

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

Am. Sub. H. B. No. 4

Representatives Sprague, Rezabek

Cosponsors: Representatives Gonzales, Huffman, Antonio, Barnes, Bishoff, Brown, Butler, Ginter, Johnson, T., LaTourette, Lepore-Hagan, Ramos, Sears, Schuring, Sykes, Amstutz, Anielski, Antani, Baker, Blessing, Boose, Brenner, Buchy, Burkley, Celebrezze, Cera, Conditt, Craig, Curtin, Derickson, Dever, Dovilla, Driehaus, Duffey, Fedor, Gerberry, Green, Grossman, Hackett, Hall, Hayes, Henne, Howse, Johnson, G., Koehler, Kraus, Kunze, Landis, Leland, Manning, McClain, O'Brien, M., O'Brien, S., Patmon, Patterson, Pelanda, Perales, Phillips, Rogers, Ruhl, Scherer, Sheehy, Slaby, Smith, K., Smith, R., Stinziano, Strahorn, Sweeney, Terhar, Thompson, Vitale, Zeltwanger, Speaker Rosenberger

Senators Hottinger, Jones, Tavares, Brown, Hite, Beagle, Bacon, Balderson, Burke, Cafaro, Coley, Eklund, Gardner, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Thomas, Uecker, Widener, Williams, Yuko

A BILL

To amend sections 2925.61, 3719.13, 3719.27, 1
4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 2
4729.51, 4729.60, 4730.431, 4731.94, and 3
5119.371 and to enact sections 3707.56, 4
4729.292, 4729.44, 4731.941, 4731.942, and 5
5119.372 of the Revised Code to modify the laws 6
governing the authority to dispense or furnish 7
naloxone for opioid overdoses, to establish 8
standards for certain opioid treatment programs, 9
and to declare an emergency. 10

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

Section 1. That sections 2925.61, 3719.13, 3719.27, 11
4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 4729.51, 4729.60, 12
4730.431, 4731.94, and 5119.371 be amended and sections 13
3707.56, 4729.292, 4729.44, 4731.941, 4731.942, and 5119.372 of 14
the Revised Code be enacted to read as follows: 15

Sec. 2925.61. (A) As used in this section: 16

(1) ~~"Administer naloxone" means to give naloxone to a 17
person by either of the following routes: 18~~

~~(a) Using a device manufactured for the intranasal 19
administration of liquid drugs; 20~~

~~(b) Using an autoinjector in a manufactured dosage form. 21~~

~~(2) "Law enforcement agency" means a government entity 22
that employs peace officers to perform law enforcement duties. 23~~

~~(3) (2) "Licensed health professional" means all of the 24
following: 25~~

~~(a) A physician who is authorized under Chapter 4731. of 26
the Revised Code to practice medicine and surgery, osteopathic 27
medicine and surgery, or podiatric medicine and surgery; 28~~

~~(b) A physician assistant who holds a certificate to 29
prescribe issued under Chapter 4730. of the Revised Code; 30~~

~~(c) A clinical nurse specialist, certified nurse-midwife, 31
or certified nurse practitioner who holds a certificate to 32
prescribe issued under section 4723.48 of the Revised Code. 33~~

~~(4) (3) "Peace officer" has the same meaning as in section 34
2921.51 of the Revised Code. 35~~

(4) "Physician" means an individual who is authorized 36
under Chapter 4731. of the Revised Code to practice medicine and 37

surgery, osteopathic medicine and surgery, or podiatric medicine 38
and surgery. 39

(B) A family member, friend, or other individual who is in 40
a position to assist an individual who is apparently 41
experiencing or at risk of experiencing an opioid-related 42
overdose, is not subject to criminal prosecution for a violation 43
of section 4731.41 of the Revised Code or criminal prosecution 44
under this chapter if the individual, acting in good faith, does 45
all of the following: 46

(1) Obtains naloxone ~~from a licensed health professional~~ 47
~~or pursuant to a prescription for naloxone from~~ issued by a 48
licensed health professional or obtains naloxone from one of the 49
following: a licensed health professional, an individual who is 50
authorized by a physician under section 4731.941 of the Revised 51
Code to personally furnish naloxone, or a pharmacist or pharmacy 52
intern who is authorized by a physician or board of health under 53
section 4729.44 of the Revised Code to dispense naloxone without 54
a prescription; 55

(2) Administers ~~that~~ the naloxone obtained as described in 56
division (B)(1) of this section to an individual who is 57
apparently experiencing an opioid-related overdose; 58

(3) Attempts to summon emergency services as soon as 59
practicable either ~~immediately~~ before or ~~immediately~~ after 60
administering the naloxone. 61

(C) Division (B) of this section does not apply to a peace 62
officer or to an emergency medical technician-basic, emergency 63
medical technician-intermediate, or emergency medical 64
technician-paramedic, as defined in section 4765.01 of the 65
Revised Code. 66

(D) A peace officer employed by a law enforcement agency 67
is not subject to administrative action, criminal prosecution 68
for a violation of section 4731.41 of the Revised Code, or 69
criminal prosecution under this chapter if the peace officer, 70
acting in good faith, obtains naloxone from the peace officer's 71
law enforcement agency and administers the naloxone to an 72
individual who is apparently experiencing an opioid-related 73
overdose. 74

Sec. 3707.56. (A) As used in this section, "board of 75
health" means a board of health of a city or general health 76
district or the authority having the duties of a board of health 77
under section 3709.05 of the Revised Code. 78

(B) A board of health, through a physician serving as the 79
board's health commissioner or medical director, may authorize 80
pharmacists and pharmacy interns working in the board's 81
jurisdiction to use the protocol developed pursuant to rules 82
adopted under section 4729.44 of the Revised Code for the 83
purpose of dispensing naloxone under section 4729.44 of the 84
Revised Code. 85

Sec. 3719.13. Prescriptions, orders, and records, required 86
by Chapter 3719. of the Revised Code, and stocks of dangerous 87
drugs and controlled substances, shall be open for inspection 88
only to federal, state, county, and municipal officers, and 89
employees of the state board of pharmacy whose duty it is to 90
enforce the laws of this state or of the United States relating 91
to controlled substances. Such prescriptions, orders, records, 92
and stocks shall be open for inspection by employees of the 93
state medical board for purposes of enforcing Chapters 4730. and 94
4731. of the Revised Code ~~and~~, employees of the board of 95
nursing for purposes of enforcing Chapter 4723. of the Revised 96

