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Representative Webster

Cosponsors: Representatives Setzer, Stebelton, Wagner, Williams, S., Schindel, McGregor, J., Fessler, Evans, Seitz, Latta, Yuko, Koziura, Coley, Combs, Collier, Fende, Peterson, Heard, Ujvagi, Hughes, Reinhard, Letson, Otterman, Williams, B., Uecker, Aslanides, Bacon, Batchelder, Brown, Budish, Chandler, Daniels, DeBose, Dodd, Domenick, Dyer, Flowers, Gibbs, Goodwin, Hagan, J., Huffman, Luckie, Patton, Schlichter, Schneider, Wachtmann, Wagoner, Yates, Zehringer

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A B I L L

To amend sections 2947.23, 3715.521, 3715.55, 1
3715.63, 4729.41, 4729.51, and 4729.54 and to 2
enact sections 2947.231, 3715.88, 3715.89, 3
3715.90, 3715.91, 3715.92, and 4729.541 of the 4
Revised Code to permit pharmacy schools to accept 5
for instructional purposes donations of certain 6
dangerous drugs, including expired drugs, to 7
eliminate the requirement that certain 8
professional business entities be licensed as a 9
terminal distributor of dangerous drugs, and to 10
permit the Board of Pharmacy to recover 11
investigation costs in certain cases. 12

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

Section 1. That sections 2947.23, 3715.521, 3715.55, 3715.63, 13
4729.41, 4729.51, and 4729.54 be amended and sections 2947.231, 14
3715.88, 3715.89, 3715.90, 3715.91, 3715.92, and 4729.541 of the 15
Revised Code be enacted to read as follows: 16

Sec. 2947.23. (A)(1) In all criminal cases, including 17
violations of ordinances, the judge or magistrate shall include in 18
the sentence the costs of prosecution, including any costs under 19
section 2947.231 of the Revised Code, and render a judgment 20
against the defendant for such costs. At the time the judge or 21
magistrate imposes sentence, the judge or magistrate shall notify 22
the defendant of both of the following: 23

(a) If the defendant fails to pay that judgment or fails to 24
timely make payments towards that judgment under a payment 25
schedule approved by the court, the court may order the defendant 26
to perform community service in an amount of not more than forty 27
hours per month until the judgment is paid or until the court is 28
satisfied that the defendant is in compliance with the approved 29
payment schedule. 30

(b) If the court orders the defendant to perform the 31
community service, the defendant will receive credit upon the 32
judgment at the specified hourly credit rate per hour of community 33
service performed, and each hour of community service performed 34
will reduce the judgment by that amount. 35

(2) The following shall apply in all criminal cases: 36

(a) If a jury has been sworn at the trial of a case, the fees 37
of the jurors shall be included in the costs, which shall be paid 38
to the public treasury from which the jurors were paid. 39

(b) If a jury has not been sworn at the trial of a case 40
because of a defendant's failure to appear without good cause, the 41
costs incurred in summoning jurors for that particular trial may 42
be included in the costs of prosecution. If the costs incurred in 43
summoning jurors are assessed against the defendant, those costs 44
shall be paid to the public treasury from which the jurors were 45
paid. 46

(B) If a judge or magistrate has reason to believe that a 47
defendant has failed to pay the judgment described in division (A) 48
of this section or has failed to timely make payments towards that 49
judgment under a payment schedule approved by the judge or 50
magistrate, the judge or magistrate shall hold a hearing to 51
determine whether to order the offender to perform community 52
service for that failure. The judge or magistrate shall notify 53
both the defendant and the prosecuting attorney of the place, 54
time, and date of the hearing and shall give each an opportunity 55
to present evidence. If, after the hearing, the judge or 56
magistrate determines that the defendant has failed to pay the 57
judgment or to timely make payments under the payment schedule and 58
that imposition of community service for the failure is 59
appropriate, the judge or magistrate may order the offender to 60
perform community service in an amount of not more than forty 61
hours per month until the judgment is paid or until the judge or 62
magistrate is satisfied that the offender is in compliance with 63
the approved payment schedule. If the judge or magistrate orders 64
the defendant to perform community service under this division, 65
the defendant shall receive credit upon the judgment at the 66
specified hourly credit rate per hour of community service 67
performed, and each hour of community service performed shall 68
reduce the judgment by that amount. Except for the credit and 69
reduction provided in this division, ordering an offender to 70
perform community service under this division does not lessen the 71
amount of the judgment and does not preclude the state from taking 72

any other action to execute the judgment. 73

(C) As used in this section, "specified hourly credit rate" 74
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 75
under the federal Fair Labor Standards Act of 1938, that then is 76
in effect, and that an employer subject to that provision must pay 77
per hour to each of the employer's employees who is subject to 78
that provision. 79

