

**As Reported by the Senate Agriculture Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. H. B. No. 116**

**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, 1  
4729.54, and 4729.55 and to enact sections 2  
955.151, 959.134, 3719.091, 4729.533, 4729.534, 3  
4729.535, 4729.542, 4729.991, and 4741.201 of the 4  
Revised Code to govern the chemical capture of 5  
animals and to make changes to the law governing 6  
euthanasia of an animal by lethal injection. 7

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

**Section 1.** That sections 4729.01, 4729.531, 4729.532, 8  
4729.54, and 4729.55 be amended and sections 955.151, 959.134, 9  
3719.091, 4729.533, 4729.534, 4729.535, 4729.542, 4729.991, and 10  
4741.201 of the Revised Code be enacted to read as follows: 11

**Sec. 955.151.** (A) As used in this section: 12

(1) "Certified officer" means an individual who holds a 13  
certificate issued under section 4729.534 of the Revised Code. 14

(2) "Chemical capture" means using an anesthetic drug on a 15

companion animal or dog at large to do any of the following: 16

(a) Immobilize and capture; 17

(b) Attempt to immobilize and capture; 18

(c) Attempt to immobilize or capture. 19

(3) "Companion animal" has the same meaning as in section 20  
959.131 of the Revised Code. 21

(B) A certified officer appointed or employed by an animal 22  
shelter or county dog warden that holds a chemical capture 23  
classification granted under section 4729.533 of the Revised Code 24  
may, in accordance with that section and rules adopted under it, 25  
chemically capture a companion animal or dog at large to limit 26  
injury to the officer, the animal or another animal, or the 27  
public. 28

**Sec. 959.134.** (A) Chemical capture of a companion animal or 29  
dog at large by a certified officer in accordance with the laws of 30  
this state is not an act of cruelty. 31

(B) "Chemical capture" and "certified officer" have the same 32  
meanings as in section 955.151 of the Revised Code. 33

**Sec. 3719.091.** Possession or control of dangerous drugs as 34  
defined in section 4729.01 of the Revised Code is authorized when 35  
in the scope of duties by a certified officer, as defined in 36  
section 955.151 of the Revised Code, for use in chemical capture 37  
under that section. 38

**Sec. 4729.01.** As used in this chapter: 39

(A) "Pharmacy," except when used in a context that refers to 40  
the practice of pharmacy, means any area, room, rooms, place of 41  
business, department, or portion of any of the foregoing where the 42  
practice of pharmacy is conducted. 43

(B) "Practice of pharmacy" means providing pharmacist care 44  
requiring specialized knowledge, judgment, and skill derived from 45  
the principles of biological, chemical, behavioral, social, 46  
pharmaceutical, and clinical sciences. As used in this division, 47  
"pharmacist care" includes the following: 48

(1) Interpreting prescriptions; 49

(2) Dispensing drugs and drug therapy related devices; 50

(3) Compounding drugs; 51

(4) Counseling individuals with regard to their drug therapy, 52  
recommending drug therapy related devices, and assisting in the 53  
selection of drugs and appliances for treatment of common diseases 54  
and injuries and providing instruction in the proper use of the 55  
drugs and appliances; 56

(5) Performing drug regimen reviews with individuals by 57  
discussing all of the drugs that the individual is taking and 58  
explaining the interactions of the drugs; 59

(6) Performing drug utilization reviews with licensed health 60  
professionals authorized to prescribe drugs when the pharmacist 61  
determines that an individual with a prescription has a drug 62  
regimen that warrants additional discussion with the prescriber; 63

(7) Advising an individual and the health care professionals 64  
treating an individual with regard to the individual's drug 65  
therapy; 66

(8) Acting pursuant to a consult agreement with a physician 67  
authorized under Chapter 4731. of the Revised Code to practice 68  
medicine and surgery or osteopathic medicine and surgery, if an 69  
agreement has been established with the physician; 70

(9) Engaging in the administration of immunizations to the 71  
extent authorized by section 4729.41 of the Revised Code. 72

(C) "Compounding" means the preparation, mixing, assembling, 73

packaging, and labeling of one or more drugs in any of the 74  
following circumstances: 75

(1) Pursuant to a prescription issued by a licensed health 76  
professional authorized to prescribe drugs; 77

(2) Pursuant to the modification of a prescription made in 78  
accordance with a consult agreement; 79

(3) As an incident to research, teaching activities, or 80  
chemical analysis; 81

(4) In anticipation of orders for drugs pursuant to 82  
prescriptions, based on routine, regularly observed dispensing 83  
patterns; 84

(5) Pursuant to a request made by a licensed health 85  
professional authorized to prescribe drugs for a drug that is to 86  
be used by the professional for the purpose of direct 87  
administration to patients in the course of the professional's 88  
practice, if all of the following apply: 89

