1806
(iii) Any of the persons identified in divisions (A) (1) to (5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	1807 1808 1809
(b) Division (E) (1) (c) of this section does not apply to any of the following:	1810 1811
(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	1812 1813
(ii) Any of the persons identified in divisions (A) (6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	1814 1815 1816
(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:	1817 1818 1819 1820 1821 1822 1823
(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section.	1824 1825 1826 1827 1828
(2) A licensed terminal distributor of dangerous drugs	1829

having more than one licensed location may transfer or deliver 1830  
dangerous drugs or investigational drugs or products from one 1831  
licensed location to another licensed location if the license 1832  
issued for each location is in effect at the time of the 1833  
transfer or delivery. 1834

(G) No licensed terminal distributor of dangerous drugs 1835  
shall engage in the retail sale or other distribution of 1836  
dangerous drugs or investigational drugs or products or maintain 1837  
possession, custody, or control of dangerous drugs or 1838  
investigational drugs or products for any purpose other than the 1839  
distributor's personal use or consumption, at any establishment 1840  
or place other than that or those described in the license 1841  
issued by the state board of pharmacy to such terminal 1842  
distributor. 1843

(H) Nothing in this section shall be construed to 1844  
interfere with the performance of official duties by any law 1845  
enforcement official authorized by municipal, county, state, or 1846  
federal law to collect samples of any drug, regardless of its 1847  
nature or in whose possession it may be. 1848

(I) Notwithstanding anything to the contrary in this 1849  
section, the board of education of a city, local, exempted 1850  
village, or joint vocational school district may distribute 1851  
epinephrine autoinjectors for use in accordance with section 1852  
3313.7110 of the Revised Code and may distribute inhalers for 1853  
use in accordance with section 3313.7113 of the Revised Code. 1854

**Sec. 4729.514.** (A) As used in this section, "service 1855  
entity" means a public or private entity that may provide 1856  
services to or interact with individuals who there is reason to 1857  
believe may be at risk of experiencing an opioid-related 1858  
overdose. "Service entity" includes a church or other place of 1859

worship, college or university, school, ~~local library,~~ health 1860  
department operated by the board of health of a city or general 1861  
health district, community addiction services provider, court, 1862  
probation department, halfway house, prison, jail, community 1863  
residential center, homeless shelter, or similar entity. 1864

(B) A service entity may procure and maintain naloxone for 1865  
either or both of the following purposes: 1866

(1) To use in emergency situations; 1867

(2) To permit an employee, volunteer, or contractor of the 1868  
service entity to personally furnish a supply of naloxone 1869  
pursuant to a protocol established under section 3707.561, 1870  
4723.485, 4730.435, or 4731.941 of the Revised Code. 1871

(C) A service entity or an employee, volunteer, or 1872  
contractor of a service entity is not liable for or subject to 1873  
any of the following for injury, death, or loss to person or 1874  
property that allegedly arises from an act or omission 1875  
associated with procuring, maintaining, accessing, ~~or using,~~ or 1876  
personally furnishing naloxone under this section, unless the 1877  
act or omission constitutes willful or wanton misconduct: 1878  
damages in any civil action, prosecution in any criminal 1879  
proceeding, or professional disciplinary action. 1880

This section does not eliminate, limit, or reduce any 1881  
other immunity or defense that a service entity or an employee, 1882  
volunteer, or contractor of a service entity may be entitled to 1883  
under Chapter 2305. or any other provision of the Revised Code 1884  
or under the common law of this state. 1885

**Sec. 4729.515.** (A) In accordance with divisions (B) and 1886  
(C) of this section, a terminal distributor of dangerous drugs 1887  
may acquire and maintain a supply of naloxone for use in 1888

emergency situations and for distribution through an automated 1889  
mechanism. The naloxone may be maintained at a location other 1890  
than the location licensed as a terminal distributor of 1891  
dangerous drugs. 1892

(B) In the case of naloxone for use in emergency 1893  
situations, a terminal distributor of dangerous drugs shall do 1894  
all of the following: 1895

(1) Provide instructions regarding the emergency 1896  
administration of naloxone to any individual who accesses the 1897  
naloxone, including a specific instruction to summon emergency 1898  
services as set forth in division (D) of this section; 1899

(2) Specify a process to be used to notify the terminal 1900  
distributor that the naloxone has been accessed within a 1901  
reasonable time of its being accessed; 1902

(3) Maintain the naloxone in accordance with the 1903  
manufacturer's or distributor's instructions. 1904

(C) In the case of naloxone for distribution through an 1905  
automated mechanism, a terminal distributor of dangerous drugs 1906  
shall comply with standards and procedures specified in rules 1907  
adopted under division (F) of this section. 1908

(D) (1) Notwithstanding any conflicting provision of the 1909  
Revised Code, both of the following apply: 1910