Sec. 2947.231. If a business entity described in division 80
(B)(1)(j) or (k) of section 4729.51 of the Revised Code pleads 81
guilty or no contest to or is found guilty of any criminal 82
offense, the judge or magistrate shall include in the sentence any 83
costs incurred by the state board of pharmacy in an investigation 84
leading to the plea or conviction. Investigative costs include 85
staff salaries, administrative costs, travel expenses, attorney's 86
fees, and any other reasonable expense incurred by the board. The 87
board shall set forth the costs the entity is required to pay in 88
an itemized statement provided to the judge or magistrate. 89

Sec. 3715.521. No person shall sell, offer for sale, or 90
deliver at retail or to the consumer, any of the following: 91

(A) Any drug after the expiration date required by 21 C.F.R. 92
211.137 except pursuant to sections 3715.88 to 3715.92 of the 93
Revised Code; 94

(B) Any infant formula after the "use by" date required by 21 95
C.F.R. 107.20; 96

(C) Any baby food after any expiration date, "use by" date, 97
or sale date required by state or federal law or marked on the 98
container by the manufacturer, processor, or packager. 99

Sec. 3715.55. (A) As used in this section, "expired" means: 100

(1) In the case of a drug, that the expiration date required 101

by 21 C.F.R. 211.137 has passed; 102

(2) In the case of infant formula, the "use by" date required 103
by 21 C.F.R. 107.20 has passed; 104

(3) In the case of baby food, that any expiration date, "use 105
by" date, or sale date established by state or federal law or 106
marked on the container by the manufacturer, processor, or 107
packager has passed. 108

(B) ~~Whenever~~ Except as otherwise provided in this division, 109
whenever the director of agriculture or the state board of 110
pharmacy finds or has cause to believe, that any food, drug, 111
device, or cosmetic is adulterated, or so misbranded as to be 112
dangerous or fraudulent, within the meaning of sections 3715.01 113
and 3715.52 to 3715.72 of the Revised Code, or that a drug, infant 114
formula, or baby food is expired, the director or board shall 115
affix to the article a tag or other appropriate marking, giving 116
notice that the article is, or is suspected of being, adulterated, 117
misbranded, or expired and has been detained or embargoed, and 118
warning all persons not to remove or dispose of the article by 119
sale or otherwise until permission for removal or disposal is 120
given by the director or the board or the court. No person may 121
remove or dispose of a detained or embargoed article by sale or 122
otherwise without such permission. This division does not apply to 123
expired drugs donated pursuant to sections 3715.88 to 3715.92 of 124
the Revised Code. 125

(C) When an article detained or embargoed has been found by 126
the director or board to be adulterated, misbranded, or expired, 127
the director or board shall petition the municipal or county court 128
in whose jurisdiction the article is detained or embargoed for an 129
order for condemnation of the article. When the director or the 130
board has not found within ten days that an article so detained or 131
embargoed is adulterated, misbranded, or expired, the director or 132
board shall remove the tag or other marking. 133

(D) If the court finds that a detained or embargoed article 134
is adulterated, misbranded, or expired, the article shall, after 135
entry of the decree, be destroyed at the expense of the claimant 136
thereof, under the supervision of the director or the board, and 137
all court costs, fees, storage, and other proper expenses shall be 138
taxed against the claimant of the article or the claimant's agent; 139
provided, that when the adulteration or misbranding can be 140
corrected by proper labeling or processing of the article, the 141
court, after entry of the decree and after such costs, fees, and 142
expenses have been paid and a good and sufficient bond, 143
conditioned that the article shall be so labeled or processed, has 144
been executed, may by order direct that the article be delivered 145
to the claimant thereof for labeling or processing under the 146
supervision of the director or the board. The expense of 147
supervision shall be paid by the claimant. The bond shall be 148
returned to the claimant of the article on representation to the 149
court by the director or the board that the article is no longer 150
in violation of sections 3715.01 and 3715.52 to 3715.72 of the 151
Revised Code, and that the expenses of supervision have been paid. 152