(a) At the time the request is made, the drug is not 90  
commercially available regardless of the reason that the drug is 91  
not available, including the absence of a manufacturer for the 92  
drug or the lack of a readily available supply of the drug from a 93  
manufacturer. 94

(b) A limited quantity of the drug is compounded and provided 95  
to the professional. 96

(c) The drug is compounded and provided to the professional 97  
as an occasional exception to the normal practice of dispensing 98  
drugs pursuant to patient-specific prescriptions. 99

(D) "Consult agreement" means an agreement to manage an 100  
individual's drug therapy that has been entered into by a 101  
pharmacist and a physician authorized under Chapter 4731. of the 102  
Revised Code to practice medicine and surgery or osteopathic 103

medicine and surgery. 104

(E) "Drug" means: 105

(1) Any article recognized in the United States pharmacopoeia 106  
and national formulary, or any supplement to them, intended for 107  
use in the diagnosis, cure, mitigation, treatment, or prevention 108  
of disease in humans or animals; 109

(2) Any other article intended for use in the diagnosis, 110  
cure, mitigation, treatment, or prevention of disease in humans or 111  
animals; 112

(3) Any article, other than food, intended to affect the 113  
structure or any function of the body of humans or animals; 114

(4) Any article intended for use as a component of any 115  
article specified in division (E)(1), (2), or (3) of this section; 116  
but does not include devices or their components, parts, or 117  
accessories. 118

(F) "Dangerous drug" means any of the following: 119

(1) Any drug to which either of the following applies: 120

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 121  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 122  
required to bear a label containing the legend "Caution: Federal 123  
law prohibits dispensing without prescription" or "Caution: 124  
Federal law restricts this drug to use by or on the order of a 125  
licensed veterinarian" or any similar restrictive statement, or 126  
the drug may be dispensed only upon a prescription; 127

(b) Under Chapter 3715. or 3719. of the Revised Code, the 128  
drug may be dispensed only upon a prescription. 129

(2) Any drug that contains a schedule V controlled substance 130  
and that is exempt from Chapter 3719. of the Revised Code or to 131  
which that chapter does not apply; 132

(3) Any drug intended for administration by injection into 133

the human body other than through a natural orifice of the human body. 134  
135

(G) "Federal drug abuse control laws" has the same meaning as 136  
in section 3719.01 of the Revised Code. 137

(H) "Prescription" means a written, electronic, or oral order 138  
for drugs or combinations or mixtures of drugs to be used by a 139  
particular individual or for treating a particular animal, issued 140  
by a licensed health professional authorized to prescribe drugs. 141

(I) "Licensed health professional authorized to prescribe 142  
drugs" or "prescriber" means an individual who is authorized by 143  
law to prescribe drugs or dangerous drugs or drug therapy related 144  
devices in the course of the individual's professional practice, 145  
including only the following: 146

(1) A dentist licensed under Chapter 4715. of the Revised 147  
Code; 148

(2) A clinical nurse specialist, certified nurse-midwife, or 149  
certified nurse practitioner who holds a certificate to prescribe 150  
issued under section 4723.48 of the Revised Code; 151

(3) An optometrist licensed under Chapter 4725. of the 152  
Revised Code to practice optometry under a therapeutic 153  
pharmaceutical agents certificate; 154

(4) A physician authorized under Chapter 4731. of the Revised 155  
Code to practice medicine and surgery, osteopathic medicine and 156  
surgery, or podiatric medicine and surgery; 157

(5) A physician assistant who holds a certificate to 158  
prescribe issued under Chapter 4730. of the Revised Code; 159

(6) A veterinarian licensed under Chapter 4741. of the 160  
Revised Code. 161

(J) "Sale" and "sell" include delivery, transfer, barter, 162  
exchange, or gift, or offer therefor, and each such transaction 163

made by any person, whether as principal proprietor, agent, or 164  
employee. 165

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 166  
which the purpose of the purchaser is to resell the article 167  
purchased or received by the purchaser. 168

(L) "Retail sale" and "sale at retail" mean any sale other 169  
than a wholesale sale or sale at wholesale. 170

(M) "Retail seller" means any person that sells any dangerous 171  
drug to consumers without assuming control over and responsibility 172  
for its administration. Mere advice or instructions regarding 173  
administration do not constitute control or establish 174  
responsibility. 175

(N) "Price information" means the price charged for a 176  
prescription for a particular drug product and, in an easily 177  
understandable manner, all of the following: 178

(1) The proprietary name of the drug product; 179

(2) The established (generic) name of the drug product; 180

(3) The strength of the drug product if the product contains 181  
a single active ingredient or if the drug product contains more 182  
than one active ingredient and a relevant strength can be 183  
associated with the product without indicating each active 184  
ingredient. The established name and quantity of each active 185  
ingredient are required if such a relevant strength cannot be so 186  
associated with a drug product containing more than one 187  
ingredient. 188