(a) Any individual may access naloxone maintained as 1911  
provided in division (B) of this section and may administer it 1912  
to an individual who there is reason to believe is experiencing 1913  
an opioid-related overdose. 1914

(b) Any individual may receive naloxone distributed 1915  
through an automated system as provided in division (C) of this 1916

section and may administer it to an individual who there is 1917  
reason to believe is experiencing an opioid-related overdose. 1918

(2) An individual who administers naloxone as authorized 1919  
by this section shall make a good faith effort to activate or 1920  
have another individual activate an emergency medical services 1921  
system as soon as possible, except that this requirement does 1922  
not apply if the individual administering the naloxone is doing 1923  
so as part of an emergency medical services system or at a 1924  
hospital, as defined in section 3727.01 of the Revised Code. 1925

(E) An individual is not liable for or subject to any of 1926  
the following for injury, death, or loss to person or property 1927  
that allegedly arises from an act or omission associated with 1928  
any action authorized by this section, unless the act or 1929  
omission constitutes willful or wanton misconduct: damages in 1930  
any civil action, prosecution in any criminal proceeding, or 1931  
professional disciplinary action. 1932

(F) The state board of pharmacy shall adopt rules 1933  
establishing standards and procedures applicable to the 1934  
distribution of naloxone through an automated mechanism. The 1935  
rules shall be adopted in accordance with Chapter 119. of the 1936  
Revised Code. 1937

**Sec. 4729.541.** (A) Except as provided in divisions (B) to 1938  
(D) of this section, all of the following are exempt from 1939  
licensure as a terminal distributor of dangerous drugs: 1940

(1) A licensed health professional authorized to prescribe 1941  
drugs; 1942

(2) A business entity that is a corporation formed under 1943  
division (B) of section 1701.03 of the Revised Code, a limited 1944  
liability company formed under Chapter 1705. of the Revised 1945

Code, or a professional association formed under Chapter 1785. 1946  
of the Revised Code if the entity has a sole shareholder who is 1947  
a prescriber and is authorized to provide the professional 1948  
services being offered by the entity; 1949

(3) A business entity that is a corporation formed under 1950  
division (B) of section 1701.03 of the Revised Code, a limited 1951  
liability company formed under Chapter 1705. of the Revised 1952  
Code, a partnership or a limited liability partnership formed 1953  
under Chapter 1775. of the Revised Code, or a professional 1954  
association formed under Chapter 1785. of the Revised Code, if, 1955  
to be a shareholder, member, or partner, an individual is 1956  
required to be licensed, certified, or otherwise legally 1957  
authorized under Title XLVII of the Revised Code to perform the 1958  
professional service provided by the entity and each such 1959  
individual is a prescriber; 1960

(4) An individual who holds a current license, 1961  
certificate, or registration issued under Title XLVII of the 1962  
Revised Code and has been certified to conduct diabetes 1963  
education by a national certifying body specified in rules 1964  
adopted by the state board of pharmacy under section 4729.68 of 1965  
the Revised Code, but only with respect to insulin that will be 1966  
used for the purpose of diabetes education and only if diabetes 1967  
education is within the individual's scope of practice under 1968  
statutes and rules regulating the individual's profession; 1969

(5) An individual who holds a valid certificate issued by 1970  
a nationally recognized S.C.U.B.A. diving certifying 1971  
organization approved by the state board of pharmacy under rules 1972  
adopted by the board, but only with respect to medical oxygen 1973  
that will be used for the purpose of emergency care or treatment 1974  
at the scene of a diving emergency; 1975

(6) With respect to epinephrine autoinjectors that may be 1976  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 1977  
or 3328.29 of the Revised Code, any of the following: the board 1978  
of education of a city, local, exempted village, or joint 1979  
vocational school district; a chartered or nonchartered 1980  
nonpublic school; a community school established under Chapter 1981  
3314. of the Revised Code; a STEM school established under 1982  
Chapter 3326. of the Revised Code; or a college-preparatory 1983  
boarding school established under Chapter 3328. of the Revised 1984  
Code; 1985

(7) With respect to epinephrine autoinjectors that may be 1986  
possessed under section 5101.76 of the Revised Code, any of the 1987  
following: a residential camp, as defined in section 2151.011 of 1988  
the Revised Code; a child day camp, as defined in section 1989  
5104.01 of the Revised Code; or a child day camp operated by any 1990  
county, township, municipal corporation, township park district 1991  
created under section 511.18 of the Revised Code, park district 1992  
created under section 1545.04 of the Revised Code, or joint 1993  
recreation district established under section 755.14 of the 1994  
Revised Code; 1995

(8) With respect to epinephrine autoinjectors that may be 1996  
possessed under Chapter 3728. of the Revised Code, a qualified 1997  
entity, as defined in section 3728.01 of the Revised Code; 1998