Code, and employees of the department of mental health and 97
addiction services for purposes of section 5119.372 of the 98
Revised Code. No person having knowledge of any such 99
prescription, order, or record shall divulge such knowledge, 100
except in connection with a prosecution or proceeding in court 101
or before a licensing or registration board or officer, to which 102
prosecution or proceeding the person to whom such prescriptions, 103
orders, or records relate is a party. 104

Sec. 3719.27. (A) Persons required by Chapter 3719. of 105
the Revised Code to keep files or records shall, upon the 106
written request of an officer or employee designated by the 107
state board of pharmacy, make such files or records available to 108
such officer or employee, at all reasonable hours, for 109
inspection and copying, and accord to such officer or employee 110
full opportunity to check the correctness of such files or 111
records, including opportunity to make inventory of all stocks 112
of controlled substances on hand. No person shall fail to make 113
such files or records available or to accord such opportunity to 114
check their correctness. 115

(B) Persons required by Chapter 3719. of the Revised Code 116
to keep files or records shall, upon the written request of an 117
employee designated by the director of mental health and 118
addiction services, make such files or records available to the 119
employee for the purpose of section 5119.372 of the Revised 120
Code, at all reasonable hours, for inspection and copying, and 121
accord to such employee full opportunity to check the 122
correctness of such files or records. No person shall fail to 123
make such files or records available or to accord such 124
opportunity to check their correctness. 125

Sec. 4723.488. (A) Notwithstanding any provision of this 126

chapter or rule adopted by the board of nursing, a clinical 127
nurse specialist, certified nurse-midwife, or certified nurse 128
practitioner who holds a certificate to prescribe issued under 129
section 4723.48 of the Revised Code may personally furnish a 130
supply of naloxone, or issue a prescription for naloxone, 131
without having examined the individual to whom it may be 132
administered if ~~all~~both of the following conditions are met: 133

(1) The naloxone supply is furnished to, or the 134
prescription is issued to and in the name of, a family member, 135
friend, or other individual in a position to assist an 136
individual who there is reason to believe is at risk of 137
experiencing an opioid-related overdose. 138

(2) The nurse instructs the individual receiving the 139
naloxone supply or prescription to summon emergency services as 140
soon as practicable either ~~immediately~~ before or ~~immediately~~ 141
after administering naloxone to an individual apparently 142
experiencing an opioid-related overdose. 143

~~(3) The naloxone is personally furnished or prescribed in 144
such a manner that it may be administered by only either of the 145
following routes: 146~~

~~(a) Using a device manufactured for the intranasal 147
administration of liquid drugs; 148~~

~~(b) Using an autoinjector in a manufactured dosage form. 149~~

(B) A nurse who under division (A) of this section in good 150
faith furnishes a supply of naloxone or issues a prescription 151
for naloxone is not liable for or subject to any of the 152
following for any action or omission of the individual to whom 153
the naloxone is furnished or the prescription is issued: damages 154
in any civil action, prosecution in any criminal proceeding, or 155

| | |
|--|-----|
| professional disciplinary action. | 156 |
| Sec. 4729.01. As used in this chapter: | 157 |
| (A) "Pharmacy," except when used in a context that refers | 158 |
| to the practice of pharmacy, means any area, room, rooms, place | 159 |
| of business, department, or portion of any of the foregoing | 160 |
| where the practice of pharmacy is conducted. | 161 |
| (B) "Practice of pharmacy" means providing pharmacist care | 162 |
| requiring specialized knowledge, judgment, and skill derived | 163 |
| from the principles of biological, chemical, behavioral, social, | 164 |
| pharmaceutical, and clinical sciences. As used in this division, | 165 |
| "pharmacist care" includes the following: | 166 |
| (1) Interpreting prescriptions; | 167 |
| (2) Dispensing drugs and drug therapy related devices; | 168 |
| (3) Compounding drugs; | 169 |
| (4) Counseling individuals with regard to their drug | 170 |
| therapy, recommending drug therapy related devices, and | 171 |
| assisting in the selection of drugs and appliances for treatment | 172 |
| of common diseases and injuries and providing instruction in the | 173 |
| proper use of the drugs and appliances; | 174 |
| (5) Performing drug regimen reviews with individuals by | 175 |
| discussing all of the drugs that the individual is taking and | 176 |
| explaining the interactions of the drugs; | 177 |
| (6) Performing drug utilization reviews with licensed | 178 |
| health professionals authorized to prescribe drugs when the | 179 |
| pharmacist determines that an individual with a prescription has | 180 |
| a drug regimen that warrants additional discussion with the | 181 |
| prescriber; | 182 |

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

(8) Acting pursuant to a consult agreement with a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established with the physician;

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

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

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

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

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

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

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:

(a) At the time the request is made, the drug is not

commercially available regardless of the reason that the drug is 211
not available, including the absence of a manufacturer for the 212
drug or the lack of a readily available supply of the drug from 213
a manufacturer. 214

(b) A limited quantity of the drug is compounded and 215
provided to the professional. 216

(c) The drug is compounded and provided to the 217
professional as an occasional exception to the normal practice 218
of dispensing drugs pursuant to patient-specific prescriptions. 219

(D) "Consult agreement" means an agreement to manage an 220
individual's drug therapy that has been entered into by a 221
pharmacist and a physician authorized under Chapter 4731. of the 222
Revised Code to practice medicine and surgery or osteopathic 223
medicine and surgery. 224

(E) "Drug" means: 225

(1) Any article recognized in the United States 226
pharmacopoeia and national formulary, or any supplement to them, 227
intended for use in the diagnosis, cure, mitigation, treatment, 228
or prevention of disease in humans or animals; 229

(2) Any other article intended for use in the diagnosis, 230
cure, mitigation, treatment, or prevention of disease in humans 231
or animals; 232

(3) Any article, other than food, intended to affect the 233
structure or any function of the body of humans or animals; 234

