

As Introduced

**130th General Assembly
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H. B. No. 296

Representatives Johnson, Duffey

**Cosponsors: Representatives Grossman, Butler, Hackett, Beck, Blessing,
Scherer, Derickson, Milkovich, Sprague, Antonio, Becker, Barborak,
Stinziano, Roegner, Sears, Amstutz, Phillips, Terhar, Hagan, R., Buchy,
Stebelton, Perales, Smith, Blair, Rosenberger, Cera**

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A B I L L

To amend sections 3313.713, 3313.718, 4729.51, and 1
4729.60 and to enact sections 3313.7110, 3314.143, 2
3326.28, and 3328.29 of the Revised Code to permit 3
public schools to procure epinephrine 4
autoinjectors in accordance with prescribed 5
procedures and to exempt them from licensing 6
requirements related to the possession of 7
epinephrine autoinjectors. 8

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

Section 1. That sections 3313.713, 3313.718, 4729.51, and 9
4729.60 be amended and sections 3313.7110, 3314.143, 3326.28, and 10
3328.29 of the Revised Code be enacted to read as follows: 11

Sec. 3313.713. (A) As used in this section: 12

(1) "Drug" means a drug, as defined in section 4729.01 of the 13
Revised Code, that is to be administered pursuant to the 14
instructions of the prescriber, whether or not required by law to 15
be sold only upon a prescription. 16

(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 17
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(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 19
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(B) The board of education of each city, local, exempted village, and joint vocational school district shall, ~~not later than one hundred twenty days after September 20, 1984,~~ adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, ~~and 3313.712,~~ and 3313.7110 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district. The policy shall provide either that: 21
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(1) Except as otherwise required by federal law, no person employed by the board shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district. 29
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(2) Designated persons employed by the board are authorized to administer to a student a drug prescribed for the student. Effective July 1, 2011, only employees of the board who are licensed health professionals, or who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the board, may administer to a student a drug prescribed for the student. Except as otherwise provided by federal law, the board's policy may provide that certain drugs or types of drugs shall not be administered or that no employee shall use certain procedures, such as injection, to administer a drug to a student. 33
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(C) No drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur: 44
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(1) The board, or a person designated by the board, receives 47

a written request, signed by the parent, guardian, or other person 48
having care or charge of the student, that the drug be 49
administered to the student. 50

(2) The board, or a person designated by the board, receives 51
a statement, signed by the prescriber, that includes all of the 52
following information: 53

(a) The name and address of the student; 54

(b) The school and class in which the student is enrolled; 55

(c) The name of the drug and the dosage to be administered; 56

(d) The times or intervals at which each dosage of the drug 57
is to be administered; 58

(e) The date the administration of the drug is to begin; 59

(f) The date the administration of the drug is to cease; 60

(g) Any severe adverse reactions that should be reported to 61
the prescriber and one or more phone numbers at which the 62
prescriber can be reached in an emergency; 63

(h) Special instructions for administration of the drug, 64
including sterile conditions and storage. 65

(3) The parent, guardian, or other person having care or 66
charge of the student agrees to submit a revised statement signed 67
by the prescriber to the board or a person designated by the board 68
if any of the information provided by the prescriber pursuant to 69
division (C)(2) of this section changes. 70

(4) The person authorized by the board to administer the drug 71
receives a copy of the statement required by division (C)(2) or 72
(3) of this section. 73

(5) The drug is received by the person authorized to 74
administer the drug to the student for whom the drug is prescribed 75
in the container in which it was dispensed by the prescriber or a 76

licensed pharmacist. 77

(6) Any other procedures required by the board are followed. 78

(D) If a drug is administered to a student, the board of 79
education shall acquire and retain copies of the written requests 80
required by division (C)(1) and the statements required by 81
divisions (C)(2) and (3) of this section and shall ensure that by 82
the next school day following the receipt of any such statement a 83
copy is given to the person authorized to administer drugs to the 84
student for whom the statement has been received. The board, or a 85
person designated by the board, shall establish a location in each 86
school building for the storage of drugs to be administered under 87
this section and federal law. All such drugs shall be stored in 88
that location in a locked storage place, except that drugs that 89
require refrigeration may be kept in a refrigerator in a place not 90
commonly used by students. 91

(E) No person who has been authorized by a board of education 92
to administer a drug and has a copy of the most recent statement 93
required by division (C)(2) or (3) of this section given to the 94
person in accordance with division (D) of this section prior to 95
administering the drug is liable in civil damages for 96
administering or failing to administer the drug, unless such 97
person acts in a manner that constitutes gross negligence or 98
wanton or reckless misconduct. 99