(E) Whenever the director finds in any room, building, 153
vehicle of transportation, or other structure, any meat, ~~sea food~~ 154
seafood, poultry, vegetable, fruit, or other perishable articles 155
that are unsound, or contain any filthy, decomposed, or putrid 156
substance, or that may be poisonous or deleterious to health or 157
otherwise unsafe, the articles are declared to be a nuisance, and 158
the director shall forthwith condemn or destroy the articles, or 159
in any other manner render the articles unsalable as human food. 160

Sec. 3715.63. (A) A drug or device is adulterated within the 161
meaning of sections 3715.01 and 3715.52 to 3715.72 of the Revised 162
Code, if any of the following apply: 163

~~(A)~~(1) It consists, in whole or in part, of any filthy, 164

putrid, or decomposed substance. 165

~~(B)~~(2) It has been produced, processed, prepared, packed, or 166
held under unsanitary conditions whereby it may have been 167
contaminated with filth, or whereby it may have been rendered 168
injurious to health. 169

~~(C)~~(3) It is a drug and its container is composed, in whole 170
or in part, of any poisonous or deleterious substance that may 171
render the contents injurious to health. 172

~~(D)~~(4) It is a drug and it bears or contains, for purposes of 173
coloring only, a coal-tar color other than one from a batch 174
certified under authority of the "Federal Food, Drug, and Cosmetic 175
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended. 176

~~(E)~~(5) It purports to be or is represented as a drug the name 177
of which is recognized in the United States pharmacopoeia and 178
national formulary, or any supplement to them, and its strength 179
differs from or its quality or purity falls below the standard set 180
forth in those compendiums. A determination as to strength, 181
quality, or purity shall be made in accordance with the tests or 182
methods of assay set forth in the compendiums, or in the absence 183
or inadequacy of such tests or methods of assay, those prescribed 184
under the authority of the "Federal Food, Drug, and Cosmetic Act." 185
A drug recognized in the compendiums is not adulterated under this 186
division because it differs from the standard of strength, 187
quality, or purity set forth for that drug in the compendiums, if 188
the difference in strength, quality, or purity is plainly stated 189
on its label. Whenever a drug is recognized in both the 190
homoeopathic pharmacopoeia of the United States and in the United 191
States pharmacopoeia and national formulary, including their 192
supplements, it shall be subject to the requirements of the United 193
States pharmacopoeia and national formulary unless it is labeled 194
and offered for sale as a homoeopathic drug, in which case it 195
shall be subject to the provisions of the homoeopathic 196

pharmacopoeia of the United States and not to those of the United States pharmacopoeia and national formulary.

~~(F)~~(6) It is not subject to the provisions of division ~~(E)~~(A)(5) of this section, and its strength differs from or its purity or quality falls below that which it purports or is represented to possess.

~~(G)~~(7) It is a drug and any substance has been:

~~(1)~~(a) Mixed or packed with the drug so as to reduce the drug's quality or strength;

~~(2)~~(b) Substituted wholly or in part for the drug.

(B) An expired drug is not adulterated within the meaning of sections 3715.01 and 3715.52 to 3715.72 of the Revised Code if the drug is donated pursuant to sections 3715.88 to 3715.92 of the Revised Code.

Sec. 3715.88. As used in this section and in sections 3715.89 to 3715.92 of the Revised Code:

(A) "Expired" has the same meaning as in section 3715.55 of the Revised Code.

(B) "National drug code number" means the number registered for a drug pursuant to the listing system established by the United States food and drug administration under the "Drug Listing Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended.

(C) "Pharmacy school" means a school, college, university, or other educational institution that operates a pharmacy program recognized and approved by the state board of pharmacy.