(9) With respect to inhalers that may be possessed under 1999  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 2000  
the Revised Code, any of the following: the board of education 2001  
of a city, local, exempted village, or joint vocational school 2002  
district; a chartered or nonchartered nonpublic school; a 2003  
community school established under Chapter 3314. of the Revised 2004  
Code; a STEM school established under Chapter 3326. of the 2005

Revised Code; or a college-preparatory boarding school 2006  
established under Chapter 3328. of the Revised Code; 2007

(10) With respect to inhalers that may be possessed under 2008  
section 5101.77 of the Revised Code, any of the following: a 2009  
residential camp, as defined in section 2151.011 of the Revised 2010  
Code; a child day camp, as defined in section 5104.01 of the 2011  
Revised Code; or a child day camp operated by any county, 2012  
township, municipal corporation, township park district created 2013  
under section 511.18 of the Revised Code, park district created 2014  
under section 1545.04 of the Revised Code, or joint recreation 2015  
district established under section 755.14 of the Revised Code; 2016

(11) With respect to naloxone that may be possessed under 2017  
section 2925.61 of the Revised Code, a law enforcement agency 2018  
and its peace officers; 2019

(12) With respect to naloxone that may be possessed under 2020  
section 4729.514 of the Revised Code for use in emergency 2021  
situations or for personally furnishing supplies of naloxone, a 2022  
service entity, as defined in that section; 2023

(13) A facility that is owned and operated by the United 2024  
States department of defense, the United States department of 2025  
veterans affairs, or any other federal agency. 2026

(B) If a person described in division (A) of this section 2027  
is a pain management clinic or is operating a pain management 2028  
clinic, the person shall hold a license as a terminal 2029  
distributor of dangerous drugs with a pain management clinic 2030  
classification issued under section 4729.552 of the Revised 2031  
Code. 2032

(C) If a person described in division (A) of this section 2033  
is operating a facility, clinic, or other location described in 2034



division (B) of section 4729.553 of the Revised Code that must 2035  
hold a category III terminal distributor of dangerous drugs 2036  
license with an office-based opioid treatment classification, 2037  
the person shall hold a license with that classification. 2038

(D) Any of the persons described in divisions (A) (1) to 2039  
(12) of this section shall hold a license as a terminal 2040  
distributor of dangerous drugs in order to possess, have custody 2041  
or control of, and distribute any of the following: 2042

(1) Dangerous drugs that are compounded or used for the 2043  
purpose of compounding; 2044

(2) A schedule I, II, III, IV, or V controlled substance, 2045  
as defined in section 3719.01 of the Revised Code. 2046

**Sec. 4729.553.** (A) As used in this section: 2047

(1) "Advanced practice registered nurse" has the same 2048  
meaning as in section 4723.01 of the Revised Code. 2049

(2) "Controlled substance" has the same meaning as in 2050  
section 3719.01 of the Revised Code. 2051

~~(2)~~(3) "Hospital" means a hospital registered with the 2052  
department of health under section 3701.07 of the Revised Code. 2053

~~(3)~~(4) "Office-based opioid treatment" means the 2054  
treatment of opioid dependence or addiction using a controlled 2055  
substance. 2056

(5) "Physician" means an individual who is authorized 2057  
under Chapter 4731. of the Revised Code to practice medicine and 2058  
surgery or osteopathic medicine and surgery. 2059

(6) "Physician assistant" means an individual who is 2060  
licensed under Chapter 4730. of the Revised Code. 2061

(B) (1) Except as provided in ~~division~~divisions (B) (2) and 2062  
(3) of this section, no person shall knowingly operate a 2063  
facility, clinic, or other location where a prescriber provides 2064  
office-based opioid treatment to more than thirty patients or 2065  
that meets any other identifying criteria established in rules 2066  
adopted under this section without holding a category III 2067  
terminal distributor of dangerous drugs license with an office- 2068  
based opioid treatment classification. 2069

(2) Division (B) (1) of this section does not apply to any 2070  
of the following: 2071

(a) A hospital; 2072

(b) A facility for the treatment of opioid dependence or 2073  
addiction that is operated by a hospital; 2074

(c) A physician practice owned or controlled, in whole or 2075  
in part, by a hospital or by an entity that owns or controls, in 2076  
whole or in part, one or more hospitals; 2077

(d) A facility that conducts only clinical research and 2078  
uses controlled substances in studies approved by a hospital- 2079  
based institutional review board or an institutional review 2080  
board that is accredited by the association for the 2081  
accreditation of human research protection programs, inc.; 2082

(e) A facility that holds a category III terminal 2083  
distributor of dangerous drugs license in accordance with 2084  
section 4729.54 of the Revised Code for the purpose of treating 2085  
drug dependence or addiction as part of an opioid treatment 2086  
program and is the subject of a current, valid certification 2087  
from the substance abuse and mental health services 2088  
administration of the United States department of health and 2089  
human services pursuant to 42 C.F.R. 8.11; 2090

(f) A program or facility that holds a license or certification issued by the department of mental health and addiction services under Chapter 5119. of the Revised Code if the license or certification is approved by the state board of pharmacy;

(g) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(h) A state or local correctional facility, as defined in section 5163.45 of the Revised Code;

(i) A facility in which patients are treated on-site for opioid dependence or addiction exclusively through direct administration by a physician, physician assistant, or advanced practice registered nurse of drugs that are used for treatment of opioid dependence or addiction and are neither dispensed nor personally furnished to patients for off-site self-administration;

(j) Any other facility specified in rules adopted under this section.