(F) A board of education may designate a person or persons to 100
perform any function or functions in connection with a drug policy 101
adopted under this section either by name or by position, 102
training, qualifications, or similar distinguishing factors. 103

(G) A policy adopted by a board of education pursuant to this 104
section may be changed, modified, or revised by action of the 105
board. 106

(H) Nothing in this section shall be construed to require a 107

person employed by a board of education to administer a drug to a student unless the board's policy adopted in compliance with this section establishes such a requirement. A board shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

Nothing in this section affects the application of section 2305.23, 2305.231, ~~or 3313.712,~~ or 3313.7110 of the Revised Code to the administration of emergency care or treatment to a student.

Nothing in this section affects the ability of a public or nonpublic school to participate in a school-based fluoride mouth rinse program established by the director of health pursuant to section 3701.136 of the Revised Code. Nothing in this section affects the ability of a person who is employed by, or who volunteers for, a school that participates in such a program to administer fluoride mouth rinse to a student in accordance with section 3701.136 of the Revised Code and any rules adopted by the director under that section.

Sec. 3313.718. (A) As used in this section, "prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section, a student of a school operated by a city, local, exempted village, or joint vocational school district or a student of a chartered nonpublic school may possess and use an epinephrine autoinjector to treat anaphylaxis, if all of the following conditions are satisfied:

(1) The student has the written approval of the prescriber of the autoinjector and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The prescriber's written approval shall include at least all of the following information:

(a) The student's name and address;	139
(b) The names and dose of the medication contained in the autoinjector;	140 141
(c) The date the administration of the medication is to begin;	142 143
(d) The date, if known, that the administration of the medication is to cease;	144 145
(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector;	146 147 148 149
(f) Circumstances in which the autoinjector should be used;	150
(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;	151 152 153 154
(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;	155 156
(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;	157 158 159
(j) At least one emergency telephone number for contacting the prescriber in an emergency;	160 161
(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;	162 163 164
(1) Any other special instructions from the prescriber.	165
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received	166 167

copies of the written approvals required by division (B)(1) of 168
this section. 169

(3) The school principal or, if a school nurse is assigned to 170
the student's school building, the school nurse has received a 171
backup dose of the anaphylaxis medication from the parent, 172
guardian, or other person having care or charge of the student or, 173
if the student is not a minor, from the student. 174

If these conditions are satisfied, the student may possess 175
and use the autoinjector at school or at any activity, event, or 176
program sponsored by or in which the student's school is a 177
participant. 178

(C) Whenever a student uses an autoinjector at school or at 179
any activity, event, or program sponsored by or in which the 180
student's school is a participant or whenever a school employee 181
administers anaphylaxis medication to a student ~~at such times that~~ 182
was possessed by the student pursuant to the written approvals 183
described in division (B)(1) of this section, a school employee 184
shall immediately request assistance from an emergency medical 185
service provider. 186

(D)(1) A school district, member of a school district board 187
of education, or school district employee is not liable in damages 188
in a civil action for injury, death, or loss to person or property 189
allegedly arising from a district employee's prohibiting a student 190
from using an autoinjector because of the employee's good faith 191
belief that the conditions of division (B) of this section had not 192
been satisfied. A school district, member of a school district 193
board of education, or school district employee is not liable in 194
damages in a civil action for injury, death, or loss to person or 195
property allegedly arising from a district employee's permitting a 196
student to use an autoinjector because of the employee's good 197
faith belief that the conditions of division (B) of this section 198
had been satisfied. Furthermore, when a school district is 199

required by this section to permit a student to possess and use an autoinjector because the conditions of division (B) of this section have been satisfied, the school district, any member of the school district board of education, or any school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the autoinjector by a student for whom it was not prescribed.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's prohibiting a student from using an autoinjector because of the employee's good faith belief that the conditions of division (B) of this section had not been satisfied. A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's permitting a student to use an autoinjector because of the employee's good faith belief that the conditions of division (B) of this section had been satisfied. Furthermore, when a chartered nonpublic school is required by this section to permit a student to possess and use an autoinjector because the conditions of division (B) of this section have been satisfied, the chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the autoinjector by a student

for whom it was not prescribed. 232

Sec. 3313.7110. (A) The board of education of each city, 233
local, exempted village, or joint vocational school district may 234
procure epinephrine autoinjectors for each school operated by the 235
district to have on the school premises for use in emergency 236
situations identified under division (C)(5) of this section. Each 237
district board that elects to procure epinephrine autoinjectors 238
under this section is encouraged to maintain at least two 239
epinephrine injectors at all times. 240

