**As Passed by the House**

**130th General Assembly**
**Regular Session** **Sub. H. B. No. 116**
**2013-2014**

**Representative Pelanda**

**Cosponsors: Representatives Gonzales, Hackett, Young, Stebelton, Burkley, Hagan, C., Ruhl, Anielski, Antonio, Baker, Boose, Brown, Buchy, Budish, Celebrezze, Duffey, Fedor, Hall, Hayes, Heard, Landis, Patterson, Sprague**
**Speaker Batchelder**

# A B I L L

To amend sections 4729.01, 4729.531, 4729.532, 4729.54, and 4729.55 and to enact sections 955.151, 959.134, 3719.091, 4729.533, 4729.534, 4729.535, 4729.542, 4729.991, and 4741.201 of the Revised Code to govern the chemical capture of animals and to make changes to the law governing euthanasia of an animal by lethal injection.

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

**Section 1.** That sections 4729.01, 4729.531, 4729.532, 4729.54, and 4729.55 be amended and sections 955.151, 959.134, 3719.091, 4729.533, 4729.534, 4729.535, 4729.542, 4729.991, and 4741.201 of the Revised Code be enacted to read as follows:

**Sec. 955.151.** (A) As used in this section:

(1) "Certified officer" means an individual who holds a certificate issued under section 4729.534 of the Revised Code.

(2) "Chemical capture" means using an anesthetic drug on a

companion animal or dog at large to do any of the following:

(a) Immobilize and capture;

(b) Attempt to immobilize and capture;

(c) Attempt to immobilize or capture.

(3) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(B) A certified officer appointed or employed by an animal shelter or county dog warden that holds a chemical capture classification granted under section 4729.533 of the Revised Code may, in accordance with that section and rules adopted under it, chemically capture a companion animal or dog at large to limit injury to the officer, the animal or another animal, or the public.

**Sec. 959.134.** (A) Chemical capture of a companion animal or dog at large by a certified officer in accordance with the laws of this state is not an act of cruelty.

(B) "Chemical capture" and "certified officer" have the same meanings as in section 955.151 of the Revised Code.

**Sec. 3719.091.** Possession or control of dangerous drugs as defined in section 4729.01 of the Revised Code is authorized when in the scope of duties by a certified officer, as defined in section 955.151 of the Revised Code, for use in chemical capture under that section.

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

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

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

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;

(3) Compounding drugs;

(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;

(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;

(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;

(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 not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.

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

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

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

medicine and surgery.

(E) "Drug" means:

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

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

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

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

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(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;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(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;

(3) Any drug intended for administration by injection into

the human body other than through a natural orifice of the human body.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means 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.

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

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

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

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

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

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

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

(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction

made by any person, whether as principal proprietor, agent, or employee.

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

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

(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.

(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:

(1) The proprietary name of the drug product;

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

(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.

(4) The dosage form;

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

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

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

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

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

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

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

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

(V)(1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

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

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

**Sec. 4729.531.** (A) The state board of pharmacy may issue a limited license to an animal ~~shelters~~ shelter or county dog warden solely for the purpose of purchasing, possessing, and administering ~~combination~~ drugs that ~~contain pentobarbital and at least one noncontrolled substance ingredient,~~ are distributed in a manufactured dosage form~~, whose only indication is for euthanizing animals, or other substances~~ as described in section 4729.532 of the Revised Code. No such license shall authorize or permit the distribution of these drugs to any person other than the originating wholesale distributor of the drugs. An application for licensure shall include the information the board requires by rule under this section. If the application meets the requirements of the rules adopted under this section, the board shall issue the license.

(B) The board, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to administer and enforce this section. The rules shall do all of the following:

(1) Require as a condition of licensure ~~of the facility~~ that an agent or employee of an animal shelter or an agent or employee of a county dog warden, other than a registered veterinary technician as defined in section 4741.01 of the Revised Code, has successfully completed a euthanasia technician certification course described in section 4729.532 of the Revised Code;

(2) Specify the information the animal shelter or county dog warden must provide the board for issuance or renewal of a license;

(3) Establish criteria for the board to use in determining whether to refuse to issue or renew, suspend, or revoke a license issued under this section;

(4) Address any other matters the board considers necessary or appropriate for the administration and enforcement of this section.

**Sec. 4729.532.** (A) No agent or employee of an animal shelter and no county dog warden or agent or employee of a county dog warden shall perform euthanasia by means of lethal injection on an animal by use of any substance other than ~~combination drugs that contain pentobarbital and at least one noncontrolled~~ a substance ~~active ingredient,~~ in a manufactured dosage form~~, whose only indication is for euthanizing animals, or other substance~~ that the state veterinary medical licensing board ~~and~~, in consultation with the state board of pharmacy ~~both approve~~, approves by rule adopted in accordance with Chapter 119. of the Revised Code.