(3) A patient who receives treatment on-site for opioid dependence or addiction through direct administration of a drug by a physician, physician assistant, or advanced practice registered nurse shall not be included in determining whether more than thirty patients are being provided office-based opioid treatment in a particular facility, clinic, or other location that is subject to division (B)(1) of this section.

(C) To be eligible to receive a license as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification, an applicant shall submit

evidence satisfactory to the state board of pharmacy that the 2120  
applicant's office-based opioid treatment will be operated in 2121  
accordance with the requirements specified in division (D) of 2122  
this section and that the applicant meets any other applicable 2123  
requirements of this chapter. 2124

If the board determines that an applicant meets all of the 2125  
requirements, the board shall issue to the applicant a license 2126  
as a category III terminal distributor of dangerous drugs with 2127  
an office-based opioid treatment classification. 2128

(D) The holder of a category III terminal distributor 2129  
license with an office-based opioid treatment classification 2130  
shall do all of the following: 2131

(1) Be in control of a facility that is owned and operated 2132  
solely by one or more physicians ~~authorized under Chapter 4731.~~ 2133  
~~of the Revised Code to practice medicine and surgery or~~ 2134  
~~osteopathic medicine and surgery,~~ unless the state board of 2135  
pharmacy waives this requirement for the holder; 2136

(2) Comply with the requirements for conducting office- 2137  
based opioid treatment, as established by the state medical 2138  
board in rules adopted under section 4731.056 of the Revised 2139  
Code; 2140

(3) Require any person with ownership of the facility to 2141  
submit to a criminal records check in accordance with section 2142  
4776.02 of the Revised Code and send the results of the criminal 2143  
records check directly to the state board of pharmacy for review 2144  
and decision under section 4729.071 of the Revised Code; 2145

(4) Require each person employed by or seeking employment 2146  
with the facility to submit to a criminal records check in 2147  
accordance with section 4776.02 of the Revised Code; 2148

(5) Ensure that a person is not employed by the facility 2149  
if the person, within the ten years immediately preceding the 2150  
date the person applied for employment, was convicted of or 2151  
pleaded guilty to either of the following, unless the state 2152  
board of pharmacy permits the person to be employed by waiving 2153  
this requirement for the facility: 2154

(a) A theft offense, described in division (K)(3) of 2155  
section 2913.01 of the Revised Code, that would constitute a 2156  
felony under the laws of this state, any other state, or the 2157  
United States; 2158

(b) A felony drug offense, as defined in section 2925.01 2159  
of the Revised Code. 2160

(6) Maintain a list of each person with ownership of the 2161  
facility and notify the state board of pharmacy of any change to 2162  
that list. 2163

(E) No person subject to licensure as a category III 2164  
terminal distributor of dangerous drugs with an office-based 2165  
opioid treatment classification shall knowingly fail to remain 2166  
in compliance with the requirements of division (D) of this 2167  
section and any other applicable requirements of this chapter. 2168

(F) The state board of pharmacy may impose a fine of not 2169  
more than five thousand dollars on a person who violates 2170  
division (B) or (E) of this section. A separate fine may be 2171  
imposed for each day the violation continues. In imposing the 2172  
fine, the board's actions shall be taken in accordance with 2173  
Chapter 119. of the Revised Code. 2174

(G) The state board of pharmacy shall adopt rules as it 2175  
considers necessary to implement and administer this section. 2176  
The rules shall be adopted in accordance with Chapter 119. of 2177

the Revised Code. 2178

**Sec. 4729.80.** (A) If the state board of pharmacy 2179  
establishes and maintains a drug database pursuant to section 2180  
4729.75 of the Revised Code, the board is authorized or required 2181  
to provide information from the database only as follows: 2182

(1) On receipt of a request from a designated 2183  
representative of a government entity responsible for the 2184  
licensure, regulation, or discipline of health care 2185  
professionals with authority to prescribe, administer, or 2186  
dispense drugs, the board may provide to the representative 2187  
information from the database relating to the professional who 2188  
is the subject of an active investigation being conducted by the 2189  
government entity or relating to a professional who is acting as 2190  
an expert witness for the government entity in such an 2191  
investigation. 2192

(2) On receipt of a request from a federal officer, or a 2193  
state or local officer of this or any other state, whose duties 2194  
include enforcing laws relating to drugs, the board shall 2195  
provide to the officer information from the database relating to 2196  
the person who is the subject of an active investigation of a 2197  
drug abuse offense, as defined in section 2925.01 of the Revised 2198  
Code, being conducted by the officer's employing government 2199  
entity. 2200