(B) Each district board that elects to procure epinephrine 241
autoinjectors under this section shall adopt a policy governing 242
their maintenance and use. Before adopting a policy, the board 243
shall consult with a licensed health professional authorized to 244
prescribe drugs, as defined in section 4729.01 of the Revised 245
Code. 246

(C) A component of the policy required by division (B) of 247
this section shall be a prescriber-issued protocol, approved by 248
the state board of pharmacy, specifying definitive orders for 249
epinephrine autoinjectors and the dosages of epinephrine to be 250
administered through them. The policy also shall do all of the 251
following: 252

(1) Identify the one or more locations in each school 253
operated by the district in which an epinephrine autoinjector must 254
be stored; 255

(2) Specify the conditions under which an epinephrine 256
autoinjector must be stored, replaced, and disposed; 257

(3) Specify the individuals employed by the district board, 258
in addition to a school nurse licensed under section 3319.221 of 259
the Revised Code, who may access and use an epinephrine 260
autoinjector to provide a dosage of epinephrine to an individual 261

in an emergency situation identified under division (C)(5) of this section; 262
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(4) Specify any training that employees specified under division (C)(3) of this section, other than a school nurse, must complete before accessing or using an epinephrine autoinjector; 264
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(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse or other employees specified under division (C)(3) of this section may use an epinephrine autoinjector; 267
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used; 271
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(7) Specify the individuals, in addition to students, school employees, and school visitors, who may receive a dosage of epinephrine in an emergency situation specified under division (C)(5) of this section. 274
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(D) A school or school district, a member of a district board of education, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of an epinephrine autoinjector under this section. 278
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This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, or district or school employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 283
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(E) With the approval of the school district board of education, the principal of an individual school building may procure epinephrine autoinjectors in the manner prescribed under this section. A school building principal that elects to procure epinephrine autoinjectors under this section shall comply with all 288
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provisions of divisions (A), (B), and (C) of this section. 293

(F) A school district board of education or school building principal may accept donations of epinephrine autoinjectors from a registered wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors. 294
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(G)(1) A school district board of education that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply of epinephrine autoinjectors. 300
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(2) In the case of an individual school building operated by a school district board of education that does not have a policy requiring each school under its operation to procure epinephrine autoinjectors, but the principal of that building has elected to procure epinephrine autoinjectors pursuant to division (E) of this section, that principal shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors. 305
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Sec. 3314.143. (A) With the approval of its governing authority, a community school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A community school that elects to do so shall comply with all provisions of that section as if it were a school district. 314
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(B) A community school, a member of a community school governing authority, or a community school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of an epinephrine 320
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autoinjector in the manner prescribed by section 3313.7110 of the 324
Revised Code. 325

This division does not eliminate, limit, or reduce any other 326
immunity or defense that a community school or governing 327
authority, member of a community school governing authority, or 328
community school employee may be entitled to under Chapter 2744. 329
or any other provision of the Revised Code or under the common law 330
of this state. 331

(C) A community school may accept donations of epinephrine 332
autoinjectors from a registered wholesale distributor of dangerous 333
drugs or a manufacturer of dangerous drugs, as defined in section 334
4729.01 of the Revised Code, and may accept donations of money 335
from any person to purchase epinephrine autoinjectors. 336

(D) A community school that elects to procure epinephrine 337
autoinjectors under this section shall report to the department of 338
education each procurement and occurrence in which an epinephrine 339
autoinjector is used from the school's supply of epinephrine 340
autoinjectors. 341

Sec. 3326.28. (A) With the approval of its governing body, a 342
STEM school established under this chapter may procure epinephrine 343
autoinjectors in the manner prescribed by section 3313.7110 of the 344
Revised Code. A STEM school that elects to do so shall comply with 345
all provisions of that section as if it were a school district. 346

(B) A STEM school, a member of a STEM school governing body, 347
or a STEM school employee is not liable in damages in a civil 348
action for injury, death, or loss to person or property allegedly 349
arising from the use of an epinephrine autoinjector in the manner 350
prescribed by section 3313.7110 of the Revised Code. 351