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

(E) "Manufacturer of dangerous drugs," "terminal distributor of dangerous drugs," and "wholesale distributor of dangerous

drugs" have the same meanings as in section 4729.01 of the Revised Code. 226
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Sec. 3715.89. (A) Subject to divisions (B) and (C) of this section, any manufacturer of dangerous drugs, terminal distributor of dangerous drugs, or wholesale distributor of dangerous drugs may donate a dangerous drug, including a dangerous drug that has expired, to a pharmacy school. 228
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(B) A dangerous drug donation to a pharmacy school shall meet all of the following requirements: 233
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(1) The dangerous drug is not a controlled substance. 235

(2) Each container in which a dangerous drug is donated contains a single national drug code number of that drug and no other drugs. 236
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(3) If the dangerous drug is of a type that deteriorates with time, the container in which the drug is contained is plainly marked with the drug's expiration date. 239
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(C) A dangerous drug donation to a pharmacy school shall be accompanied by a form signed by a representative of the manufacturer, terminal distributor, or wholesale distributor donating the drug. On delivery, a representative of the pharmacy school accepting the drug donation shall also sign the form. The form shall do both of the following: 242
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(1) Confirm the acceptance of the dangerous drug donation by the pharmacy school; 248
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(2) Confirm that both the manufacturer, terminal distributor, or wholesale distributor donating the dangerous drug and the pharmacy school accepting the donation understand the immunity provisions of section 3719.92 of the Revised Code. 250
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Sec. 3715.90. (A) A pharmacy school may accept a donation of 254

a dangerous drug if the donation is made in accordance with 255
section 3715.89 of the Revised Code. 256

(B) All of the following apply to a dangerous drug donated to 257
a pharmacy school: 258

(1) The dangerous drug shall be used solely for instructional 259
purposes. 260

(2) The dangerous drug shall not be sold or transferred for 261
consideration of any kind. 262

(3) In accordance with 21 C.F.R. 201.125, the dangerous drug 263
shall not be used for a clinical use. "Clinical use" includes the 264
drug being furnished to a human or animal with the intent or 265
understanding that the human or animal will ingest or otherwise 266
absorb the drug into the human's or animal's body. 267

Sec. 3715.91. The state board of pharmacy shall, in 268
accordance with Chapter 119. of the Revised Code, adopt rules as 269
necessary to give effect to sections 3715.89 and 3715.90 of the 270
Revised Code. 271

Sec. 3715.92. The state board of pharmacy, any manufacturer 272
of dangerous drugs, terminal distributor of dangerous drugs, or 273
wholesale distributor of dangerous drugs that in good faith 274
donates a dangerous drug under section 3715.89 of the Revised 275
Code, and any pharmacy school that accepts a dangerous drug 276
donation under section 3715.90 of the Revised Code, shall not, in 277
the absence of bad faith, be subject to any of the following for 278
matters related to the donation or acceptance of the drug: 279
criminal prosecution; liability in tort or other civil action for 280
injury, death, or loss to person or property; or professional 281
liability. 282

Sec. 4729.41. (A)(1) A pharmacist licensed under this chapter 283

who meets the requirements of division (B) of this section may do	284
either or both <u>any</u> of the following:	285
(a) Administer immunizations for influenza to individuals	286
fourteen years of age or older;	287
(b) Administer immunizations to individuals eighteen years of	288
age or older for any of the following:	289
(i) Pneumonia;	290
(ii) Tetanus;	291
(iii) Hepatitis A;	292
(iv) Hepatitis B;	293
(v) Meningitis;	294
(vi) Diphtheria;	295
(vii) Pertussis.	296
<u>(c) Administer to individuals eighteen years of age or older</u>	297
<u>any other immunization listed in the rule adopted under division</u>	298
<u>(E)(1)(d) of this section.</u>	299
(2) A pharmacy intern licensed under this chapter who meets	300
the requirements of division (B) of this section and is working	301
under the direct supervision of a pharmacist who meets the	302
requirements of that division may administer immunizations for	303
influenza to individuals eighteen years of age or older.	304
(3) As part of engaging in the administration of	305
immunizations or supervising a pharmacy intern's administration of	306
immunizations, a pharmacist may administer epinephrine or	307
diphenhydramine, or both, to individuals in emergency situations	308
resulting from adverse reactions to the immunizations administered	309
by the pharmacist or pharmacy intern.	310
(B) For a pharmacist or pharmacy intern to be authorized to	311
engage in the administration of immunizations as specified in	312

division (A) of this section, the pharmacist or pharmacy intern 313
shall do all of the following: 314

(1) Successfully complete a course in the administration of 315
immunizations that has been approved by the state board of 316
pharmacy as meeting the standards established for such courses by 317
the centers for disease control and prevention in the public 318
health service of the United States department of health and human 319
services; 320