(3) Pursuant to a subpoena issued by a grand jury, the 2201  
board shall provide to the grand jury information from the 2202  
database relating to the person who is the subject of an 2203  
investigation being conducted by the grand jury. 2204

(4) Pursuant to a subpoena, search warrant, or court order 2205  
in connection with the investigation or prosecution of a 2206

possible or alleged criminal offense, the board shall provide 2207  
information from the database as necessary to comply with the 2208  
subpoena, search warrant, or court order. 2209

(5) On receipt of a request from a prescriber or the 2210  
prescriber's delegate approved by the board, the board shall 2211  
provide to the prescriber a report of information from the 2212  
database relating to a patient who is either a current patient 2213  
of the prescriber or a potential patient of the prescriber based 2214  
on a referral of the patient to the prescriber, if all of the 2215  
following conditions are met: 2216

(a) The prescriber certifies in a form specified by the 2217  
board that it is for the purpose of providing medical treatment 2218  
to the patient who is the subject of the request; 2219

(b) The prescriber has not been denied access to the 2220  
database by the board. 2221

(6) On receipt of a request from a pharmacist or the 2222  
pharmacist's delegate approved by the board, the board shall 2223  
provide to the pharmacist information from the database relating 2224  
to a current patient of the pharmacist, if the pharmacist 2225  
certifies in a form specified by the board that it is for the 2226  
purpose of the pharmacist's practice of pharmacy involving the 2227  
patient who is the subject of the request and the pharmacist has 2228  
not been denied access to the database by the board. 2229

(7) On receipt of a request from an individual seeking the 2230  
individual's own database information in accordance with the 2231  
procedure established in rules adopted under section 4729.84 of 2232  
the Revised Code, the board may provide to the individual the 2233  
individual's own prescription history. 2234

(8) On receipt of a request from a medical director or a 2235

pharmacy director of a managed care organization that has 2236  
entered into a contract with the department of medicaid under 2237  
section 5167.10 of the Revised Code and a data security 2238  
agreement with the board required by section 5167.14 of the 2239  
Revised Code, the board shall provide to the medical director or 2240  
the pharmacy director information from the database relating to 2241  
a medicaid recipient enrolled in the managed care organization, 2242  
including information in the database related to prescriptions 2243  
for the recipient that were not covered or reimbursed under a 2244  
program administered by the department of medicaid. 2245

(9) On receipt of a request from the medicaid director, 2246  
the board shall provide to the director information from the 2247  
database relating to a recipient of a program administered by 2248  
the department of medicaid, including information in the 2249  
database related to prescriptions for the recipient that were 2250  
not covered or paid by a program administered by the department. 2251

(10) On receipt of a request from a medical director of a 2252  
managed care organization that has entered into a contract with 2253  
the administrator of workers' compensation under division (B) (4) 2254  
of section 4121.44 of the Revised Code and a data security 2255  
agreement with the board required by section 4121.447 of the 2256  
Revised Code, the board shall provide to the medical director 2257  
information from the database relating to a claimant under 2258  
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 2259  
assigned to the managed care organization, including information 2260  
in the database related to prescriptions for the claimant that 2261  
were not covered or reimbursed under Chapter 4121., 4123., 2262  
4127., or 4131. of the Revised Code, if the administrator of 2263  
workers' compensation confirms, upon request from the board, 2264  
that the claimant is assigned to the managed care organization. 2265



(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail

dispensary licensed under Chapter 3796. of the Revised Code who 2296  
is approved by the board to serve as the dispensary's delegate, 2297  
the board shall provide to the delegate a report of information 2298  
from the database pertaining only to a patient's use of medical 2299  
marijuana, if both of the following conditions are met: 2300

(a) The delegate certifies in a form specified by the 2301  
board that it is for the purpose of dispensing medical marijuana 2302  
for use in accordance with Chapter 3796. of the Revised Code. 2303

(b) The retail dispensary or delegate has not been denied 2304  
access to the database by the board. 2305

(16) On receipt of a request from a judge of a program 2306  
certified by the Ohio supreme court as a specialized docket 2307  
program for drugs, the board shall provide to the judge, or an 2308  
employee of the program who is designated by the judge to 2309  
receive the information, information from the database that 2310  
relates specifically to a current or prospective program 2311  
participant. 2312

(17) On receipt of a request from a coroner, deputy 2313  
coroner, or coroner's delegate approved by the board, the board 2314  
shall provide to the requestor information from the database 2315  
relating to a deceased person about whom the coroner is 2316  
conducting or has conducted an autopsy or investigation. 2317

(18) On receipt of a request from a prescriber, the board 2318  
may provide to the prescriber a summary of the prescriber's 2319  
prescribing record if such a record is created by the board. 2320  
Information in the summary is subject to the confidentiality 2321  
requirements of this chapter. 2322