This division does not eliminate, limit, or reduce any other 352
immunity or defense that a STEM school or governing body, member 353

of a STEM school governing body, or STEM school employee may be 354
entitled to under Chapter 2744. or any other provision of the 355
Revised Code or under the common law of this state. 356

(C) A STEM school may accept donations of epinephrine 357
autoinjectors from a registered wholesale distributor of dangerous 358
drugs or a manufacturer of dangerous drugs, as defined in section 359
4729.01 of the Revised Code, and may accept donations of money 360
from any person to purchase epinephrine autoinjectors. 361

(D) A STEM school that elects to procure epinephrine 362
autoinjectors under this section shall report to the department of 363
education each procurement and occurrence in which an epinephrine 364
autoinjector is used from the school's supply of epinephrine 365
autoinjectors. 366

Sec. 3328.29. (A) With the approval of its board of trustees, 367
a college-preparatory boarding school established under this 368
chapter may procure epinephrine autoinjectors in the manner 369
prescribed by section 3313.7110 of the Revised Code. A 370
college-preparatory boarding school that elects to do so shall 371
comply with all provisions of that section as if it were a school 372
district. 373

(B) A college-preparatory boarding school, a member of a 374
college-preparatory boarding school board of trustees, or a 375
college-preparatory boarding school employee is not liable in 376
damages in a civil action for injury, death, or loss to person or 377
property allegedly arising from the use of an epinephrine 378
autoinjector in the manner prescribed by section 3313.7110 of the 379
Revised Code. 380

This division does not eliminate, limit, or reduce any other 381
immunity or defense that a college-preparatory boarding school or 382
board of trustees, member of a college-preparatory boarding school 383
board of trustees, or college-preparatory boarding school employee 384

may be entitled to under Chapter 2744. or any other provision of 385
the Revised Code or under the common law of this state. 386

(C) A college-preparatory boarding school may accept 387
donations of epinephrine autoinjectors from a registered wholesale 388
distributor of dangerous drugs or a manufacturer of dangerous 389
drugs, as defined in section 4729.01 of the Revised Code, and may 390
accept donations of money from any person to purchase epinephrine 391
autoinjectors. 392

(D) A college-preparatory boarding school that elects to 393
procure epinephrine autoinjectors under this section shall report 394
to the department of education each procurement and occurrence in 395
which an epinephrine autoinjector is used from a school's supply 396
of epinephrine autoinjectors. 397

Sec. 4729.51. (A) ~~No~~ (1) Except as provided in division 398
(A)(2) of this section, no person other than a registered 399
wholesale distributor of dangerous drugs shall possess for sale, 400
sell, distribute, or deliver, at wholesale, dangerous drugs, 401
except as follows: 402

~~(1)~~(a) A pharmacist who is a licensed terminal distributor of 403
dangerous drugs or who is employed by a licensed terminal 404
distributor of dangerous drugs may make occasional sales of 405
dangerous drugs at wholesale; 406

~~(2)~~(b) A licensed terminal distributor of dangerous drugs 407
having more than one establishment or place may transfer or 408
deliver dangerous drugs from one establishment or place for which 409
a license has been issued to the terminal distributor to another 410
establishment or place for which a license has been issued to the 411
terminal distributor if the license issued for each establishment 412
or place is in effect at the time of the transfer or delivery. 413

(2) A manufacturer of dangerous drugs may donate epinephrine 414

<u>autoinjectors to any of the following:</u>	415
<u>(a) The board of education of a city, local, exempted village, or joint vocational school district;</u>	416
<u>(b) The principal of a school building operated by a school district board of education, with the approval of that board;</u>	417
<u>(c) A community school established under Chapter 3314. of the Revised Code;</u>	418
<u>(d) A STEM school established under Chapter 3326. of the Revised Code;</u>	419
<u>(e) A college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u>	420
(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	421
(a) Except as provided in division (B)(2)(a) of this section, a licensed health professional authorized to prescribe drugs;	422
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	423
(c) A registered wholesale distributor of dangerous drugs;	424
(d) A manufacturer of dangerous drugs;	425
(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;	426
(f) Carriers or warehouses for the purpose of carriage or storage;	427
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	428
(h) An individual who holds a current license, certificate, or registration issued under Title 47 <u>XLVII</u> of the Revised Code	429
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and has been certified to conduct diabetes education by a national 444
certifying body specified in rules adopted by the state board of 445
pharmacy under section 4729.68 of the Revised Code, but only with 446
respect to insulin that will be used for the purpose of diabetes 447
education and only if diabetes education is within the 448
individual's scope of practice under statutes and rules regulating 449
the individual's profession; 450