(4) The dosage form; 189

(5) The price charged for a specific quantity of the drug 190  
product. The stated price shall include all charges to the 191  
consumer, including, but not limited to, the cost of the drug 192  
product, professional fees, handling fees, if any, and a statement 193

identifying professional services routinely furnished by the 194  
pharmacy. Any mailing fees and delivery fees may be stated 195  
separately without repetition. The information shall not be false 196  
or misleading. 197

(O) "Wholesale distributor of dangerous drugs" means a person 198  
engaged in the sale of dangerous drugs at wholesale and includes 199  
any agent or employee of such a person authorized by the person to 200  
engage in the sale of dangerous drugs at wholesale. 201

(P) "Manufacturer of dangerous drugs" means a person, other 202  
than a pharmacist, who manufactures dangerous drugs and who is 203  
engaged in the sale of those dangerous drugs within this state. 204

(Q) "Terminal distributor of dangerous drugs" means a person 205  
who is engaged in the sale of dangerous drugs at retail, or any 206  
person, other than a wholesale distributor or a pharmacist, who 207  
has possession, custody, or control of dangerous drugs for any 208  
purpose other than for that person's own use and consumption, and 209  
includes pharmacies, hospitals, nursing homes, and laboratories 210  
and all other persons who procure dangerous drugs for sale or 211  
other distribution by or under the supervision of a pharmacist or 212  
licensed health professional authorized to prescribe drugs. 213

(R) "Promote to the public" means disseminating a 214  
representation to the public in any manner or by any means, other 215  
than by labeling, for the purpose of inducing, or that is likely 216  
to induce, directly or indirectly, the purchase of a dangerous 217  
drug at retail. 218

(S) "Person" includes any individual, partnership, 219  
association, limited liability company, or corporation, the state, 220  
any political subdivision of the state, and any district, 221  
department, or agency of the state or its political subdivisions. 222

(T) "Finished dosage form" has the same meaning as in section 223  
3715.01 of the Revised Code. 224

(U) "Generically equivalent drug" has the same meaning as in 225  
section 3715.01 of the Revised Code. 226

(V)(1) "Animal shelter" means a facility operated by a humane 227  
society or any society organized under Chapter 1717. of the 228  
Revised Code or a dog pound operated pursuant to Chapter 955. of 229  
the Revised Code. 230

(2) "County dog warden" means a dog warden or deputy dog 231  
warden appointed or employed under section 955.12 of the Revised 232  
Code. 233

(W) "Food" has the same meaning as in section 3715.01 of the 234  
Revised Code. 235

(X) "Pain management clinic" has the same meaning as in 236  
section 4731.054 of the Revised Code. 237

**Sec. 4729.531.** (A) The state board of pharmacy may issue a 238  
limited license to an animal ~~shelters~~ shelter or county dog warden 239  
solely for the purpose of purchasing, possessing, and 240  
administering ~~combination~~ drugs that ~~contain pentobarbital and at~~ 241  
~~least one noncontrolled substance ingredient,~~ are distributed in a 242  
manufactured dosage form, ~~whose only indication is for euthanizing~~ 243  
~~animals, or other substances~~ as described in section 4729.532 of 244  
the Revised Code. No such license shall authorize or permit the 245  
distribution of these drugs to any person other than the 246  
originating wholesale distributor of the drugs. An application for 247  
licensure shall include the information the board requires by rule 248  
under this section. If the application meets the requirements of 249  
the rules adopted under this section, the board shall issue the 250  
license. 251

(B) The board, in accordance with Chapter 119. of the Revised 252  
Code, shall adopt any rules necessary to administer and enforce 253  
this section. The rules shall do all of the following: 254

(1) Require as a condition of licensure ~~of the facility~~ that 255  
an agent or employee of an animal shelter or an agent or employee 256  
of a county dog warden, other than a registered veterinary 257  
technician as defined in section 4741.01 of the Revised Code, has 258  
successfully completed a euthanasia technician certification 259  
course described in section 4729.532 of the Revised Code; 260

(2) Specify the information the animal shelter or county dog 261  
warden must provide the board for issuance or renewal of a 262  
license; 263

(3) Establish criteria for the board to use in determining 264  
whether to refuse to issue or renew, suspend, or revoke a license 265  
issued under this section; 266

(4) Address any other matters the board considers necessary 267  
or appropriate for the administration and enforcement of this 268  
section. 269