(4) Any article intended for use as a component of any 235
article specified in division (E) (1), (2), or (3) of this 236
section; but does not include devices or their components, 237
parts, or accessories. 238

| | |
|--|---|
| (F) "Dangerous drug" means any of the following: | 239 |
| (1) Any drug to which either of the following applies: | 240 |
| (a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription; | 241 242 243 244 245 246 247 |
| (b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. | 248 249 |
| (2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply; | 250 251 252 |
| (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. | 253 254 255 |
| (G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. | 256 257 |
| (H) "Prescription" means <u>both of the following:</u> | 258 |
| (1) <u>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;</u> | 259 260 261 262 |
| (2) <u>For purposes of section 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to</u> | 263 264 265 266 |

assist an individual who there is reason to believe is at risk 267
of experiencing an opioid-related overdose. 268

(I) "Licensed health professional authorized to prescribe 269
drugs" or "prescriber" means an individual who is authorized by 270
law to prescribe drugs or dangerous drugs or drug therapy 271
related devices in the course of the individual's professional 272
practice, including only the following: 273

(1) A dentist licensed under Chapter 4715. of the Revised 274
Code; 275

(2) A clinical nurse specialist, certified nurse-midwife, 276
or certified nurse practitioner who holds a certificate to 277
prescribe issued under section 4723.48 of the Revised Code; 278

(3) An optometrist licensed under Chapter 4725. of the 279
Revised Code to practice optometry under a therapeutic 280
pharmaceutical agents certificate; 281

(4) A physician authorized under Chapter 4731. of the 282
Revised Code to practice medicine and surgery, osteopathic 283
medicine and surgery, or podiatric medicine and surgery; 284

(5) A physician assistant who holds a certificate to 285
prescribe issued under Chapter 4730. of the Revised Code; 286

(6) A veterinarian licensed under Chapter 4741. of the 287
Revised Code. 288

(J) "Sale" and "sell" include delivery, transfer, barter, 289
exchange, or gift, or offer therefor, and each such transaction 290
made by any person, whether as principal proprietor, agent, or 291
employee. 292

(K) "Wholesale sale" and "sale at wholesale" mean any sale 293
in which the purpose of the purchaser is to resell the article 294

| | |
|---|--|
| purchased or received by the purchaser. | 295 |
| (L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale. | 296 297 |
| (M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility. | 298 299 300 301 302 |
| (N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following: | 303 304 305 |
| (1) The proprietary name of the drug product; | 306 |
| (2) The established (generic) name of the drug product; | 307 |
| (3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient. | 308 309 310 311 312 313 314 315 |
| (4) The dosage form; | 316 |
| (5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be | 317 318 319 320 321 322 |

stated separately without repetition. The information shall not 323
be false or misleading. 324

(O) "Wholesale distributor of dangerous drugs" means a 325
person engaged in the sale of dangerous drugs at wholesale and 326
includes any agent or employee of such a person authorized by 327
the person to engage in the sale of dangerous drugs at 328
wholesale. 329

(P) "Manufacturer of dangerous drugs" means a person, 330
other than a pharmacist, who manufactures dangerous drugs and 331
who is engaged in the sale of those dangerous drugs within this 332
state. 333

(Q) "Terminal distributor of dangerous drugs" means a 334
person who is engaged in the sale of dangerous drugs at retail, 335
or any person, other than a wholesale distributor or a 336
pharmacist, who has possession, custody, or control of dangerous 337
drugs for any purpose other than for that person's own use and 338
consumption, and includes pharmacies, hospitals, nursing homes, 339
and laboratories and all other persons who procure dangerous 340
drugs for sale or other distribution by or under the supervision 341
of a pharmacist or licensed health professional authorized to 342
prescribe drugs. 343

(R) "Promote to the public" means disseminating a 344
representation to the public in any manner or by any means, 345
other than by labeling, for the purpose of inducing, or that is 346
likely to induce, directly or indirectly, the purchase of a 347
dangerous drug at retail. 348

(S) "Person" includes any individual, partnership, 349
association, limited liability company, or corporation, the 350
state, any political subdivision of the state, and any district, 351

department, or agency of the state or its political 352
subdivisions. 353

(T) "Finished dosage form" has the same meaning as in 354
section 3715.01 of the Revised Code. 355

(U) "Generically equivalent drug" has the same meaning as 356
in section 3715.01 of the Revised Code. 357

(V) "Animal shelter" means a facility operated by a humane 358
society or any society organized under Chapter 1717. of the 359
Revised Code or a dog pound operated pursuant to Chapter 955. of 360
the Revised Code. 361

(W) "Food" has the same meaning as in section 3715.01 of 362
the Revised Code. 363

(X) "Pain management clinic" has the same meaning as in 364
section 4731.054 of the Revised Code. 365

Sec. 4729.16. (A) The state board of pharmacy, after 366
notice and hearing in accordance with Chapter 119. of the 367
Revised Code, may revoke, suspend, limit, place on probation, or 368
refuse to grant or renew an identification card, or may impose a 369
monetary penalty or forfeiture not to exceed in severity any 370
fine designated under the Revised Code for a similar offense, or 371
in the case of a violation of a section of the Revised Code that 372
does not bear a penalty, a monetary penalty or forfeiture of not 373
more than five hundred dollars, if the board finds a pharmacist 374
or pharmacy intern: 375

(1) Guilty of a felony or gross immorality; 376

(2) Guilty of dishonesty or unprofessional conduct in the 377
practice of pharmacy; 378

(3) Addicted to or abusing liquor or drugs or impaired 379

physically or mentally to such a degree as to render the 380
pharmacist or pharmacy intern unfit to practice pharmacy; 381

(4) Has been convicted of a misdemeanor related to, or 382
committed in, the practice of pharmacy; 383

(5) Guilty of willfully violating, conspiring to violate, 384
attempting to violate, or aiding and abetting the violation of 385
any of the provisions of this chapter, sections 3715.52 to 386
3715.72 of the Revised Code, Chapter 2925. or 3719. of the 387
Revised Code, or any rule adopted by the board under those 388
provisions; 389

(6) Guilty of permitting anyone other than a pharmacist or 390
pharmacy intern to practice pharmacy; 391

(7) Guilty of knowingly lending the pharmacist's or 392
pharmacy intern's name to an illegal practitioner of pharmacy or 393
having professional connection with an illegal practitioner of 394
pharmacy; 395