(19) (a) On receipt of a request from a pharmacy's 2323  
responsible person, the board may provide to the responsible 2324

person a summary of the pharmacy's dispensing record if such a 2325  
record is created by the board. Information in the summary is 2326  
subject to the confidentiality requirements of this chapter. 2327

(b) As used in division (A) (19) (a) of this section, 2328  
"responsible person" has the same meaning as in rules adopted by 2329  
the board under section 4729.26 of the Revised Code. 2330

(20) The board may provide information from the database 2331  
without request to a prescriber or pharmacist who is authorized 2332  
to use the database pursuant to this chapter. 2333

(21) (a) On receipt of a request from a prescriber or 2334  
pharmacist, or the prescriber's or pharmacist's delegate, who is 2335  
a designated representative of a peer review committee, the 2336  
board shall provide to the committee information from the 2337  
database relating to a prescriber who is subject to the 2338  
committee's evaluation, supervision, or discipline if the 2339  
information is to be used for one of those purposes. The board 2340  
shall provide only information that it determines, in accordance 2341  
with rules adopted under section 4729.84 of the Revised Code, is 2342  
appropriate to be provided to the committee. 2343

(b) As used in division (A) (21) (a) of this section, "peer 2344  
review committee" has the same meaning as in section 2305.25 of 2345  
the Revised Code, except that it includes only a peer review 2346  
committee of a hospital or a peer review committee of a 2347  
nonprofit health care corporation that is a member of the 2348  
hospital or of which the hospital is a member. 2349

(22) On receipt of a request from a requestor described in 2350  
division (A) (5) or (6) of this section who is from or 2351  
participating with a prescription monitoring program that is 2352  
operated by a federal agency and approved by the board, the 2353

board may provide to the requestor information from the 2354  
database, but only if there is a written agreement under which 2355  
the information is to be used and disseminated according to the 2356  
laws of this state. 2357

(23) Any personal health information submitted to the 2358  
board pursuant to section 4729.772 of the Revised Code may be 2359  
provided by the board only as authorized by the submitter of the 2360  
information and in accordance with rules adopted under section 2361  
4729.84 of the Revised Code. 2362

(B) The state board of pharmacy shall maintain a record of 2363  
each individual or entity that requests information from the 2364  
database pursuant to this section. In accordance with rules 2365  
adopted under section 4729.84 of the Revised Code, the board may 2366  
use the records to document and report statistics and law 2367  
enforcement outcomes. 2368

The board may provide records of an individual's requests 2369  
for database information only to the following: 2370

(1) A designated representative of a government entity 2371  
that is responsible for the licensure, regulation, or discipline 2372  
of health care professionals with authority to prescribe, 2373  
administer, or dispense drugs who is involved in an active 2374  
criminal or disciplinary investigation being conducted by the 2375  
government entity of the individual who submitted the requests 2376  
for database information; 2377

(2) A federal officer, or a state or local officer of this 2378  
or any other state, whose duties include enforcing laws relating 2379  
to drugs and who is involved in an active investigation being 2380  
conducted by the officer's employing government entity of the 2381  
individual who submitted the requests for database information; 2382

(3) A designated representative of the department of 2383  
medicaid regarding a prescriber who is treating or has treated a 2384  
recipient of a program administered by the department and who 2385  
submitted the requests for database information. 2386

(C) Information contained in the database and any 2387  
information obtained from it is confidential and is not a public 2388  
record. Information contained in the records of requests for 2389  
information from the database is confidential and is not a 2390  
public record. Information contained in the database that does 2391  
not identify a person, including any licensee or registrant of 2392  
the board or other entity, may be released in summary, 2393  
statistical, or aggregate form. 2394

(D) A pharmacist or prescriber shall not be held liable in 2395  
damages to any person in any civil action for injury, death, or 2396  
loss to person or property on the basis that the pharmacist or 2397  
prescriber did or did not seek or obtain information from the 2398  
database. 2399

**Sec. ~~4730.431~~ 4730.434.** (A) Notwithstanding any provision 2400  
of this chapter or rule adopted by the state medical board, a 2401  
physician assistant who holds a valid prescriber number issued 2402  
by the board and has been granted physician-delegated 2403  
prescriptive authority may personally furnish a supply of 2404  
naloxone, or issue a prescription for naloxone, without having 2405  
examined the individual to whom it may be administered if both 2406  
of the following conditions are met: 2407

(1) The naloxone supply is furnished to, or the 2408  
prescription is issued to and in the name of, a family member, 2409  
friend, or other individual in a position to assist an 2410  
individual who there is reason to believe is at risk of 2411  
experiencing an opioid-related overdose. 2412

(2) The physician assistant instructs the individual 2413  
receiving the naloxone supply or prescription to summon 2414  
emergency services as soon as practicable either before or after 2415  
administering naloxone to an individual apparently experiencing 2416  
an opioid-related overdose. 2417