**Sec. 4729.532.** (A) No agent or employee of an animal shelter 270  
and no county dog warden or agent or employee of a county dog 271  
warden shall perform euthanasia by means of lethal injection on an 272  
animal by use of any substance other than ~~combination drugs that~~ 273  
~~contain pentobarbital and at least one noncontrolled~~ a substance 274  
~~active ingredient~~, in a manufactured dosage form, ~~whose only~~ 275  
~~indication is for euthanizing animals, or other substance~~ that the 276  
state veterinary medical licensing board and, in consultation with 277  
the state board of pharmacy ~~both approve~~, approves by rule adopted 278  
in accordance with Chapter 119. of the Revised Code. 279

The agent or employee of an animal shelter, county dog 280  
warden, or agent or employee of a county dog warden when using a 281  
lethal solution to perform euthanasia on an animal shall use ~~such~~ 282  
the solution in accordance with one of the following methods ~~and~~ 283  
~~in the following order of preference:~~ 284

|   |     |
|---|-----|
| (1) Intravenous injection by hypodermic needle;   | 285 |
| (2) Intraperitoneal injection by hypodermic needle;                                       | 286 |
| (3) Intracardial injection by hypodermic needle, but only on                              | 287 |
| <del>a sedated or unconscious</del> <u>an animal verified to be unconscious;</u>          | 288 |
| (4) <del>Solution</del> <u>Oral administration of solution</u> or powder <del>added</del> | 289 |
| <del>to feed.</del>   | 290 |
| (B) <del>Except as provided in division (D) of this section, no</del>                     | 291 |
| <u>Before euthanasia, a euthanasia technician may administer a</u>                        | 292 |
| <u>solution of one or more drugs exclusively for the purpose of</u>                       | 293 |
| <u>inducing sedation or unconsciousness prior to euthanasia. Only</u>                     | 294 |
| <u>those drugs that have been approved by rule of the state board of</u>                  | 295 |
| <u>pharmacy, in consultation with the state veterinary medical</u>                        | 296 |
| <u>licensing board, may be used.</u>  | 297 |
| (C) <u>No agent or employee of an animal shelter and no county</u>                        | 298 |
| <u>dog warden or agent or employee of a county dog warden, other than</u>                 | 299 |
| a registered veterinary technician as defined in section 4741.01                          | 300 |
| of the Revised Code, shall perform euthanasia by means of lethal                          | 301 |
| injection on an animal <u>or administer pre-euthanasia drugs that</u>                     | 302 |
| <u>induce sedation or unconsciousness unless he the agent or employee</u>                 | 303 |
| <u>or county dog warden</u> has received certification after successfully                 | 304 |
| completing a euthanasia technician certification course as                                | 305 |
| described in this division.   | 306 |
| The curriculum for a euthanasia technician certification                                  | 307 |
| course shall be one that has been approved by the state veterinary                        | 308 |
| medical licensing board, shall be at least sixteen hours in                               | 309 |
| length, and shall include information in at least all of the                              | 310 |
| following areas:  | 311 |
| (1) The pharmacology, proper administration, and storage of                               | 312 |
| euthanasia <u>and sedation</u> solutions;   | 313 |
| (2) Federal and state laws regulating the storage and                                     | 314 |

accountability of euthanasia and sedation solutions; 315

(3) Euthanasia technician stress management; 316

(4) Proper disposal of euthanized animals. 317

~~(C)(D)(1) Except as provided in division (D) of this section,~~ 318  
~~no~~ No agent or employee of either an animal shelter or county dog 319  
warden shall perform euthanasia by means of lethal injection on 320  
animals or administer pre-euthanasia drugs that induce sedation or 321  
unconsciousness under this section unless the facility in which ~~he~~ 322  
the agent or employee works or is employed is licensed with the 323  
state board of pharmacy under section 4729.531 of the Revised 324  
Code. 325

(2) Any agent or employee of an animal shelter or county dog 326  
warden performing euthanasia by means of lethal injection or 327  
administering pre-euthanasia drugs that induce sedation or 328  
unconsciousness shall do so only in a humane and proficient manner 329  
that is in conformity with the methods described in ~~division~~ 330  
divisions (A) and (B) of this section and not in violation of 331  
Chapter 959. of the Revised Code. 332

~~(D) An agent or employee of an animal shelter who is~~ 333  
~~performing euthanasia by means of lethal injection on animals on~~ 334  
~~or before the effective date of this section may continue to~~ 335  
~~perform such euthanasia and is not required to be certified in~~ 336  
~~compliance with division (B) of this section until ninety days~~ 337  
~~after the effective date of the rules adopted in compliance with~~ 338  
~~Section 3 of House Bill No. 88 of the 120th general assembly.~~ 339

(E) Nothing in this section precludes a licensed veterinarian 340  
or registered veterinary technician as defined in section 4741.01 341  
of the Revised Code from engaging in the practice of veterinary 342  
medicine as authorized in Chapter 4741. of the Revised Code. 343