(i) An individual who holds a valid certificate issued by a 451
nationally recognized S.C.U.B.A. diving certifying organization 452
approved by the state board of pharmacy in rule, but only with 453
respect to medical oxygen that will be used for the purpose of 454
emergency care or treatment at the scene of a diving emergency; 455

(j) Except as provided in division (B)(2)(b) of this section, 456
a business entity that is a corporation formed under division (B) 457
of section 1701.03 of the Revised Code, a limited liability 458
company formed under Chapter 1705. of the Revised Code, or a 459
professional association formed under Chapter 1785. of the Revised 460
Code if the entity has a sole shareholder who is a licensed health 461
professional authorized to prescribe drugs and is authorized to 462
provide the professional services being offered by the entity; 463

(k) Except as provided in division (B)(2)(c) of this section, 464
a business entity that is a corporation formed under division (B) 465
of section 1701.03 of the Revised Code, a limited liability 466
company formed under Chapter 1705. of the Revised Code, a 467
partnership or a limited liability partnership formed under 468
Chapter 1775. of the Revised Code, or a professional association 469
formed under Chapter 1785. of the Revised Code, if, to be a 470
shareholder, member, or partner, an individual is required to be 471
licensed, certified, or otherwise legally authorized under Title 472
XLVII of the Revised Code to perform the professional service 473
provided by the entity and each such individual is a licensed 474
health professional authorized to prescribe drugs; 475

(1) The board of education of a city, local, exempted village, or joint vocational school district, a school building operated by a school district board of education, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a college-preparatory boarding school established under Chapter 3328. of the Revised Code, but only with respect to epinephrine autoinjectors that may be possessed under section 3313.7110 of the Revised Code.

(2) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any of the following:

(a) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A business entity described in division (B)(1)(j) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(c) A business entity described in division (B)(1)(k) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(3) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(a) In the case of a terminal distributor with a category I

license, only dangerous drugs described in category I, as defined 507
in division (A)(1) of section 4729.54 of the Revised Code; 508

(b) In the case of a terminal distributor with a category II 509
license, only dangerous drugs described in category I and category 510
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 511
the Revised Code; 512

(c) In the case of a terminal distributor with a category III 513
license, dangerous drugs described in category I, category II, and 514
category III, as defined in divisions (A)(1), (2), and (3) of 515
section 4729.54 of the Revised Code; 516

(d) In the case of a terminal distributor with a limited 517
category I, II, or III license, only the dangerous drugs specified 518
in the certificate furnished by the terminal distributor in 519
accordance with section 4729.60 of the Revised Code. 520

(C)(1) Except as provided in division (C)(4) of this section, 521
no person shall sell, at retail, dangerous drugs. 522

(2) Except as provided in division (C)(4) of this section, no 523
person shall possess for sale, at retail, dangerous drugs. 524

(3) Except as provided in division (C)(4) of this section, no 525
person shall possess dangerous drugs. 526

(4) Divisions (C)(1), (2), and (3) of this section do not 527
apply to a registered wholesale distributor of dangerous drugs, a 528
licensed terminal distributor of dangerous drugs, or a person who 529
possesses, or possesses for sale or sells, at retail, a dangerous 530
drug in accordance with Chapters 3719., 4715., 4723., 4725., 531
4729., 4730., 4731., and 4741. of the Revised Code. 532

Divisions (C)(1), (2), and (3) of this section do not apply 533
to an individual who holds a current license, certificate, or 534
registration issued under Title XLVII of the Revised Code and has 535
been certified to conduct diabetes education by a national 536

certifying body specified in rules adopted by the state board of 537
pharmacy under section 4729.68 of the Revised Code, but only to 538
the extent that the individual possesses insulin or personally 539
supplies insulin solely for the purpose of diabetes education and 540
only if diabetes education is within the individual's scope of 541
practice under statutes and rules regulating the individual's 542
profession. 543

Divisions (C)(1), (2), and (3) of this section do not apply 544
to an individual who holds a valid certificate issued by a 545
nationally recognized S.C.U.B.A. diving certifying organization 546
approved by the state board of pharmacy in rule, but only to the 547
extent that the individual possesses medical oxygen or personally 548
supplies medical oxygen for the purpose of emergency care or 549
treatment at the scene of a diving emergency. 550