The agent or employee of an animal shelter, county dog warden, or agent or employee of a county dog warden when using a lethal solution to perform euthanasia on an animal shall use ~~such~~ the solution in accordance with one of the following methods ~~and in the following order of preference~~:

(1) Intravenous injection by hypodermic needle;

(2) Intraperitoneal injection by hypodermic needle;

(3) Intracardial injection by hypodermic needle, but only on ~~a sedated or unconscious~~ an animal verfied to be unconscious;

(4) ~~Solution~~ Oral administration of solution or powder ~~added to food~~.

(B) ~~Except as provided in division (D) of this section, no~~ Before euthanasia, a euthanasia technician may administer a solution of one or more drugs exclusively for the purpose of inducing sedation or unconsciousness prior to euthanasia. Only those drugs that have been approved by rule of the state board of pharmacy, in consultation with the state veterinary medical licensing board, may be used.

(C) No agent or employee of an animal shelter and no county dog warden or agent or employee of a county dog warden, other than a registered veterinary technician as defined in section 4741.01 of the Revised Code, shall perform euthanasia by means of lethal injection on an animal or administer pre-euthanasia drugs that induce sedation or unconsciousness unless ~~he~~ the agent or employee or county dog warden has received certification after successfully completing a euthanasia technician certification course as described in this division.

The curriculum for a euthanasia technician certification course shall be one that has been approved by the state veterinary medical licensing board, shall be at least sixteen hours in length, and shall include information in at least all of the following areas:

(1) The pharmacology, proper administration, and storage of euthanasia and sedation solutions;

(2) Federal and state laws regulating the storage and

accountability of euthanasia and sedation solutions;

(3) Euthanasia technician stress management;

(4) Proper disposal of euthanized animals.

~~(C)~~(D)(1) ~~Except as provided in division (D) of this section, no~~ No agent or employee of either an animal shelter or county dog warden shall perform euthanasia by means of lethal injection on animals or administer pre-euthanasia drugs that induce sedation or unconsciousness under this section unless the facility in which ~~he~~ the agent or employee works or is employed is licensed with the state board of pharmacy under section 4729.531 of the Revised Code.

(2) Any agent or employee of an animal shelter or county dog warden performing euthanasia by means of lethal injection or administering pre-euthanasia drugs that induce sedation or unconsciousness shall do so only in a humane and proficient manner that is in conformity with the methods described in ~~division~~ divisions (A) and (B) of this section and not in violation of Chapter 959. of the Revised Code.

~~(D) An agent or employee of an animal shelter who is performing euthanasia by means of lethal injection on animals on or before the effective date of this section may continue to perform such euthanasia and is not required to be certified in compliance with division (B) of this section until ninety days after the effective date of the rules adopted in compliance with Section 3 of House Bill No. 88 of the 120th general assembly.~~

(E) Nothing in this section precludes a licensed veterinarian or registered veterinary technician as defined in section 4741.01 of the Revised Code from engaging in the practice of veterinary medicine as authorized in Chapter 4741. of the Revised Code.

**Sec. 4729.533.** (A) As used in this section and sections

4729.534 and 4729.535 of the Revised Code, "certified officer" and "chemical capture" have the same meanings as in section 955.151 of the Revised Code.

(B) On application of an animal shelter or county dog warden that holds a limited license issued under section 4729.531 of the Revised Code, the state board of pharmacy may grant a chemical capture classification to the limited license. The classification permits the holder to purchase, possess, and administer a combination of drugs for chemical capture. No such classification shall authorize or permit the distribution of these drugs to any person other than the originating wholesale distributor of the drugs.

(C) To qualify for a chemical capture classification under this section, an applicant shall appoint or employ a certified officer.

(D) If an applicant meets the requirements of this section and rules adopted under it, the board shall grant the classification. The board may suspend or revoke a classification or refuse to issue or renew a classification for any violation of this section, section 4729.535 of the Revised Code, or rules adopted under this section.

(E) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code and in consultation with the state veterinary medical licensing board, shall adopt rules that do all of the following:

(1) Specify the information an applicant must provide for issuance or renewal of a chemical capture classification;

(2) Establish criteria for the state board of pharmacy to use in determining whether to refuse to grant a classification or to renew, suspend, or revoke a classification;

(3) Specify all of the following:

(a) The drugs to be used in chemical capture;

(b) The proper storage, administration, and use of approved drugs;

(c) The proper storage, maintenance, and use of instruments and equipment used in chemical capture;

(d) The proper disposal of instruments used in chemical capture.

(4) Establish criteria for all of the following:

(a) Determining when chemical capture is appropriate;

(b) The care of a companion animal immediately upon capture;

(c) Recordkeeping for the drugs used and actions taken during a chemical capture.

(5) Address any other matters the board considers necessary or appropriate for administration and enforcement of this section and sections 4729.534 and 4729.535 of the Revised Code.

**Sec. 4729.534.** (A) The state board of pharmacy in consultation with the state veterinary medical licensing board shall certify an individual as a certified officer if the individual does one of the following:

(1) Successfully completes a chemical capture course that has a curriculum approved in accordance with division (B) of this section;

(2) Successfully completes training acceptable to the state board of pharmacy from the national animal control association or safe capture international, inc.