(8) Guilty of dividing or agreeing to divide remuneration 396
made in the practice of pharmacy with any other individual, 397
including, but not limited to, any licensed health professional 398
authorized to prescribe drugs or any owner, manager, or employee 399
of a health care facility, residential care facility, or nursing 400
home; 401

(9) Has violated the terms of a consult agreement entered 402
into pursuant to section 4729.39 of the Revised Code; 403

(10) Has committed fraud, misrepresentation, or deception 404
in applying for or securing a license or identification card 405
issued by the board under this chapter or under Chapter 3715. or 406
3719. of the Revised Code. 407

(B) Any individual whose identification card is revoked, 408
suspended, or refused, shall return the identification card and 409
license to the offices of the state board of pharmacy within ten 410
days after receipt of notice of such action. 411

(C) As used in this section: 412

"Unprofessional conduct in the practice of pharmacy" 413
includes any of the following: 414

(1) Advertising or displaying signs that promote dangerous 415
drugs to the public in a manner that is false or misleading; 416

(2) Except as provided in section 4729.281 or 4729.44 of 417
the Revised Code, the dispensing or sale of any drug for which a 418
prescription is required, without having received a prescription 419
for the drug; 420

(3) Knowingly dispensing medication pursuant to false or 421
forged prescriptions; 422

(4) Knowingly failing to maintain complete and accurate 423
records of all dangerous drugs received or dispensed in 424
compliance with federal laws and regulations and state laws and 425
rules; 426

(5) Obtaining any remuneration by fraud, 427
misrepresentation, or deception. 428

(D) The board may suspend a license or identification card 429
under division (B) of section 3719.121 of the Revised Code by 430
utilizing a telephone conference call to review the allegations 431
and take a vote. 432

(E) If, pursuant to an adjudication under Chapter 119. of 433
the Revised Code, the board has reasonable cause to believe that 434
a pharmacist or pharmacy intern is physically or mentally 435

impaired, the board may require the pharmacist or pharmacy 436
intern to submit to a physical or mental examination, or both. 437

Sec. 4729.29. Divisions (A) and (B) of section 4729.01 and 438
section 4729.28 of the Revised Code do not do any of the 439
following: 440

(A) Apply to a licensed health professional authorized to 441
prescribe drugs who is acting within the prescriber's scope of 442
professional practice; 443

(B) Prevent a prescriber from personally furnishing the 444
prescriber's patients with drugs, within the prescriber's scope 445
of professional practice, that seem proper to the prescriber, as 446
long as the drugs are furnished in accordance with section 447
4729.291 of the Revised Code; 448

(C) Apply to an individual who personally furnishes a 449
supply of naloxone under authority conferred by a physician 450
under section 4731.941 of the Revised Code or prevent that 451
individual from personally furnishing the supply of naloxone in 452
accordance with a protocol established by the physician under 453
section 4731.941 of the Revised Code; 454

(D) Apply to the sale of oxygen, the sale of peritoneal 455
dialysis solutions, or the sale of drugs that are not dangerous 456
drugs by a retail dealer, in original packages when labeled as 457
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 458
1040 (1938), 21 U.S.C.A. 301, as amended. 459

Sec. 4729.291. (A) When a licensed health professional 460
authorized to prescribe drugs personally furnishes drugs to a 461
patient pursuant to division (B) of section 4729.29 of the 462
Revised Code, the prescriber shall ensure that the drugs are 463
labeled and packaged in accordance with state and federal drug 464

laws and any rules and regulations adopted pursuant to those 465
laws. Records of purchase and disposition of all drugs 466
personally furnished to patients shall be maintained by the 467
prescriber in accordance with state and federal drug statutes 468
and any rules adopted pursuant to those statutes. 469

(B) When personally furnishing to a patient RU-486 470
(mifepristone), a prescriber is subject to section 2919.123 of 471
the Revised Code. A prescription for RU-486 (mifepristone) shall 472
be in writing and in accordance with section 2919.123 of the 473
Revised Code. 474

(C) (1) Except as provided in ~~division~~ divisions (D) and 475
(E) of this section, no prescriber shall do either of the 476
following: 477

(a) In any thirty-day period, personally furnish to or for 478
patients, taken as a whole, controlled substances in an amount 479
that exceeds a total of two thousand five hundred dosage units; 480

(b) In any seventy-two-hour period, personally furnish to 481
or for a patient an amount of a controlled substance that 482
exceeds the amount necessary for the patient's use in a seventy- 483
two-hour period. 484

(2) The state board of pharmacy may impose a fine of not 485
more than five thousand dollars on a prescriber who fails to 486
comply with the limits established under division (C) (1) of this 487
section. A separate fine may be imposed for each instance of 488
failing to comply with the limits. In imposing the fine, the 489
board's actions shall be taken in accordance with Chapter 119. 490
of the Revised Code. 491

(D) ~~(1)~~ None of the following shall be counted in 492
determining whether the amounts specified in division (C) (1) of 493

this section have been exceeded: 494

~~(a) (1) Methadone provided personally furnished to~~ 495
patients for the purpose of treating drug dependence or 496
addiction, if the prescriber meets the conditions specified in 497
21 C.F.R. 1306.07; 498

~~(b) (2) Buprenorphine provided personally furnished to~~ 499
patients for the purpose of treating drug dependence or 500
addiction as part of an opioid treatment program that possesses 501
a terminal distributor of dangerous drugs license issued under 502
section 4729.54 of the Revised Code, is the subject of a 503
current, valid certification from the substance abuse and mental 504
health services administration of the United States department 505
of health and human services pursuant to 42 C.F.R. 8.11, and 506
~~distributes both buprenorphine meets either of the following~~ 507
criteria: 508

(a) Buprenorphine and methadone, are personally furnished 509
by physicians treating patients participating in the program. 510

(b) Buprenorphine, but not methadone, is personally 511
furnished by physicians treating patients participating in the 512
program, the program is accredited by a national accrediting 513
organization approved by the substance abuse and mental health 514
services administration, the service of personally furnishing 515
buprenorphine has, notwithstanding section 5119.371 of the 516
Revised Code, been certified by the department of mental health 517
and addiction services under section 5119.36 of the Revised 518
Code, and the program maintains in the record of a patient to 519
whom buprenorphine has been administered or personally furnished 520
a copy of the physician's signed and dated written order for 521
that act. 522