**Sec. 4729.533.** (A) As used in this section and sections 344

4729.534 and 4729.535 of the Revised Code, "certified officer" and 345  
"chemical capture" have the same meanings as in section 955.151 of 346  
the Revised Code. 347

(B) On application of an animal shelter or county dog warden 348  
that holds a limited license issued under section 4729.531 of the 349  
Revised Code, the state board of pharmacy may grant a chemical 350  
capture classification to the limited license. The classification 351  
permits the holder to purchase, possess, and administer a 352  
combination of drugs for chemical capture. No such classification 353  
shall authorize or permit the distribution of these drugs to any 354  
person other than the originating wholesale distributor of the 355  
drugs. 356

(C) To qualify for a chemical capture classification under 357  
this section, an applicant shall appoint or employ a certified 358  
officer. 359

(D) If an applicant meets the requirements of this section 360  
and rules adopted under it, the board shall grant the 361  
classification. The board may suspend or revoke a classification 362  
or refuse to issue or renew a classification for any violation of 363  
this section, section 4729.535 of the Revised Code, or rules 364  
adopted under this section. 365

(E) The state board of pharmacy, in accordance with Chapter 366  
119. of the Revised Code and in consultation with the state 367  
veterinary medical licensing board, shall adopt rules that do all 368  
of the following: 369

(1) Specify the information an applicant must provide for 370  
issuance or renewal of a chemical capture classification; 371

(2) Establish criteria for the state board of pharmacy to use 372  
in determining whether to refuse to grant a classification or to 373  
renew, suspend, or revoke a classification; 374

|   |                          |
|---|--------------------------|
| <u>(3) Specify all of the following:</u>  | 375                      |
| <u>(a) The drugs to be used in chemical capture;</u>  | 376                      |
| <u>(b) The proper storage, administration, and use of approved</u><br><u>drugs;</u>   | 377<br>378               |
| <u>(c) The proper storage, maintenance, and use of instruments</u><br><u>and equipment used in chemical capture;</u>  | 379<br>380               |
| <u>(d) The proper disposal of instruments used in chemical</u><br><u>capture.</u>   | 381<br>382               |
| <u>(4) Establish criteria for all of the following:</u>   | 383                      |
| <u>(a) Determining when chemical capture is appropriate;</u>  | 384                      |
| <u>(b) The care of a companion animal immediately upon capture;</u>   | 385                      |
| <u>(c) Recordkeeping for the drugs used and actions taken during</u><br><u>a chemical capture.</u>  | 386<br>387               |
| <u>(5) Address any other matters the board considers necessary</u><br><u>or appropriate for administration and enforcement of this section</u><br><u>and sections 4729.534 and 4729.535 of the Revised Code.</u>  | 388<br>389<br>390        |
| <b><u>Sec. 4729.534. (A) The state board of pharmacy in</u></b><br><b><u>consultation with the state veterinary medical licensing board</u></b><br><b><u>shall certify an individual as a certified officer if the</u></b><br><b><u>individual does one of the following:</u></b> | 391<br>392<br>393<br>394 |
| <u>(1) Successfully completes a chemical capture course that has</u><br><u>a curriculum approved in accordance with division (B) of this</u><br><u>section;</u>   | 395<br>396<br>397        |
| <u>(2) Successfully completes training acceptable to the state</u><br><u>board of pharmacy from the national animal control association or</u><br><u>safe capture international, inc.</u>   | 398<br>399<br>400        |
| <u>(B) To be approved as a chemical capture curriculum for</u><br><u>purposes of division (A)(1) of this section, a curriculum shall</u>  | 401<br>402               |

include all of the following topics: 403

(1) The pharmacology, proper administration, storage, and 404  
recordkeeping of drugs used in chemical capture; 405

(2) Federal and state laws regulating the storage and 406  
accountability of drugs used in chemical capture; 407

(3) Chemical capture technology, animal behavior, 408  
post-immobilization procedures, proper public and personnel 409  
safety, and marksmanship training; 410

(4) Any other topic specified by the state board of pharmacy. 411

**Sec. 4729.535. No person shall perform chemical capture with** 412  
**a drug or combination of drugs other than the drugs specified in** 413  
**rules adopted under section 4729.533 of the Revised Code.** 414

No animal shelter or county dog warden shall permit an 415  
individual to perform chemical capture unless the shelter or 416  
warden holds a chemical capture classification granted under 417  
section 4729.533 of the Revised Code and the individual is a 418  
certified officer. 419

No individual shall perform chemical capture unless the 420  
individual is a certified officer and is appointed or employed by 421  
an animal shelter or county dog warden that holds a chemical 422  
capture classification. 423

Nothing in this section precludes a licensed veterinarian as 424  
defined in section 4741.01 of the Revised Code from engaging in 425  
the practice of veterinary medicine as authorized in Chapter 4741. 426  
of the Revised Code. 427

