

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. S. B. No. 59**

**Senator Antonio**

**Cosponsors: Senators Fedor, Kunze, Maharath, O'Brien, Sykes, Thomas, Williams, Yuko, Blessing, Brenner, Burke, Coley, Craig, Eklund, Gavarone, Hackett, Hottinger, Johnson, Manning, Obhof, Roegner, Rulli, Schuring, Wilson**

**A BILL**

To amend section 4729.44 of the Revised Code to 1  
require the State Board of Pharmacy to educate 2  
certain license holders about the law 3  
authorizing naloxone dispensing without a 4  
prescription. 5

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

**Section 1.** That section 4729.44 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4729.44.** (A) As used in this section: 8

(1) "Board of health" means a board of health of a city or 9  
general health district or an authority having the duties of a 10  
board of health under section 3709.05 of the Revised Code. 11

(2) "Physician" means an individual authorized under 12  
Chapter 4731. of the Revised Code to practice medicine and 13  
surgery, osteopathic medicine and surgery, or podiatric medicine 14  
and surgery. 15

(B) If use of the protocol developed pursuant to rules 16

adopted under division (G) of this section has been authorized 17  
under section 3707.56 or 4731.942 of the Revised Code, a 18  
pharmacist or pharmacy intern may dispense naloxone without a 19  
prescription to either of the following in accordance with that 20  
protocol: 21

(1) An individual who there is reason to believe is 22  
experiencing or at risk of experiencing an opioid-related 23  
overdose; 24

(2) A family member, friend, or other individual in a 25  
position to assist an individual who there is reason to believe 26  
is at risk of experiencing an opioid-related overdose. 27

(C) A pharmacist or pharmacy intern who dispenses naloxone 28  
under this section shall instruct the individual to whom 29  
naloxone is dispensed to summon emergency services as soon as 30  
practicable either before or after administering naloxone. 31

(D) A pharmacist may document on a prescription form the 32  
dispensing of naloxone by the pharmacist or a pharmacy intern 33  
supervised by the pharmacist. The form may be assigned a number 34  
for record-keeping purposes. 35

(E) This section does not affect the authority of a 36  
pharmacist or pharmacy intern to fill or refill a prescription 37  
for naloxone. 38

(F) A board of health that in good faith authorizes a 39  
pharmacist or pharmacy intern to dispense naloxone without a 40  
prescription in accordance with a protocol developed pursuant to 41  
rules adopted under division (G) of this section is not liable 42  
for or subject to any of the following for any action or 43  
omission of the individual to whom the naloxone is dispensed: 44  
damages in any civil action, prosecution in any criminal 45

proceeding, or professional disciplinary action. 46

A physician who in good faith authorizes a pharmacist or 47  
pharmacy intern to dispense naloxone without a prescription in 48  
accordance with a protocol developed pursuant to rules adopted 49  
under division (G) of this section is not liable for or subject 50  
to any of the following for any action or omission of the 51  
individual to whom the naloxone is dispensed: damages in any 52  
civil action, prosecution in any criminal proceeding, or 53  
professional disciplinary action. 54

A pharmacist or pharmacy intern authorized under this 55  
section to dispense naloxone without a prescription who does so 56  
in good faith is not liable for or subject to any of the 57  
following for any action or omission of the individual to whom 58  
the naloxone is dispensed: damages in any civil action, 59  
prosecution in any criminal proceeding, or professional 60  
disciplinary action. 61

(G) The state board of pharmacy shall, after consulting 62  
with the department of health and state medical board, adopt 63  
rules to implement this section. The rules shall specify a 64  
protocol under which pharmacists or pharmacy interns may 65  
dispense naloxone without a prescription. 66

All rules adopted under this section shall be adopted in 67  
accordance with Chapter 119. of the Revised Code. 68

(H) (1) The state board of pharmacy shall develop a program 69  
to educate all of the following about the authority of a 70  
pharmacist or pharmacy intern to dispense naloxone without a 71  
prescription: 72

(a) Holders of licenses issued under this chapter that 73  
engage in the sale or dispensing of naloxone pursuant to this 74

<u>section;</u>	75
<u>(b) Registered pharmacy technicians, certified pharmacy technicians, and pharmacy technician trainees registered under this chapter who engage in the sale of naloxone pursuant to this section;</u>	76 77 78 79
<u>(c) Individuals who are not licensed or registered under this chapter but are employed by license holders described in division (H)(1)(a) of this section.</u>	80 81 82
<u>(2) As part of the program, the board also shall educate the license holders, pharmacy technicians, and employees described in division (H)(1) of this section about maintaining an adequate supply of naloxone and methods for determining a pharmacy's stock of the drug.</u>	83 84 85 86 87
<u>(3) The board may use its web site to share information under the program.</u>	88 89
<b>Section 2.</b> That existing section 4729.44 of the Revised Code is hereby repealed.	90 91