(2) Receive and maintain certification to perform basic 321
life-support procedures by successfully completing a basic 322
life-support training course certified by the American red cross 323
or American heart association; 324

(3) Practice in accordance with a definitive set of treatment 325
guidelines specified in a protocol established by a physician and 326
approved by the state board of pharmacy. 327

(C) The protocol required by division (B)(3) of this section 328
shall include provisions for implementation of the following 329
requirements: 330

(1) The pharmacist or pharmacy intern who administers an 331
immunization shall observe the individual who receives the 332
immunization to determine whether the individual has an adverse 333
reaction to the immunization. The length of time and location of 334
the observation shall comply with the standards specified in rules 335
adopted by the state board of pharmacy under division (E) of this 336
section for the approval of protocols. The protocol shall specify 337
procedures to be followed by a pharmacist when administering 338
epinephrine, diphenhydramine, or both, to an individual who has an 339
adverse reaction to an immunization administered by the pharmacist 340
or a pharmacy intern. 341

(2) For each immunization administered to an individual by a 342
pharmacist, other than an immunization for influenza administered 343

to an individual eighteen years of age or older, the pharmacist 344
shall notify the individual's family physician or, if the 345
individual has no family physician, the board of health of the 346
health district in which the individual resides or the authority 347
having the duties of a board of health for that district under 348
section 3709.05 of the Revised Code. The notice shall be given not 349
later than thirty days after the immunization is administered. 350

(3) For each immunization for influenza administered by a 351
pharmacist to an individual who is fourteen years of age or older 352
but younger than eighteen years of age, the pharmacist or a 353
pharmacy intern shall obtain permission from the individual's 354
parent or legal guardian in accordance with the procedures 355
specified in rules adopted under division (E) of this section. 356

(D)(1) No pharmacist shall do either of the following: 357

(a) Engage in the administration of immunizations unless the 358
requirements of division (B) of this section have been met; 359

(b) Delegate to any person the pharmacist's authority to 360
engage in or supervise the administration of immunizations. 361

(2) No pharmacy intern shall engage in the administration of 362
immunizations for influenza unless the requirements of division 363
(B) of this section have been met. 364

(E)(1) The state board of pharmacy shall adopt rules to 365
implement this section. The rules shall be adopted in accordance 366
with Chapter 119. of the Revised Code and shall include ~~provisions~~ 367
~~for~~ the following: 368

(a) ~~Approval Provisions for approval~~ of courses in 369
administration of immunizations; 370

(b) ~~Approval Provisions for approval~~ of protocols to be 371
followed by pharmacists and pharmacy interns in engaging in the 372
administration of immunizations, including protocols that contain 373

provisions specifying the locations at which a pharmacist or 374
pharmacy intern may engage in the administration of immunizations; 375

(c) Procedures to be followed by pharmacists and pharmacy 376
interns in obtaining from the individual's parent or legal 377
guardian permission to administer influenza immunizations to an 378
individual younger than eighteen years of age pursuant to division 379
(A)(1)(a) of this section; 380

(d) A list of immunizations that may be administered under 381
division (A)(1)(c) of this section. 382

(2) Prior to adopting rules regarding approval of protocols 383
to be followed by pharmacists and pharmacy interns in engaging in 384
the administration of immunizations, the state board of pharmacy 385
shall consult with the state medical board and the board of 386
nursing. 387

(3) Prior to adopting a rule listing immunizations that may 388
be administered under division (A)(1)(c) of this section, the 389
state board of pharmacy shall consult with the state medical 390
board. 391

Sec. 4729.51. (A) No person other than a registered wholesale 392
distributor of dangerous drugs shall possess for sale, sell, 393
distribute, or deliver, at wholesale, dangerous drugs, except as 394
follows: 395

(1) A pharmacist who is a licensed terminal distributor of 396
dangerous drugs or who is employed by a licensed terminal 397
distributor of dangerous drugs may make occasional sales of 398
dangerous drugs at wholesale; 399

(2) A licensed terminal distributor of dangerous drugs having 400
more than one establishment or place may transfer or deliver 401
dangerous drugs from one establishment or place for which a 402
license has been issued to the terminal distributor to another 403

establishment or place for which a license has been issued to the 404
terminal distributor if the license issued for each establishment 405
or place is in effect at the time of the transfer or delivery. 406