**Sec. 4729.54. (A) As used in this section and ~~section~~** 428  
**sections 4729.541 and 4729.542 of the Revised Code:** 429

(1) "Category I" means single-dose injections of intravenous 430  
fluids, including saline, Ringer's lactate, five per cent dextrose 431

and distilled water, and other intravenous fluids or parenteral 432  
solutions included in this category by rule of the state board of 433  
pharmacy, that have a volume of one hundred milliliters or more 434  
and that contain no added substances, or single-dose injections of 435  
epinephrine to be administered pursuant to sections 4765.38 and 436  
4765.39 of the Revised Code. 437

(2) "Category II" means any dangerous drug that is not 438  
included in category I or III. 439

(3) "Category III" means any controlled substance that is 440  
contained in schedule I, II, III, IV, or V. 441

(4) "Emergency medical service organization" has the same 442  
meaning as in section 4765.01 of the Revised Code. 443

(5) "Person" includes an emergency medical service 444  
organization. 445

(6) "Schedule I, schedule II, schedule III, schedule IV, and 446  
schedule V" mean controlled substance schedules I, II, III, IV, 447  
and V, respectively, as established pursuant to section 3719.41 of 448  
the Revised Code and as amended. 449

(B)(1) A person who desires to be licensed as a terminal 450  
distributor of dangerous drugs shall file with the executive 451  
director of the state board of pharmacy a verified application. 452  
After it is filed, the application may not be withdrawn without 453  
approval of the board. 454

(2) An application shall contain all the following that apply 455  
in the applicant's case: 456

(a) Information that the board requires relative to the 457  
qualifications of a terminal distributor of dangerous drugs set 458  
forth in section 4729.55 of the Revised Code; 459

(b) A statement that the person wishes to be licensed as a 460  
category I, category II, category III, limited category I, limited 461

category II, or limited category III terminal distributor of 462  
dangerous drugs; 463

(c) If the person wishes to be licensed as a limited category 464  
I, limited category II, or limited category III terminal 465  
distributor of dangerous drugs, a notarized list of the dangerous 466  
drugs that the person wishes to possess, have custody or control 467  
of, and distribute, which list shall also specify the purpose for 468  
which those drugs will be used and their source; 469

(d) If the person is an emergency medical service 470  
organization, the information that is specified in division (C)(1) 471  
of this section; 472

(e) Except for an emergency medical service organization, the 473  
identity of the one establishment or place at which the person 474  
intends to engage in the sale or other distribution of dangerous 475  
drugs at retail, and maintain possession, custody, or control of 476  
dangerous drugs for purposes other than the person's own use or 477  
consumption; 478

(f) If the application pertains to a pain management clinic, 479  
information that demonstrates, to the satisfaction of the board, 480  
compliance with division (A) of section 4729.552 of the Revised 481  
Code. 482

(C)(1) An emergency medical service organization that wishes 483  
to be licensed as a terminal distributor of dangerous drugs shall 484  
list in its application for licensure the following additional 485  
information: 486

(a) The units under its control that the organization 487  
determines will possess dangerous drugs for the purpose of 488  
administering emergency medical services in accordance with 489  
Chapter 4765. of the Revised Code; 490

(b) With respect to each such unit, whether the dangerous 491  
drugs that the organization determines the unit will possess are 492

in category I, II, or III. 493

(2) An emergency medical service organization that is 494  
licensed as a terminal distributor of dangerous drugs shall file a 495  
new application for such licensure if there is any change in the 496  
number, or location of, any of its units or any change in the 497  
category of the dangerous drugs that any unit will possess. 498

(3) A unit listed in an application for licensure pursuant to 499  
division (C)(1) of this section may obtain the dangerous drugs it 500  
is authorized to possess from its emergency medical service 501  
organization or, on a replacement basis, from a hospital pharmacy. 502  
If units will obtain dangerous drugs from a hospital pharmacy, the 503  
organization shall file, and maintain in current form, the 504  
following items with the pharmacist who is responsible for the 505  
hospital's terminal distributor of dangerous drugs license: 506

(a) A copy of its standing orders or protocol; 507

(b) A list of the personnel employed or used by the 508  
organization to provide emergency medical services in accordance 509  
with Chapter 4765. of the Revised Code, who are authorized to 510  
possess the drugs, which list also shall indicate the personnel 511  
who are authorized to administer the drugs. 512

(D) Each emergency medical service organization that applies 513  
for a terminal distributor of dangerous drugs license shall submit 514  
with its application the following: 515

(1) A notarized copy of its standing orders or protocol, 516  
which orders or protocol shall be signed by a physician and 517  
specify the dangerous drugs that its units may carry, expressed in 518  
standard dose units; 519

(2) A list of the personnel employed or used by the 520  
organization to provide emergency medical services in accordance 521  
with Chapter 4765. of the Revised Code. 522