(c) Controlled substances ~~provided personally furnished~~ to 523
research subjects by a facility conducting clinical research in 524
studies approved by a hospital-based institutional review board 525
or an institutional review board accredited by the association 526
for the accreditation of human research protection programs. 527

~~(2)~~ ~~(E)~~ Division (C) (1) of this section does not apply to 528
a prescriber who is a veterinarian. 529

Sec. 4729.292. The state board of pharmacy shall annually 530
conduct an on-site inspection of a community mental health 531
services provider or community addiction services provider that 532
is an opioid treatment program described in division (D) (2) (b) 533
of section 4729.291 of the Revised Code. 534

Sec. 4729.44. (A) As used in this section: 535

(1) "Board of health" means a board of health of a city or 536
general health district or an authority having the duties of a 537
board of health under section 3709.05 of the Revised Code. 538

(2) "Physician" means an individual authorized under 539
Chapter 4731. of the Revised Code to practice medicine and 540
surgery, osteopathic medicine and surgery, or podiatric medicine 541
and surgery. 542

(B) If use of the protocol developed pursuant to rules 543
adopted under division (G) of this section has been authorized 544
under section 3707.56 or 4731.942 of the Revised Code, a 545
pharmacist or pharmacy intern may dispense naloxone without a 546
prescription to either of the following in accordance with that 547
protocol: 548

(1) An individual who there is reason to believe is 549
experiencing or at risk of experiencing an opioid-related 550
overdose; 551

(2) A family member, friend, or other person in a position 552
to assist an individual who there is reason to believe is at 553
risk of experiencing an opioid-related overdose. 554

(C) A pharmacist or pharmacy intern who dispenses naloxone 555
under this section shall instruct the individual to whom 556
naloxone is dispensed to summon emergency services as soon as 557
practicable either before or after administering naloxone. 558

(D) A pharmacist may document the dispensing of naloxone 559
by the pharmacist or a pharmacy intern supervised by the 560
pharmacist on a prescription form. The form may be assigned a 561
number for record-keeping purposes. 562

(E) This section does not affect the authority of a 563
pharmacist or pharmacy intern to fill or refill a prescription 564
for naloxone. 565

(F) A board of health that in good faith authorizes a 566
pharmacist or pharmacy intern to dispense naloxone without a 567
prescription in accordance with a protocol developed pursuant to 568
rules adopted under division (G) of this section is not liable 569
for or subject to any of the following for any action or 570
omission of the individual to whom the naloxone is dispensed: 571
damages in any civil action, prosecution in any criminal 572
proceeding, or professional disciplinary action. 573

A physician who in good faith authorizes a pharmacist or 574
pharmacy intern to dispense naloxone without a prescription in 575
accordance with a protocol developed pursuant to rules adopted 576
under division (G) of this section is not liable for or subject 577
to any of the following for any action or omission of the 578
individual to whom the naloxone is dispensed: damages in any 579
civil action, prosecution in any criminal proceeding, or 580

professional disciplinary action. 581

A pharmacist or pharmacy intern authorized under this 582
section to dispense naloxone without a prescription who does so 583
in good faith is not liable for or subject to any of the 584
following for any action or omission of the individual to whom 585
the naloxone is dispensed: damages in any civil action, 586
prosecution in any criminal proceeding, or professional 587
disciplinary action. 588

(G) The state board of pharmacy shall, after consulting 589
with the department of health and state medical board, adopt 590
rules to implement this section. The rules shall specify a 591
protocol under which pharmacists or pharmacy interns may 592
dispense naloxone without a prescription. 593

All rules adopted under this section shall be adopted in 594
accordance with Chapter 119. of the Revised Code. 595

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 596
of this section, no person other than a registered wholesale 597
distributor of dangerous drugs shall possess for sale, sell, 598
distribute, or deliver, at wholesale, dangerous drugs, except as 599
follows: 600

(a) A pharmacist who is a licensed terminal distributor of 601
dangerous drugs or who is employed by a licensed terminal 602
distributor of dangerous drugs may make occasional sales of 603
dangerous drugs at wholesale. 604

(b) A licensed terminal distributor of dangerous drugs 605
having more than one establishment or place may transfer or 606
deliver dangerous drugs from one establishment or place for 607
which a license has been issued to the terminal distributor to 608
another establishment or place for which a license has been 609

issued to the terminal distributor if the license issued for 610
each establishment or place is in effect at the time of the 611
transfer or delivery. 612

(c) A licensed terminal distributor of dangerous drugs may 613
make occasional sales of naloxone at wholesale to a state or 614
local law enforcement agency if the terminal distributor is any 615
of the following: 616

(i) A board of health of a city or general health 617
district; 618

(ii) An authority having the duties of a board of health 619
under section 3709.05 of the Revised Code; 620

(iii) A health department operated by such a board or 621
authority. 622

(2) A manufacturer of dangerous drugs may donate 623
epinephrine autoinjectors to any of the following: 624

(a) The board of education of a city, local, exempted 625
village, or joint vocational school district; 626

(b) A community school established under Chapter 3314. of 627
the Revised Code; 628

(c) A STEM school established under Chapter 3326. of the 629
Revised Code; 630

(d) A college-preparatory boarding school established 631
under Chapter 3328. of the Revised Code; 632

(e) A chartered or nonchartered nonpublic school. 633

(B) (1) No registered wholesale distributor of dangerous 634
drugs shall possess for sale, or sell, at wholesale, dangerous 635
drugs to any person other than the following: 636

- (a) Except as provided in division (B) (2) (a) of this section, a licensed health professional authorized to prescribe drugs;
- (b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;
- (c) A registered wholesale distributor of dangerous drugs;
- (d) A manufacturer of dangerous drugs;
- (e) Subject to division (B) (3) of this section, a licensed terminal distributor of dangerous drugs;
- (f) Carriers or warehouses for the purpose of carriage or storage;
- (g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;
- (h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;
- (i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for

the purpose of emergency care or treatment at the scene of a 665
diving emergency; 666