Division (C)(3) of this section does not apply to the board 551
of education of a city, local, exempted village, or joint 552
vocational school district, a school building operated by a school 553
district board of education, a community school, a STEM school, or 554
a college-preparatory boarding school for the purpose of 555
possessing epinephrine autoinjectors under section 3313.7110 of 556
the Revised Code. 557

(D) No licensed terminal distributor of dangerous drugs shall 558
purchase for the purpose of resale dangerous drugs from any person 559
other than a registered wholesale distributor of dangerous drugs, 560
except as follows: 561

(1) A licensed terminal distributor of dangerous drugs may 562
make occasional purchases of dangerous drugs for resale from a 563
pharmacist who is a licensed terminal distributor of dangerous 564
drugs or who is employed by a licensed terminal distributor of 565
dangerous drugs; 566

(2) A licensed terminal distributor of dangerous drugs having 567

more than one establishment or place may transfer or receive 568
dangerous drugs from one establishment or place for which a 569
license has been issued to the terminal distributor to another 570
establishment or place for which a license has been issued to the 571
terminal distributor if the license issued for each establishment 572
or place is in effect at the time of the transfer or receipt. 573

(E) No licensed terminal distributor of dangerous drugs shall 574
engage in the sale or other distribution of dangerous drugs at 575
retail or maintain possession, custody, or control of dangerous 576
drugs for any purpose other than the distributor's personal use or 577
consumption, at any establishment or place other than that or 578
those described in the license issued by the state board of 579
pharmacy to such terminal distributor. 580

(F) Nothing in this section shall be construed to interfere 581
with the performance of official duties by any law enforcement 582
official authorized by municipal, county, state, or federal law to 583
collect samples of any drug, regardless of its nature or in whose 584
possession it may be. 585

Sec. 4729.60. (A) Before a registered wholesale distributor 586
of dangerous drugs may sell dangerous drugs at wholesale to any 587
person, other than the persons specified in divisions (B)(1)(a) to 588
(d) ~~and (B)(1)(e)~~ (f) to (h), and (l) of section 4729.51 of the 589
Revised Code, such wholesale distributor shall obtain from the 590
purchaser and the purchaser shall furnish to the wholesale 591
distributor a certificate indicating that the purchaser is a 592
licensed terminal distributor of dangerous drugs. The certificate 593
shall be in the form that the state board of pharmacy shall 594
prescribe, and shall set forth the name of the licensee, the 595
number of the license, a description of the place or establishment 596
or each place or establishment for which the license was issued, 597
the category of licensure, and, if the license is a limited 598

category I, II, or III license, the dangerous drugs that the 599
licensee is authorized to possess, have custody or control of, and 600
distribute. 601

If no certificate is obtained or furnished before a sale is 602
made, it shall be presumed that the sale of dangerous drugs by the 603
wholesale distributor is in violation of division (B) of section 604
4729.51 of the Revised Code and the purchase of dangerous drugs by 605
the purchaser is in violation of division (C) of section 4729.51 606
of the Revised Code. If a registered wholesale distributor of 607
dangerous drugs obtains or is furnished a certificate from a 608
terminal distributor of dangerous drugs and relies on the 609
certificate in selling dangerous drugs at wholesale to the 610
terminal distributor of dangerous drugs, the wholesale distributor 611
of dangerous drugs shall be deemed not to have violated division 612
(B) of section 4729.51 of the Revised Code in making the sale. 613

(B) Before a licensed terminal distributor of dangerous drugs 614
may purchase dangerous drugs at wholesale, the terminal 615
distributor shall obtain from the seller and the seller shall 616
furnish to the terminal distributor the number of the seller's 617
registration certificate to engage in the sale of dangerous drugs 618
at wholesale. 619

If no registration number is obtained or furnished before a 620
purchase is made, it shall be presumed that the purchase of 621
dangerous drugs by the terminal distributor is in violation of 622
division (D) of section 4729.51 of the Revised Code and the sale 623
of dangerous drugs by the seller is in violation of division (A) 624
of section 4729.51 of the Revised Code. If a licensed terminal 625
distributor of dangerous drugs obtains or is furnished a 626
registration number from a wholesale distributor of dangerous 627
drugs and relies on the registration number in purchasing 628
dangerous drugs at wholesale from the wholesale distributor of 629
dangerous drugs, the terminal distributor shall be deemed not to 630

have violated division (D) of section 4729.51 of the Revised Code 631
in making the purchase. 632

Section 2. That existing sections 3313.713, 3313.718, 633
4729.51, and 4729.60 of the Revised Code are hereby repealed. 634