An emergency medical service organization that is licensed as 523  
a terminal distributor shall notify the board immediately of any 524  
changes in its standing orders or protocol. 525

(E) There shall be six categories of terminal distributor of 526  
dangerous drugs licenses, which categories shall be as follows: 527

(1) Category I license. A person who obtains this license may 528  
possess, have custody or control of, and distribute only the 529  
dangerous drugs described in category I. 530

(2) Limited category I license. A person who obtains this 531  
license may possess, have custody or control of, and distribute 532  
only the dangerous drugs described in category I that were listed 533  
in the application for licensure. 534

(3) Category II license. A person who obtains this license 535  
may possess, have custody or control of, and distribute only the 536  
dangerous drugs described in category I and category II. 537

(4) Limited category II license. A person who obtains this 538  
license may possess, have custody or control of, and distribute 539  
only the dangerous drugs described in category I or category II 540  
that were listed in the application for licensure. 541

(5) Category III license, which may include a pain management 542  
clinic classification issued under section 4729.552 of the Revised 543  
Code. A person who obtains this license may possess, have custody 544  
or control of, and distribute the dangerous drugs described in 545  
category I, category II, and category III. If the license includes 546  
a pain management clinic classification, the person may operate a 547  
pain management clinic. 548

(6) Limited category III license. A person who obtains this 549  
license may possess, have custody or control of, and distribute 550  
only the dangerous drugs described in category I, category II, or 551  
category III that were listed in the application for licensure. 552

(F) Except for an application made by a county dog warden or 553  
on behalf of an animal shelter, if an applicant for licensure as a 554  
limited category I, II, or III terminal distributor of dangerous 555  
drugs intends to administer dangerous drugs to a person or animal, 556  
the applicant shall submit, with the application, a notarized copy 557  
of its protocol or standing orders, which protocol or orders shall 558  
be signed by a licensed health professional authorized to 559  
prescribe drugs, specify the dangerous drugs to be administered, 560  
and list personnel who are authorized to administer the dangerous 561  
drugs in accordance with federal law or the law of this state. ~~An~~ 562

An application made on behalf of an animal shelter or county 563  
dog warden shall include a notarized list of the dangerous drugs 564  
to be administered to animals and the personnel who are authorized 565  
to administer the drugs to animals in accordance with section 566  
4729.532 of the Revised Code. ~~After~~ 567

After obtaining a terminal distributor license, a licensee 568  
shall notify the board immediately of any changes in its protocol 569  
or standing orders, or in such personnel. 570

(G)(1) Except as provided in division (G)(2) of this section, 571  
each applicant for licensure as a terminal distributor of 572  
dangerous drugs shall submit, with the application, a license fee 573  
determined as follows: 574

(a) For a category I or limited category I license, 575  
forty-five dollars; 576

(b) For a category II or limited category II license, one 577  
hundred twelve dollars and fifty cents; 578

(c) For a category III license, including a license with a 579  
pain management clinic classification issued under section 580  
4729.552 of the Revised Code, or a limited category III license, 581  
one hundred fifty dollars. 582

(2) For a professional association, corporation, partnership, 583

or limited liability company organized for the purpose of 584  
practicing veterinary medicine, the fee shall be forty dollars. 585

(3) Fees assessed under divisions (G)(1) and (2) of this 586  
section shall not be returned if the applicant fails to qualify 587  
for registration. 588

(H)(1) The board shall issue a terminal distributor of 589  
dangerous drugs license to each person who submits an application 590  
for such licensure in accordance with this section, pays the 591  
required license fee, is determined by the board to meet the 592  
requirements set forth in section 4729.55 of the Revised Code, and 593  
satisfies any other applicable requirements of this section. 594

(2) The license of a person other than an emergency medical 595  
service organization or county dog warden shall describe the one 596  
establishment or place at which the licensee may engage in the 597  
sale or other distribution of dangerous drugs at retail and 598  
maintain possession, custody, or control of dangerous drugs for 599  
purposes other than the licensee's own use or consumption. The one 600  
establishment or place shall be that which is described in the 601  
application for licensure. 602

No such license shall authorize or permit the terminal 603  
distributor of dangerous drugs named in it to engage in the sale 604  
or other distribution of dangerous drugs at retail or to maintain 605  
possession, custody, or control of dangerous drugs for any purpose 606  
other than the distributor's own use or consumption, at any 607  
establishment or place other than that described in the license, 608  
except that an agent or employee of an animal shelter or county 609  
dog warden may possess and use dangerous drugs in the course of 610  
business as provided in ~~division (D) of~~ section 4729.532 of the 611  
Revised Code. 612