(j) Except as provided in division (B)(2)(b) of this 667
section, a business entity that is a corporation formed under 668
division (B) of section 1701.03 of the Revised Code, a limited 669
liability company formed under Chapter 1705. of the Revised 670
Code, or a professional association formed under Chapter 1785. 671
of the Revised Code if the entity has a sole shareholder who is 672
a licensed health professional authorized to prescribe drugs and 673
is authorized to provide the professional services being offered 674
by the entity; 675

(k) Except as provided in division (B)(2)(c) of this 676
section, a business entity that is a corporation formed under 677
division (B) of section 1701.03 of the Revised Code, a limited 678
liability company formed under Chapter 1705. of the Revised 679
Code, a partnership or a limited liability partnership formed 680
under Chapter 1775. of the Revised Code, or a professional 681
association formed under Chapter 1785. of the Revised Code, if, 682
to be a shareholder, member, or partner, an individual is 683
required to be licensed, certified, or otherwise legally 684
authorized under Title XLVII of the Revised Code to perform the 685
professional service provided by the entity and each such 686
individual is a licensed health professional authorized to 687
prescribe drugs; 688

(l) With respect to epinephrine autoinjectors that may be 689
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 690
or 3328.29 of the Revised Code, any of the following: the board 691
of education of a city, local, exempted village, or joint 692
vocational school district; a chartered or nonchartered 693
nonpublic school; a community school established under Chapter 694

3314. of the Revised Code; a STEM school established under 695
Chapter 3326. of the Revised Code; or a college-preparatory 696
boarding school established under Chapter 3328. of the Revised 697
Code; 698

(m) With respect to epinephrine autoinjectors that may be 699
possessed under section 5101.76 of the Revised Code, any of the 700
following: a residential camp, as defined in section 2151.011 of 701
the Revised Code; a child day camp, as defined in section 702
5104.01 of the Revised Code; or a child day camp operated by any 703
county, township, municipal corporation, township park district 704
created under section 511.18 of the Revised Code, park district 705
created under section 1545.04 of the Revised Code, or joint 706
recreation district established under section 755.14 of the 707
Revised Code; 708

(n) With respect to naloxone that may be possessed under 709
section 2925.61 of the Revised Code, a law enforcement agency 710
and its peace officers. 711

(2) No registered wholesale distributor of dangerous drugs 712
shall possess for sale, or sell, at wholesale, dangerous drugs 713
to any of the following: 714

(a) A prescriber who is employed by a pain management 715
clinic that is not licensed as a terminal distributor of 716
dangerous drugs with a pain management clinic classification 717
issued under section 4729.552 of the Revised Code; 718

(b) A business entity described in division (B) (1) (j) of 719
this section that is, or is operating, a pain management clinic 720
without a license as a terminal distributor of dangerous drugs 721
with a pain management clinic classification issued under 722
section 4729.552 of the Revised Code; 723

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

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

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

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

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

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

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

(2) Except as provided in division (C) (4) of this section,

no person shall possess for sale, at retail, dangerous drugs. 753

(3) Except as provided in division (C)(4) of this section, 754
no person shall possess dangerous drugs. 755

(4) Divisions (C)(1), (2), and (3) of this section do not 756
apply to a registered wholesale distributor of dangerous drugs, 757
a licensed terminal distributor of dangerous drugs, or a person 758
who possesses, or possesses for sale or sells, at retail, a 759
dangerous drug in accordance with Chapters 3719., 4715., 4723., 760
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 761

Divisions (C)(1), (2), and (3) of this section do not 762
apply to an individual who holds a current license, certificate, 763
or registration issued under Title XLVII of the Revised Code and 764
has been certified to conduct diabetes education by a national 765
certifying body specified in rules adopted by the state board of 766
pharmacy under section 4729.68 of the Revised Code, but only to 767
the extent that the individual possesses insulin or personally 768
supplies insulin solely for the purpose of diabetes education 769
and only if diabetes education is within the individual's scope 770
of practice under statutes and rules regulating the individual's 771
profession. 772

Divisions (C)(1), (2), and (3) of this section do not 773
apply to an individual who holds a valid certificate issued by a 774
nationally recognized S.C.U.B.A. diving certifying organization 775
approved by the state board of pharmacy in rule, but only to the 776
extent that the individual possesses medical oxygen or 777
personally supplies medical oxygen for the purpose of emergency 778
care or treatment at the scene of a diving emergency. 779

Division (C)(3) of this section does not apply to the 780
board of education of a city, local, exempted village, or joint 781

vocational school district, a school building operated by a 782
school district board of education, a chartered or nonchartered 783
nonpublic school, a community school, a STEM school, or a 784
college-preparatory boarding school for the purpose of 785
possessing epinephrine autoinjectors under section 3313.7110, 786
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code. 787

Division (C) (3) of this section does not apply to a 788
residential camp, as defined in section 2151.011 of the Revised 789
Code, a child day camp, as defined in section 5104.01 of the 790
Revised Code, or a child day camp operated by any county, 791
township, municipal corporation, township park district created 792
under section 511.18 of the Revised Code, park district created 793
under section 1545.04 of the Revised Code, or joint recreation 794
district established under section 755.14 of the Revised Code 795
for the purpose of possessing epinephrine autoinjectors under 796
section 5101.76 of the Revised Code. 797

Division (C) (3) of this section does not apply to a law 798
enforcement agency or the agency's peace officers if the agency 799
or officers possess naloxone for administration to individuals 800
who are apparently experiencing opioid-related overdoses. 801

(D) No licensed terminal distributor of dangerous drugs 802
shall purchase for the purpose of resale dangerous drugs from 803
any person other than a registered wholesale distributor of 804
dangerous drugs, except as follows: 805

(1) A licensed terminal distributor of dangerous drugs may 806
make occasional purchases of dangerous drugs for resale from a 807
pharmacist who is a licensed terminal distributor of dangerous 808
drugs or who is employed by a licensed terminal distributor of 809
dangerous drugs; 810

(2) A licensed terminal distributor of dangerous drugs 811
having more than one establishment or place may transfer or 812
receive dangerous drugs from one establishment or place for 813
which a license has been issued to the terminal distributor to 814
another establishment or place for which a license has been 815
issued to the terminal distributor if the license issued for 816
each establishment or place is in effect at the time of the 817
transfer or receipt. 818