(B)(1) No registered wholesale distributor of dangerous drugs 407
shall possess for sale, or sell, at wholesale, dangerous drugs to 408
any person other than the following: 409

(a) A licensed health professional authorized to prescribe 410
drugs; 411

(b) An optometrist licensed under Chapter 4725. of the 412
Revised Code who holds a topical ocular pharmaceutical agents 413
certificate; 414

(c) A registered wholesale distributor of dangerous drugs; 415

(d) A manufacturer of dangerous drugs; 416

(e) A licensed terminal distributor of dangerous drugs, 417
subject to division (B)(2) of this section; 418

(f) Carriers or warehousemen for the purpose of carriage or 419
storage; 420

(g) Terminal or wholesale distributors of dangerous drugs who 421
are not engaged in the sale of dangerous drugs within this state; 422

(h) An individual who holds a current license, certificate, 423
or registration issued under Title 47 of the Revised Code and has 424
been certified to conduct diabetes education by a national 425
certifying body specified in rules adopted by the state board of 426
pharmacy under section 4729.68 of the Revised Code, but only with 427
respect to insulin that will be used for the purpose of diabetes 428
education and only if diabetes education is within the 429
individual's scope of practice under statutes and rules regulating 430
the individual's profession; 431

(i) An individual who holds a valid certificate issued by a 432
nationally recognized S.C.U.B.A. diving certifying organization 433

approved by the pharmacy board in rule, but only with respect to 434
medical oxygen that will be used for the purpose of emergency care 435
or treatment at the scene of a diving emergency; 436

(j) A business entity that is a corporation formed under 437
division (B) of section 1701.03 of the Revised Code, a limited 438
liability company formed under Chapter 1705. of the Revised Code, 439
or a professional association formed under Chapter 1785. of the 440
Revised Code if the entity has a sole shareholder who is a 441
licensed health professional authorized to prescribe drugs and is 442
authorized to provide the professional services being offered by 443
the entity; 444

(k) A business entity that is a corporation formed under 445
division (B) of section 1701.03 of the Revised Code, a limited 446
liability company formed under Chapter 1705. of the Revised Code, 447
a partnership or a limited liability partnership formed under 448
Chapter 1775. of the Revised Code, or a professional association 449
formed under Chapter 1785. of the Revised Code, if, to be a 450
shareholder, member, or partner, an individual is required to be 451
licensed, certified, or otherwise legally authorized under Title 452
XLVII of the Revised Code to perform the professional service 453
provided by the entity and each such individual is a licensed 454
health professional authorized to prescribe drugs. 455

(2) No registered wholesale distributor of dangerous drugs 456
shall possess dangerous drugs for sale at wholesale, or sell such 457
drugs at wholesale, to a licensed terminal distributor of 458
dangerous drugs, except to: 459

(a) A terminal distributor who has a category I license, only 460
dangerous drugs described in category I, as defined in division 461
(A)(1) of section 4729.54 of the Revised Code; 462

(b) A terminal distributor who has a category II license, 463
only dangerous drugs described in category I and category II, as 464

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 licensed terminal distributor of dangerous drugs, or 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.

Divisions (C)(1), (2), and (3) of this section do not apply to 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 to the extent that the individual possesses insulin or personally supplies insulin solely 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 496
profession. 497

Divisions (C)(1), (2), and (3) of this section do not apply 498
to an individual who holds a valid certificate issued by a 499
nationally recognized S.C.U.B.A. diving certifying organization 500
approved by the pharmacy board in rule, but only to the extent 501
that the individual possesses medical oxygen or personally 502
supplies medical oxygen for the purpose of emergency care or 503
treatment at the scene of a diving emergency. 504

(D) No licensed terminal distributor of dangerous drugs shall 505
purchase for the purpose of resale dangerous drugs from any person 506
other than a registered wholesale distributor of dangerous drugs, 507
except as follows: 508

(1) A licensed terminal distributor of dangerous drugs may 509
make occasional purchases of dangerous drugs for resale from a 510
pharmacist who is a licensed terminal distributor of dangerous 511
drugs or who is employed by a licensed terminal distributor of 512
dangerous drugs; 513

(2) A licensed terminal distributor of dangerous drugs having 514
more than one establishment or place may transfer or receive 515
dangerous drugs from one establishment or place for which a 516
license has been issued to the terminal distributor to another 517
establishment or place for which a license has been issued to the 518
terminal distributor if the license issued for each establishment 519
or place is in effect at the time of the transfer or receipt. 520