(B) To be approved as a chemical capture curriculum for purposes of division (A)(1) of this section, a curriculum shall

include all of the following topics:

(1) The pharmacology, proper administration, storage, and recordkeeping of drugs used in chemical capture;

(2) Federal and state laws regulating the storage and accountability of drugs used in chemical capture;

(3) Chemical capture technology, animal behavior, post-immobilization procedures, proper public and personnel safety, and marksmanship training;

(4) Any other topic specified by the state board of pharmacy.

**Sec. 4729.535.** No person shall perform chemical capture with a drug or combination of drugs other than the drugs specified in rules adopted under section 4729.533 of the Revised Code.

No animal shelter or county dog warden shall permit an individual to perform chemical capture unless the shelter or warden holds a chemical capture classification granted under section 4729.533 of the Revised Code and the individual is a certified officer.

No individual shall perform chemical capture unless the individual is a certified officer and is appointed or employed by an animal shelter or county dog warden that holds a chemical capture classification.

Nothing in this section precludes a licensed veterinarian as defined in section 4741.01 of the Revised Code from engaging in the practice of veterinary medicine as authorized in Chapter 4741. of the Revised Code.

**Sec. 4729.54.** (A) As used in this section and ~~section~~ sections 4729.541 and 4729.542 of the Revised Code:

(1) "Category I" means single-dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose

and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single-dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.

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

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

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

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

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

(B)(1) A person who desires to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

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

(b) A statement that the person wishes to be licensed as a category I, category II, category III, limited category I, limited

category II, or limited category III terminal distributor of dangerous drugs;

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

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

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

(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code.

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

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(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.

(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.

(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:

(a) A copy of its standing orders or protocol;

(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.

(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:

(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;

(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, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. 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. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

(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 by a county dog warden or 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~~

An application made on behalf of an animal shelter or county dog warden 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~~

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 license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a 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.

(3) Fees assessed under divisions (G)(1) and (2) of this section shall not be returned if the applicant fails to qualify for registration.

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

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

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

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed

in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

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

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

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

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

(3) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have

custody or control of, or distribute by virtue of its category of licensure.

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

**Sec. 4729.542.** (A) An animal shelter or county dog warden that holds a limited license issued under section 4729.531 of the Revised Code may apply to the state board of pharmacy for a chemical capture classification.

The application shall include a notarized list of the dangerous drugs to be used in chemical capture and the certified officers employed by the applicant.

(B) The holder of a limited license with a chemical capture classification shall notify the board immediately of any changes in the dangerous drugs to be used in chemical capture or in the certified officers employed by the holder.

(C) An agent or employee of an animal shelter or county dog warden may possess and use dangerous drugs in the course of business as provided in sections 4729.532 and 4729.533 of the Revised Code.

**Sec. 4729.55.** No license shall be issued to an applicant for licensure as a terminal distributor of dangerous drugs unless the applicant has furnished satisfactory proof to the state board of pharmacy that:

(A) The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs within the category of licensure approved by the board.

(B) A pharmacist, licensed health professional authorized to

prescribe drugs, animal shelter or county dog warden licensed with the state board of pharmacy under section 4729.531 of the Revised Code, or a laboratory as defined in section 3719.01 of the Revised Code will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant.

(C) Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs.

(D) Adequate safeguards are assured that the applicant will carry on the business of a terminal distributor of dangerous drugs in a manner that allows pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner.

(E) If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control laws, Chapter 2925., 3715., 3719., or 4729. of the Revised Code, or any rule of the board, adequate safeguards are assured to prevent the recurrence of the violation.

(F) In the case of an applicant who is a food processor or retail seller of food, the applicant will maintain supervision and control over the possession and custody of nitrous oxide.

(G) In the case of an applicant who is a retail seller of oxygen in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," the applicant will maintain supervision and control over the possession, custody, and retail sale of the oxygen.

(H) If the application is made on behalf of a county dog

warden or an animal shelter, at least one of the agents or employees of the dog warden or animal shelter is certified in compliance with section 4729.532 of the Revised Code.

(I) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

(J) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

**Sec. 4729.991.** Whoever violates section 4729.535 of the Revised Code is guilty of a misdemeanor of the first degree.

**Sec. 4741.201.** (A) This chapter does not apply to an act of chemical capture by a certified officer in accordance with section 955.151 of the Revised Code.

(B) "Chemical capture" and "certified officer" have the same meanings as in section 955.151 of the Revised Code.

**Section 2.** That existing sections 4729.01, 4729.531, 4729.532, 4729.54, and 4729.55 of the Revised Code are hereby repealed.

**Section 3.** The State Board of Pharmacy in consultation with the State Veterinary Medical Licensing Board shall adopt the rules required by section 4729.533 of the Revised Code not later than two years after the effective date of this act. If the State Board of Pharmacy fails to meet this requirement, the Attorney General or a county prosecuting attorney may seek a court order requiring

adoption of the rules.