

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**H. B. No. 64**

**Representatives Faber, McGregor, Seitz, J. Stewart, Allen, Redfern, Wagner**

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**A B I L L**

To amend section 4729.51 of the Revised Code to allow 1  
the sale of oxygen to an individual who holds a 2  
valid certificate from a nationally recognized 3  
S.C.U.B.A. diving school. 4

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

**Section 1.** That section 4729.51 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4729.51.** (A) No person other than a registered wholesale 7  
distributor of dangerous drugs shall possess for sale, sell, 8  
distribute, or deliver, at wholesale, dangerous drugs, except as 9  
follows: 10

(1) A pharmacist who is a licensed terminal distributor of 11  
dangerous drugs or who is employed by a licensed terminal 12  
distributor of dangerous drugs may make occasional sales of 13  
dangerous drugs at wholesale; 14

(2) A licensed terminal distributor of dangerous drugs having 15  
more than one establishment or place may transfer or deliver 16  
dangerous drugs from one establishment or place for which a 17  
license has been issued to the terminal distributor to another 18  
establishment or place for which a license has been issued to the 19  
terminal distributor if the license issued for each establishment 20

or place is in effect at the time of the transfer or delivery. 21

(B)(1) No registered wholesale distributor of dangerous drugs 22  
shall possess for sale, or sell, at wholesale, dangerous drugs to 23  
any person other than the following: 24

(a) A licensed health professional authorized to prescribe 25  
drugs; 26

(b) An optometrist licensed under Chapter 4725. of the 27  
Revised Code who holds a topical ocular pharmaceutical agents 28  
certificate; 29

(c) A registered wholesale distributor of dangerous ~~drug~~ 30  
drugs; 31

(d) A manufacturer of dangerous drugs; 32

(e) A licensed terminal distributor of dangerous drugs, 33  
subject to division (B)(2) of this section; 34

(f) Carriers or warehousemen for the purpose of carriage or 35  
storage; 36

(g) Terminal or wholesale ~~distribution~~ distributors of 37  
dangerous ~~drug~~ drugs who are not engaged in the sale of dangerous 38  
drugs within this state; 39

(h) An individual who holds a current license, certificate, 40  
or registration issued under Title 47 of the Revised Code and has 41  
been certified to conduct diabetes education by a national 42  
certifying body specified in rules adopted by the state board of 43  
pharmacy under section 4729.68 of the Revised Code, but only with 44  
respect to insulin that will be used for the purpose of diabetes 45  
education and only if diabetes education is within the 46  
individual's scope of practice under statutes and rules regulating 47  
the individual's profession; 48

(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization, but only with respect to oxygen that will be used for the purpose of emergency care or treatment at the scene of an emergency.

(2) 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 to:

(a) A terminal distributor who has 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) A terminal distributor who has 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) A terminal distributor who has 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) A terminal distributor who has 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.

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

(4) Divisions (C)(1), (2), and (3) of this section do not

apply to a registered wholesale distributor of dangerous drugs, a 79  
licensed terminal distributor of dangerous drugs, or a person who 80  
possesses, or possesses for sale or sells, at retail, a dangerous 81  
drug in accordance with Chapters 3719., 4715., 4723., 4725., 82  
4729., 4731., and 4741. of the Revised Code. 83

Divisions (C)(1), (2), and (3) of this section do not apply 84  
to an individual who holds a current license, certificate, or 85  
registration issued under Title XLVII of the Revised Code and has 86  
been certified to conduct diabetes education by a national 87  
certifying body specified in rules adopted by the state board of 88  
pharmacy under section 4729.68 of the Revised Code, but only to 89  
the extent that the individual possesses insulin or personally 90  
supplies insulin solely for the purpose of diabetes education and 91  
only if diabetes education is within the individual's scope of 92  
practice under statutes and rules regulating the individual's 93  
profession. 94

Divisions (C)(1), (2), and (3) of this section do not apply 95  
to an individual who holds a valid certificate issued by a 96  
nationally recognized S.C.U.B.A. diving certifying organization, 97  
but only to the extent that the individual possesses oxygen or 98  
personally supplies oxygen for the purpose of emergency care or 99  
treatment at the scene of an emergency. 100

(D) No licensed terminal distributor of dangerous drugs shall 101  
purchase for the purpose of resale dangerous drugs from any person 102  
other than a registered wholesale distributor of dangerous drugs, 103  
except as follows: 104

(1) A licensed terminal distributor of dangerous drugs may 105  
make occasional purchases of dangerous drugs for resale from a 106  
pharmacist who is a licensed terminal distributor of dangerous 107  
drugs or who is employed by a licensed terminal distributor of 108  
dangerous drugs; 109

(2) A licensed terminal distributor of dangerous drugs having 110  
more than one establishment or place may transfer or receive 111  
dangerous drugs from one establishment or place for which a 112  
license has been issued to the terminal distributor to another 113  
establishment or place for which a license has been issued to the 114  
terminal distributor if the license issued for each establishment 115  
or place is in effect at the time of the transfer or receipt. 116

(E) No licensed terminal distributor of dangerous drugs shall 117  
engage in the sale or other distribution of dangerous drugs at 118  
retail or maintain possession, custody, or control of dangerous 119  
drugs for any purpose other than the distributor's personal use or 120  
consumption, at any establishment or place other than that or 121  
those described in the license issued by the board of pharmacy to 122  
such terminal distributor. 123

(F) Nothing in this section shall be construed to interfere 124  
with the performance of official duties by any law enforcement 125  
official authorized by municipal, county, state, or federal law to 126  
collect samples of any drug, regardless of its nature or in whose 127  
possession it may be. 128

**Section 2.** That existing section 4729.51 of the Revised Code 129  
is hereby repealed. 130