(E) No licensed terminal distributor of dangerous drugs 819
shall engage in the sale or other distribution of dangerous 820
drugs at retail or maintain possession, custody, or control of 821
dangerous drugs for any purpose other than the distributor's 822
personal use or consumption, at any establishment or place other 823
than that or those described in the license issued by the state 824
board of pharmacy to such terminal distributor. 825

(F) Nothing in this section shall be construed to 826
interfere with the performance of official duties by any law 827
enforcement official authorized by municipal, county, state, or 828
federal law to collect samples of any drug, regardless of its 829
nature or in whose possession it may be. 830

(G) Notwithstanding anything to the contrary in this 831
section, the board of education of a city, local, exempted 832
village, or joint vocational school district may deliver 833
epinephrine autoinjectors to a school under its control for the 834
purpose of possessing epinephrine autoinjectors under section 835
3313.7110 of the Revised Code. 836

Sec. 4729.60. (A) Before a registered wholesale 837
distributor of dangerous drugs may sell dangerous drugs at 838
wholesale to any person, other than the persons specified in 839
divisions (B) (1) (a) to (d), (f) to (h), and (l), and (m) to (n) 840

of section 4729.51 of the Revised Code, such wholesale distributor shall obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that the purchaser is a licensed terminal distributor of dangerous drugs. The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment or each place or establishment for which the license was issued, the category of licensure, and, if the license is a limited category I, II, or III license, the dangerous drugs that the licensee is authorized to possess, have custody or control of, and distribute.

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

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

If no registration number is obtained or furnished before 872
a purchase is made, it shall be presumed that the purchase of 873
dangerous drugs by the terminal distributor is in violation of 874
division (D) of section 4729.51 of the Revised Code and the sale 875
of dangerous drugs by the seller is in violation of division (A) 876
of section 4729.51 of the Revised Code. If a licensed terminal 877
distributor of dangerous drugs obtains or is furnished a 878
registration number from a wholesale distributor of dangerous 879
drugs and relies on the registration number in purchasing 880
dangerous drugs at wholesale from the wholesale distributor of 881
dangerous drugs, the terminal distributor shall be deemed not to 882
have violated division (D) of section 4729.51 of the Revised 883
Code in making the purchase. 884

Sec. 4730.431. (A) Notwithstanding any provision of this 885
chapter or rule adopted by the state medical board, a physician 886
assistant who holds a certificate to prescribe issued under this 887
chapter may personally furnish a supply of naloxone, or issue a 888
prescription for naloxone, without having examined the 889
individual to whom it may be administered if all both of the 890
following conditions are met: 891

(1) The naloxone supply is furnished to, or the 892
prescription is issued to and in the name of, a family member, 893
friend, or other individual in a position to assist an 894
individual who there is reason to believe is at risk of 895
experiencing an opioid-related overdose. 896

(2) The physician assistant instructs the individual 897
receiving the naloxone supply or prescription to summon 898
emergency services as soon as practicable either ~~immediately~~ 899
before or ~~immediately~~ after administering naloxone to an 900
individual apparently experiencing an opioid-related overdose. 901

~~(3) The naloxone is personally furnished or prescribed in such a manner that it may be administered by only either of the following routes:~~ 902
903
904

~~(a) Using a device manufactured for the intranasal administration of liquid drugs;~~ 905
906

~~(b) Using an autoinjector in a manufactured dosage form.~~ 907

(B) A physician assistant who under division (A) of this section in good faith furnishes a supply of naloxone or issues a prescription for naloxone is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished or the prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 908
909
910
911
912
913
914

Sec. 4731.94. (A) As used in this section and sections 4731.941 and 4731.942 of the Revised Code, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 915
916
917
918
919

(B) Notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined the individual to whom it may be administered if ~~all~~ both of the following conditions are met: 920
921
922
923
924

(1) The naloxone supply is furnished to, or the prescription is 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. 925
926
927
928
929

(2) The physician instructs the individual receiving the 930

naloxone supply or prescription to summon emergency services as 931
soon as practicable either ~~immediately~~ before or ~~immediately~~ 932
after administering the naloxone to an individual apparently 933
experiencing an opioid-related overdose. 934

~~(3) The naloxone is personally furnished or prescribed in~~ 935
~~such a manner that it may be administered by only either of the~~ 936
~~following routes:~~ 937

~~(a) Using a device manufactured for the intranasal~~ 938
~~administration of liquid drugs;~~ 939

~~(b) Using an autoinjector in a manufactured dosage form.~~ 940

(C) A physician who under division (B) of this section in 941
good faith furnishes a supply of naloxone or issues a 942
prescription for naloxone is not liable for or subject to any of 943
the following for any action or omission of the individual to 944
whom the naloxone is furnished or the prescription is issued: 945
damages in any civil action, prosecution in any criminal 946
proceeding, or professional disciplinary action. 947

Sec. 4731.941. (A) (1) A physician who has established a 948
protocol that meets the requirements of division (C) of this 949
section may authorize one or more other individuals to 950
personally furnish a supply of naloxone pursuant to the protocol 951
to either of the following: 952

(a) An individual who there is reason to believe is 953
experiencing or at risk of experiencing an opioid-related 954
overdose; 955

(b) A family member, friend, or other person in a position 956
to assist an individual who there is reason to believe is at 957
risk of experiencing an opioid-related overdose. 958

(2) An individual authorized under this section to personally furnish naloxone may do so without having examined the individual to whom it may be administered. 959
960
961

(B) An individual authorized by a physician under this section may personally furnish naloxone to an individual described in division (A) (1) (a) or (b) of this section if both of the following conditions are met: 962
963
964
965

(1) The authorized individual complies with the protocol established by the authorizing physician, including having completed the training required by the protocol. 966
967
968

(2) The authorized individual instructs the individual to whom naloxone is furnished to summon emergency services as soon as practicable either before or after administering naloxone. 969
970
971

(C) A protocol established by a physician for purposes of this section shall be established in writing and include all of the following: 972
973
974