(E) No licensed terminal distributor of dangerous drugs shall 521
engage in the sale or other distribution of dangerous drugs at 522
retail or maintain possession, custody, or control of dangerous 523
drugs for any purpose other than the distributor's personal use or 524
consumption, at any establishment or place other than that or 525
those described in the license issued by the board of pharmacy to 526

such terminal distributor. 527

(F) Nothing in this section shall be construed to interfere 528
with the performance of official duties by any law enforcement 529
official authorized by municipal, county, state, or federal law to 530
collect samples of any drug, regardless of its nature or in whose 531
possession it may be. 532

Sec. 4729.54. (A) As used in this section and section 533
4729.541 of the Revised Code: 534

(1) "Category I" means single-dose injections of intravenous 535
fluids, including saline, Ringer's lactate, five per cent dextrose 536
and distilled water, and other intravenous fluids or parenteral 537
solutions included in this category by rule of the board of 538
pharmacy, that have a volume of one hundred milliliters or more 539
and that contain no added substances, or single-dose injections of 540
epinephrine to be administered pursuant to sections 4765.38 and 541
4765.39 of the Revised Code. 542

(2) "Category II" means any dangerous drug that is not 543
included in category I or III. 544

(3) "Category III" means any controlled substance that is 545
contained in schedule I, II, III, IV, or V. 546

(4) "Emergency medical service organization" has the same 547
meaning as in section 4765.01 of the Revised Code. 548

(5) "Person" includes an emergency medical service 549
organization. 550

(6) "Schedule I, schedule II, schedule III, schedule IV, and 551
schedule V" mean controlled substance schedules I, II, III, IV, 552
and V, respectively, as established pursuant to section 3719.41 of 553
the Revised Code and as amended. 554

(B) A person who desires to be licensed as a terminal 555
distributor of dangerous drugs shall file with the executive 556

director of the board of pharmacy a verified application that 557
contains the following: 558

(1) Information that the board requires relative to the 559
qualifications of a terminal distributor of dangerous drugs set 560
forth in section 4729.55 of the Revised Code; 561

(2) A statement that the person wishes to be licensed as a 562
category I, category II, category III, limited category I, limited 563
category II, or limited category III terminal distributor of 564
dangerous drugs; 565

(3) If the person wishes to be licensed as a limited category 566
I, limited category II, or limited category III terminal 567
distributor of dangerous drugs, a notarized list of the dangerous 568
drugs that the person wishes to possess, have custody or control 569
of, and distribute, which list shall also specify the purpose for 570
which those drugs will be used and their source; 571

(4) If the person is an emergency medical service 572
organization, the information that is specified in division (C)(1) 573
of this section; 574

(5) Except for an emergency medical service organization, the 575
identity of the one establishment or place at which the person 576
intends to engage in the sale or other distribution of dangerous 577
drugs at retail, and maintain possession, custody, or control of 578
dangerous drugs for purposes other than the person's own use or 579
consumption. 580

(C)(1) An emergency medical service organization that wishes 581
to be licensed as a terminal distributor of dangerous drugs shall 582
list in its application for licensure the following additional 583
information: 584

(a) The units under its control that the organization 585
determines will possess dangerous drugs for the purpose of 586
administering emergency medical services in accordance with 587

Chapter 4765. of the Revised Code;	588
(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category I, II, or III.	589 590 591
(2) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.	592 593 594 595 596
(3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:	597 598 599 600 601 602 603 604
(a) A copy of its standing orders or protocol;	605
(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.	606 607 608 609 610
(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:	611 612 613
(1) A notarized copy of its standing orders or protocol, which orders or protocol shall be signed by a physician and specify the dangerous drugs that its units may carry, expressed in standard dose units;	614 615 616 617

(2) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

An emergency medical service organization that is licensed as a terminal distributor shall notify the board immediately of any changes in its standing orders or protocol.

(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:

(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.

(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.

(3) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I and category II.

(4) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I or category II that were listed in the application for licensure.

(5) Category III license. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category I, category II, and category III.

(6) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I, category II, or category III that were listed in the application for licensure.