(B) A physician assistant who under division (A) of this 2418  
section in good faith furnishes a supply of naloxone or issues a 2419  
prescription for naloxone is not liable for or subject to any of 2420  
the following for any action or omission of the individual to 2421  
whom the naloxone is furnished or the prescription is issued: 2422  
damages in any civil action, prosecution in any criminal 2423  
proceeding, or professional disciplinary action. 2424

Sec. 4730.435. (A) (1) A physician assistant who holds a 2425  
valid prescriber number issued by the state medical board, who 2426  
has been granted physician-delegated prescriptive authority, and 2427  
who has established a protocol that meets the requirements of 2428  
division (C) of this section may authorize one or more other 2429  
individuals to personally furnish a supply of naloxone pursuant 2430  
to the protocol to either of the following: 2431

(a) An individual who there is reason to believe is 2432  
experiencing or at risk of experiencing an opioid-related 2433  
overdose; 2434

(b) A family member, friend, or other person in a position 2435  
to assist an individual who there is reason to believe is at 2436  
risk of experiencing an opioid-related overdose. 2437

(2) An individual authorized under this section to 2438  
personally furnish naloxone may do so without having examined 2439  
the individual to whom it may be administered. 2440

(B) An individual authorized by a physician assistant 2441

under this section may personally furnish naloxone to an 2442  
individual described in division (A) (1) (a) or (b) of this 2443  
section if both of the following conditions are met: 2444

(1) The authorized individual complies with the protocol 2445  
established by the authorizing physician assistant, including 2446  
having completed the training required by the protocol. 2447

(2) The authorized individual instructs the individual to 2448  
whom naloxone is furnished to summon emergency services as soon 2449  
as practicable either before or after administering naloxone. 2450

(C) A protocol established by a physician assistant for 2451  
purposes of this section shall be established in writing and 2452  
include all of the following: 2453

(1) A description of the clinical pharmacology of 2454  
naloxone; 2455

(2) Precautions and contraindications concerning 2456  
furnishing naloxone; 2457

(3) Any limitations the physician assistant specifies 2458  
concerning the individuals to whom naloxone may be furnished; 2459

(4) The naloxone dosage that may be furnished and any 2460  
variation in the dosage based on circumstances specified in the 2461  
protocol; 2462

(5) Labeling, storage, record keeping, and administrative 2463  
requirements; 2464

(6) Training requirements that must be met before an 2465  
individual will be authorized to furnish naloxone; 2466

(7) Any instructions or training that the authorized 2467  
individual must provide to an individual to whom naloxone is 2468

furnished. 2469

(D) A physician assistant who in good faith authorizes 2470  
another individual to personally furnish naloxone in accordance 2471  
with a protocol established by the physician assistant under 2472  
this section is not liable for or subject to any of the 2473  
following for any action or omission of the individual to whom 2474  
the naloxone is furnished: damages in any civil action, 2475  
prosecution in any criminal proceeding, or professional 2476  
disciplinary action. 2477

An individual authorized under this section to personally 2478  
furnish naloxone who does so in good faith is not liable for or 2479  
subject to any of the following for any action or omission of 2480  
the individual to whom the naloxone is furnished: damages in any 2481  
civil action, prosecution in any criminal proceeding, or 2482  
professional disciplinary action. 2483

**Sec. 4730.436.** (A) As used in this section, "service 2484  
entity" has the same meaning as in section 4729.514 of the 2485  
Revised Code. 2486

(B) A physician assistant who holds a valid prescriber 2487  
number issued by the state medical board, who has been granted 2488  
physician-delegated prescriptive authority, and who has 2489  
established a protocol under division (D) of this section may 2490  
authorize an individual who is an employee, volunteer, or 2491  
contractor of a service entity to administer naloxone to an 2492  
individual who is apparently experiencing an opioid-related 2493  
overdose. 2494

(C) An individual authorized by a physician assistant 2495  
under this section may administer naloxone to an individual who 2496  
is apparently experiencing an opioid-related overdose if all of 2497



the following conditions are met: 2498

(1) The naloxone is obtained from a service entity of 2499  
which the authorized individual is an employee, volunteer, or 2500  
contractor. 2501

(2) The authorized individual complies with the protocol 2502  
established by the authorizing physician assistant. 2503

(3) The authorized individual summons emergency services 2504  
as soon as practicable either before or after administering the 2505  
naloxone. 2506

(D) A protocol established by a physician assistant for 2507  
purposes of this section must be in writing and include all of 2508  
the following: 2509

(1) A description of the clinical pharmacology of 2510  
naloxone; 2511

(2) Precautions and contraindications concerning the 2512  
administration of naloxone; 2513

(3) Any limitations the physician assistant specifies 2514  
concerning the individuals to whom naloxone may be administered; 2515