(1) A description of the clinical pharmacology of naloxone; 975
976

(2) Precautions and contraindications concerning furnishing naloxone; 977
978

(3) Any limitations the physician specifies concerning the individuals to whom naloxone may be furnished; 979
980

(4) The naloxone dosage that may be furnished and any variation in the dosage based on circumstances specified in the protocol; 981
982
983

(5) Labeling, storage, record-keeping, and administrative requirements; 984
985

(6) Training requirements that must be met before an individual will be authorized to furnish naloxone; 986
987

(7) Any instructions or training that the authorized individual must provide to an individual to whom naloxone is furnished. 988
989
990

(D) A physician who in good faith authorizes another individual to personally furnish naloxone in accordance with a protocol established by the physician under this section is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 991
992
993
994
995
996
997

An individual authorized under this section to personally furnish naloxone who does so in good faith is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 998
999
1000
1001
1002
1003

Sec. 4731.942. A physician may authorize one or more pharmacists and any of the pharmacy interns supervised by the pharmacist or pharmacists to use the protocol developed pursuant to rules adopted under section 4729.44 of the Revised Code for the purpose of dispensing naloxone under section 4729.44 of the Revised Code. 1004
1005
1006
1007
1008
1009

Sec. 5119.371. (A) In lieu of a determination by the director of mental health and addiction services of whether the services of a community mental health services provider or a community addiction services provider satisfy the standards for certification under section 5119.36 of the Revised Code, the 1010
1011
1012
1013
1014

director shall accept appropriate accreditation of an 1015
applicant's mental health services, alcohol and drug addiction 1016
services, integrated mental health and alcohol and other drug 1017
addiction services, integrated mental health and physical health 1018
services, or integrated alcohol and other drug addiction and 1019
physical health services being provided in this state from any 1020
of the following national accrediting organizations as evidence 1021
that the applicant satisfies the standards for certification: 1022

(1) The joint commission; 1023

(2) The commission on accreditation of rehabilitation 1024
facilities; 1025

(3) The council on accreditation; 1026

(4) Other behavioral health accreditation as determined by 1027
the director. 1028

(B) If the director determines that an applicant's 1029
accreditation is current, is appropriate for the services for 1030
which the applicant is seeking certification, and the applicant 1031
meets any other requirements established under this section or 1032
in rules adopted under this section, the director shall certify 1033
the applicant's services that are accredited. Except as provided 1034
in division (C)(2) of this section, the director shall issue the 1035
certification without further evaluation of the services. 1036

(C) For purposes of this section, all of the following 1037
apply: 1038

(1) The director may review the accrediting organizations 1039
listed in division (A) of this section to evaluate whether the 1040
accreditation standards and processes used by the organizations 1041
are consistent with service delivery models the director 1042
considers appropriate for mental health services, alcohol or 1043

other drug addiction services, physical health services, or 1044
both. The director may communicate to an accrediting 1045
organization any identified concerns, trends, needs, and 1046
recommendations. 1047

(2) The director may conduct an on-site review or 1048
otherwise evaluate a community mental health services provider 1049
or a community addiction services provider at any time based on 1050
cause, including complaints made by or on behalf of persons 1051
receiving services and confirmed or alleged deficiencies brought 1052
to the attention of the director. This authority does not affect 1053
the director's duty to conduct the annual inspections required 1054
by section 5119.372 of the Revised Code. 1055

(3) The director shall require a community mental health 1056
services provider and a community addiction services provider to 1057
notify the director not later than ten days after any change in 1058
the provider's accreditation status. The provider may notify the 1059
director by providing a copy of the relevant document the 1060
provider received from the accrediting organization. 1061

(4) The director shall require a community mental health 1062
services provider and a community addiction services provider to 1063
submit to the director reports of major unusual incidents. 1064

(5) The director may require a community mental health 1065
services provider or a community addiction services provider to 1066
submit to the director cost reports pertaining to the provider. 1067

(D) The director shall adopt rules in accordance with 1068
Chapter 119. of the Revised Code to implement this section. In 1069
adopting the rules, the director shall do all of the following: 1070

(1) Specify the documentation that must be submitted as 1071
evidence of holding appropriate accreditation; 1072

(2) Establish a process by which the director may review 1073
the accreditation standards and processes used by the national 1074
accrediting organizations listed in division (A) of this 1075
section; 1076

(3) Specify the circumstances under which reports of major 1077
unusual incidents and provider cost reports must be submitted to 1078
the director; 1079

(4) Specify the circumstances under which the director may 1080
conduct an on-site review or otherwise evaluate a community 1081
mental health services provider and a community addiction 1082
services provider for cause; 1083

(5) Establish a process by which the director, based on 1084
deficiencies identified as a result of conducting an on-site 1085
review or evaluating a community mental health services provider 1086
or a community addiction services provider under division (C) (2) 1087
of this section, may take any of a range of corrective actions, 1088
with the most stringent being revocation of the certification of 1089
the provider's services. 1090

Sec. 5119.372. The director of mental health and addiction 1091
services shall annually conduct an on-site review of each 1092
community mental health services provider and community 1093
addiction services provider that is an opioid treatment program 1094
described in division (D) (2) (b) of section 4729.291 of the 1095
Revised Code. The review may include an inspection of pharmacy 1096
records as described in section 3719.13 of the Revised Code and 1097
an inspection of patient treatment records. If the director has 1098
reason to believe that a violation of local, state, or federal 1099
drug law, including any provision of Chapter 2925., 3715., 1100
3719., or 4729. of the Revised Code, has occurred, the director 1101
shall report that information to the state board of pharmacy. 1102

The director may adopt rules in accordance with Chapter 1103
119. of the Revised Code to implement this section. 1104

Section 2. That existing sections 2925.61, 3719.13, 1105
3719.27, 4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 4729.51, 1106
4729.60, 4730.431, 4731.94, and 5119.371 of the Revised Code are 1107
hereby repealed. 1108

Section 3. This act is hereby declared to be an emergency 1109
measure necessary for the immediate preservation of the public 1110
peace, health, and safety. The reason for such necessity is that 1111
abuse of buprenorphine is a growing concern in this state and 1112
immediate action is necessary to protect patients being treated 1113
with buprenorphine in opioid treatment programs. Therefore, this 1114
action shall go into immediate effect. 1115