(F) Except for an application made on behalf of an animal shelter, if an applicant for licensure as a limited category I, II, or III terminal distributor of dangerous drugs intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a notarized copy of its protocol or standing orders, which protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state. An application made on behalf of an animal shelter shall include a notarized list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code. After obtaining a terminal distributor license, a licensee shall notify the board immediately of any changes in its protocol or standing orders, or in such personnel.

(G)(1) Except as provided in division (G)(2) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee determined as follows:

(a) For a category I or limited category I license, forty-five dollars;

(b) For a category II or limited category II license, one hundred twelve dollars and fifty cents;

(c) For a category III or limited category III license, one hundred fifty dollars.

(2) For a professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine, the fee shall be forty dollars.

Fees assessed under divisions (G)(1) and (2) of this section

shall not be returned if the applicant fails to qualify for 679
registration. 680

(H)(1) The board shall issue a terminal distributor of 681
dangerous drugs license to each person who submits an application 682
for such licensure in accordance with this section, pays the 683
required license fee, is determined by the board to meet the 684
requirements set forth in section 4729.55 of the Revised Code, and 685
satisfies any other applicable requirements of this section. 686

(2) The license of a person other than an emergency medical 687
service organization shall describe the one establishment or place 688
at which the licensee may engage in the sale or other distribution 689
of dangerous drugs at retail and maintain possession, custody, or 690
control of dangerous drugs for purposes other than the licensee's 691
own use or consumption. The one establishment or place shall be 692
that which is described in the application for licensure. 693

No such license shall authorize or permit the terminal 694
distributor of dangerous drugs named in it to engage in the sale 695
or other distribution of dangerous drugs at retail or to maintain 696
possession, custody, or control of dangerous drugs for any purpose 697
other than the distributor's own use or consumption, at any 698
establishment or place other than that described in the license, 699
except that an agent or employee of an animal shelter may possess 700
and use dangerous drugs in the course of business as provided in 701
division (D) of section 4729.532 of the Revised Code. 702

(3) The license of an emergency medical service organization 703
shall cover and describe all the units of the organization listed 704
in its application for licensure. 705

(4) The license of every terminal distributor of dangerous 706
drugs shall indicate, on its face, the category of licensure. If 707
the license is a limited category I, II, or III license, it shall 708
specify, and shall authorize the licensee to possess, have custody 709

or control of, and distribute only, the dangerous drugs that were 710
listed in the application for licensure. 711

(I) All licenses issued pursuant to this section shall be 712
effective for a period of twelve months from the first day of 713
January of each year. A license shall be renewed by the board for 714
a like period, annually, according to the provisions of this 715
section, and the standard renewal procedure of Chapter 4745. of 716
the Revised Code. A person who desires to renew a license shall 717
submit an application for renewal and pay the required fee on or 718
before the thirty-first day of December each year. The fee 719
required for the renewal of a license shall be the same as the fee 720
paid for the license being renewed, and shall accompany the 721
application for renewal. 722

A license that has not been renewed during December in any 723
year and by the first day of February of the following year may be 724
reinstated only upon payment of the required renewal fee and a 725
penalty fee of fifty-five dollars. 726

(J)(1) No emergency medical service organization that is 727
licensed as a terminal distributor of dangerous drugs shall fail 728
to comply with division (C)(2) or (3) of this section. 729

(2) No emergency medical service organization that is 730
licensed as a terminal distributor of dangerous drugs shall fail 731
to comply with division (D) of this section. 732

(3) No licensed terminal distributor of dangerous drugs shall 733
possess, have custody or control of, or distribute dangerous drugs 734
that the terminal distributor is not entitled to possess, have 735
custody or control of, or distribute by virtue of its category of 736
licensure. 737

(4) No licensee that is required by division (F) of this 738
section to notify the board of changes in its protocol or standing 739
orders, or in personnel, shall fail to comply with that division. 740

Sec. 4729.541. A person described in division (B)(1)(j) or 741
(k) of section 4729.51 of the Revised Code may possess, have 742
custody or control of, and distribute the dangerous drugs in 743
category I, category II, and category III of section 4729.54 of 744
the Revised Code without holding a terminal distributor of 745
dangerous drugs license issued under that section. 746

Section 2. That existing sections 2947.23, 3715.521, 3715.55, 747
3715.63, 4729.41, 4729.51, and 4729.54 of the Revised Code are 748
hereby repealed. 749