(4) The naloxone dosage that may be administered and any 2516  
variation in the dosage based on circumstances specified in the 2517  
protocol; 2518

(5) Labeling, storage, record keeping, and administrative 2519  
requirements; 2520

(6) Training requirements that must be met before an 2521  
individual can be authorized to administer naloxone. 2522

(E) A physician assistant who in good faith authorizes an 2523  
individual to administer naloxone under this section is not 2524

liable for or subject to any of the following for any act or 2525  
omission of the authorized individual: damages in any civil 2526  
action, prosecution in any criminal proceeding, or professional 2527  
disciplinary action. 2528

A service entity or an employee, volunteer, or contractor 2529  
of a service entity is not liable for or subject to any of the 2530  
following for injury, death, or loss to person or property that 2531  
allegedly arises from an act or omission associated with 2532  
procuring, maintaining, accessing, or administering naloxone 2533  
under this section, unless the act or omission constitutes 2534  
willful or wanton misconduct: damages in any civil action, 2535  
prosecution in any criminal proceeding, or professional 2536  
disciplinary action. 2537

This section does not eliminate, limit, or reduce any 2538  
other immunity or defense that a service entity or an employee, 2539  
volunteer, or contractor of a service entity may be entitled to 2540  
under Chapter 2305. or any other provision of the Revised Code 2541  
or under the common law of this state. 2542

**Sec. 4730.56.** (A) As used in this section: 2543

(1) "Community addiction services provider" has the same 2544  
meaning as in section 5119.01 of the Revised Code. 2545

(2) "Medication-assisted treatment" has the same meaning 2546  
as in section 340.01 of the Revised Code. 2547

(B) A physician assistant shall comply with section 2548  
3719.064 of the Revised Code and rules adopted under section 2549  
4730.55 of the Revised Code when treating a patient with 2550  
medication-assisted treatment or proposing to initiate such 2551  
treatment. 2552

(C) A physician assistant who fails to comply with this 2553

section shall treat not more than thirty patients at any one 2554  
time with medication-assisted treatment even if the facility or 2555  
location at which the treatment is provided is either of the 2556  
following: 2557

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 2558  
section 4729.553 of the Revised Code from being required to 2559  
possess a category III terminal distributor of dangerous drugs 2560  
license with an office-based opioid treatment classification; 2561

(2) A community addiction services provider that provides 2562  
alcohol and drug addiction services that are certified by the 2563  
department of mental health and addiction services under section 2564  
5119.36 of the Revised Code. 2565

**Sec. 4731.83.** (A) As used in this section: 2566

(1) "Medication-assisted treatment" has the same meaning 2567  
as in section 340.01 of the Revised Code. 2568

(2) "Physician" means an individual authorized by this 2569  
chapter to practice medicine and surgery or osteopathic medicine 2570  
and surgery. 2571

(B) A physician shall comply with section 3719.064 of the 2572  
Revised Code and rules adopted under section 4731.056 of the 2573  
Revised Code when treating a patient with medication-assisted 2574  
treatment or proposing to initiate such treatment. 2575

(C) A physician who fails to comply with this section 2576  
shall treat not more than thirty patients at any one time with 2577  
medication-assisted treatment even if the facility or location 2578  
at which the treatment is provided is either of the following: 2579

(1) Exempted by divisions (B) (2) (a) to (d) or (i) of 2580  
section 4729.553 of the Revised Code from being required to 2581

possess a category III terminal distributor of dangerous drugs 2582  
license with an office-based opioid treatment classification; 2583

(2) A community addiction services provider that provides 2584  
alcohol and drug addiction services that are certified by the 2585  
department of mental health and addiction services under section 2586  
5119.36 of the Revised Code. 2587

**Section 2.** That existing sections 121.22, 2925.01, 2588  
2925.61, 4723.486, 4723.488, 4723.50, 4723.52, 4729.01, 4729.29, 2589  
4729.44, 4729.45, 4729.51, 4729.514, 4729.541, 4729.553, 2590  
4729.80, 4730.431, 4730.56, and 4731.83 of the Revised Code are 2591  
hereby repealed. 2592

**Section 3.** The General Assembly, applying the principle 2593  
stated in division (B) of section 1.52 of the Revised Code that 2594  
amendments are to be harmonized if reasonably capable of 2595  
simultaneous operation, finds that the following sections, 2596  
presented in this act as composites of the sections as amended 2597  
by the acts indicated, are the resulting versions of the 2598  
sections in effect prior to the effective date of the sections 2599  
as presented in this act: Section 2925.61 of the Revised Code as 2600  
amended by both H.B. 216 and S.B. 319 of the 131st General 2601  
Assembly. Section 4729.553 of the Revised Code as amended by 2602  
both H.B. 101 and S.B. 229 of the 132nd General Assembly. 2603  
Section 4730.431 of the Revised Code as amended by both H.B. 4 2604  
and S.B. 110 of the 131st General Assembly. 2605