(3) The license of an emergency medical service organization 613  
shall cover and describe all the units of the organization listed 614

in its application for licensure. 615

(4) The license of every terminal distributor of dangerous 616  
drugs shall indicate, on its face, the category of licensure. If 617  
the license is a limited category I, II, or III license, it shall 618  
specify, and shall authorize the licensee to possess, have custody 619  
or control of, and distribute only, the dangerous drugs that were 620  
listed in the application for licensure. 621

(I) All licenses issued pursuant to this section shall be 622  
effective for a period of twelve months from the first day of 623  
January of each year. A license shall be renewed by the board for 624  
a like period, annually, according to the provisions of this 625  
section, and the standard renewal procedure of Chapter 4745. of 626  
the Revised Code. A person who desires to renew a license shall 627  
submit an application for renewal and pay the required fee on or 628  
before the thirty-first day of December each year. The fee 629  
required for the renewal of a license shall be the same as the fee 630  
paid for the license being renewed, and shall accompany the 631  
application for renewal. 632

A license that has not been renewed during December in any 633  
year and by the first day of February of the following year may be 634  
reinstated only upon payment of the required renewal fee and a 635  
penalty fee of fifty-five dollars. 636

(J)(1) No emergency medical service organization that is 637  
licensed as a terminal distributor of dangerous drugs shall fail 638  
to comply with division (C)(2) or (3) of this section. 639

(2) No emergency medical service organization that is 640  
licensed as a terminal distributor of dangerous drugs shall fail 641  
to comply with division (D) of this section. 642

(3) No licensed terminal distributor of dangerous drugs shall 643  
possess, have custody or control of, or distribute dangerous drugs 644  
that the terminal distributor is not entitled to possess, have 645

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 675  
the state board of pharmacy under section 4729.531 of the Revised 676  
Code, or a laboratory as defined in section 3719.01 of the Revised 677  
Code will maintain supervision and control over the possession and 678  
custody of dangerous drugs that may be acquired by or on behalf of 679  
the applicant. 680

(C) Adequate safeguards are assured to prevent the sale or 681  
other distribution of dangerous drugs by any person other than a 682  
pharmacist or licensed health professional authorized to prescribe 683  
drugs. 684

(D) Adequate safeguards are assured that the applicant will 685  
carry on the business of a terminal distributor of dangerous drugs 686  
in a manner that allows pharmacists and pharmacy interns employed 687  
by the terminal distributor to practice pharmacy in a safe and 688  
effective manner. 689

(E) If the applicant, or any agent or employee of the 690  
applicant, has been found guilty of violating section 4729.51 of 691  
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 692  
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control 693  
laws, Chapter 2925., 3715., 3719., or 4729. of the Revised Code, 694  
or any rule of the board, adequate safeguards are assured to 695  
prevent the recurrence of the violation. 696

(F) In the case of an applicant who is a food processor or 697  
retail seller of food, the applicant will maintain supervision and 698  
control over the possession and custody of nitrous oxide. 699

(G) In the case of an applicant who is a retail seller of 700  
oxygen in original packages labeled as required by the "Federal 701  
Food, Drug, and Cosmetic Act," the applicant will maintain 702  
supervision and control over the possession, custody, and retail 703  
sale of the oxygen. 704

(H) If the application is made on behalf of a county dog 705

warden or an animal shelter, at least one of the agents or 706  
employees of the dog warden or animal shelter is certified in 707  
compliance with section 4729.532 of the Revised Code. 708

(I) In the case of an applicant who is a retail seller of 709  
peritoneal dialysis solutions in original packages labeled as 710  
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 711  
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 712  
supervision and control over the possession, custody, and retail 713  
sale of the peritoneal dialysis solutions. 714

(J) In the case of an applicant who is a pain management 715  
clinic, the applicant meets the requirements to receive a license 716  
with a pain management clinic classification issued under section 717  
4729.552 of the Revised Code. 718

Sec. 4729.991. Whoever violates section 4729.535 of the 719  
Revised Code is guilty of a misdemeanor of the first degree. 720

Sec. 4741.201. (A) This chapter does not apply to an act of 721  
chemical capture by a certified officer in accordance with section 722  
955.151 of the Revised Code. 723

(B) "Chemical capture" and "certified officer" have the same 724  
meanings as in section 955.151 of the Revised Code. 725

**Section 2.** That existing sections 4729.01, 4729.531, 726  
4729.532, 4729.54, and 4729.55 of the Revised Code are hereby 727  
repealed. 728

**Section 3.** The State Board of Pharmacy in consultation with 729  
the State Veterinary Medical Licensing Board shall adopt the rules 730  
required by section 4729.533 of the Revised Code not later than 731  
two years after the effective date of this act. If the State Board 732  
of Pharmacy fails to meet this requirement, the Attorney General 733  
or a county prosecuting attorney may seek a court order requiring 734

adoption of the rules.

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