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**Sub. H. B. No. 296**

**Representatives Johnson, Duffey**

**Cosponsors: Representatives Grossman, Butler, Hackett, Beck, Blessing,  
Scherer, Derickson, Milkovich, Sprague, Antonio, Becker, Barborak,  
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Peterson, Sawyer, Schiavoni, Seitz, Skindell, Smith, Uecker, Widener**

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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, 2  
3313.7111, 3314.143, 3326.28, 3328.29, and 5101.76 3  
of the Revised Code to permit schools and camps to 4  
procure and use epinephrine autoinjectors in 5  
accordance with prescribed policies, to exempt 6  
them from licensing requirements related to the 7  
possession of epinephrine autoinjectors, and to 8  
declare an emergency. 9

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

**Section 1.** That sections 3313.713, 3313.718, 4729.51, and 4729.60 be amended and sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, and 5101.76 of the Revised Code be enacted to read as follows:

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

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

(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(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:

(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.

(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 37  
licensed health professionals, or who have completed a drug 38  
administration training program conducted by a licensed health 39  
professional and considered appropriate by the board, may 40  
administer to a student a drug prescribed for the student. Except 41  
as otherwise provided by federal law, the board's policy may 42  
provide that certain drugs or types of drugs shall not be 43  
administered or that no employee shall use certain procedures, 44  
such as injection, to administer a drug to a student. 45

(C) No drug prescribed for a student shall be administered 46  
pursuant to federal law or a policy adopted under division (B) of 47  
this section until the following occur: 48

(1) The board, or a person designated by the board, receives 49  
a written request, signed by the parent, guardian, or other person 50  
having care or charge of the student, that the drug be 51  
administered to the student. 52

(2) The board, or a person designated by the board, receives 53  
a statement, signed by the prescriber, that includes all of the 54  
following information: 55

(a) The name and address of the student; 56

(b) The school and class in which the student is enrolled; 57

(c) The name of the drug and the dosage to be administered; 58

(d) The times or intervals at which each dosage of the drug 59  
is to be administered; 60

(e) The date the administration of the drug is to begin; 61

(f) The date the administration of the drug is to cease; 62

(g) Any severe adverse reactions that should be reported to 63  
the prescriber and one or more phone numbers at which the 64  
prescriber can be reached in an emergency; 65

(h) Special instructions for administration of the drug, 66

including sterile conditions and storage. 67

(3) The parent, guardian, or other person having care or 68  
charge of the student agrees to submit a revised statement signed 69  
by the prescriber to the board or a person designated by the board 70  
if any of the information provided by the prescriber pursuant to 71  
division (C)(2) of this section changes. 72

(4) The person authorized by the board to administer the drug 73  
receives a copy of the statement required by division (C)(2) or 74  
(3) of this section. 75

(5) The drug is received by the person authorized to 76  
administer the drug to the student for whom the drug is prescribed 77  
in the container in which it was dispensed by the prescriber or a 78  
licensed pharmacist. 79

(6) Any other procedures required by the board are followed. 80

(D) If a drug is administered to a student, the board of 81  
education shall acquire and retain copies of the written requests 82  
required by division (C)(1) and the statements required by 83  
divisions (C)(2) and (3) of this section and shall ensure that by 84  
the next school day following the receipt of any such statement a 85  
copy is given to the person authorized to administer drugs to the 86  
student for whom the statement has been received. The board, or a 87  
person designated by the board, shall establish a location in each 88  
school building for the storage of drugs to be administered under 89  
this section and federal law. All such drugs shall be stored in 90  
that location in a locked storage place, except that drugs that 91  
require refrigeration may be kept in a refrigerator in a place not 92  
commonly used by students. 93

(E) No person who has been authorized by a board of education 94  
to administer a drug and has a copy of the most recent statement 95  
required by division (C)(2) or (3) of this section given to the 96  
person in accordance with division (D) of this section prior to 97

administering the drug is liable in civil damages for 98  
administering or failing to administer the drug, unless such 99  
person acts in a manner that constitutes gross negligence or 100  
wanton or reckless misconduct. 101

(F) A board of education may designate a person or persons to 102  
perform any function or functions in connection with a drug policy 103  
adopted under this section either by name or by position, 104  
training, qualifications, or similar distinguishing factors. 105

(G) A policy adopted by a board of education pursuant to this 106  
section may be changed, modified, or revised by action of the 107  
board. 108

(H) Nothing in this section shall be construed to require a 109  
person employed by a board of education to administer a drug to a 110  
student unless the board's policy adopted in compliance with this 111  
section establishes such a requirement. A board shall not require 112  
an employee to administer a drug to a student if the employee 113  
objects, on the basis of religious convictions, to administering 114  
the drug. 115

Nothing in this section affects the application of section 116  
2305.23, 2305.231, ~~or~~ 3313.712, or 3313.7110 of the Revised Code 117  
to the administration of emergency care or treatment to a student. 118

Nothing in this section affects the ability of a public or 119  
nonpublic school to participate in a school-based fluoride mouth 120  
rinse program established by the director of health pursuant to 121  
section 3701.136 of the Revised Code. Nothing in this section 122  
affects the ability of a person who is employed by, or who 123  
volunteers for, a school that participates in such a program to 124  
administer fluoride mouth rinse to a student in accordance with 125  
section 3701.136 of the Revised Code and any rules adopted by the 126  
director under that section. 127

Sec. 3313.718. (A) As used in this section, "prescriber" has 128  
the same meaning as in section 4729.01 of the Revised Code. 129

(B) Notwithstanding section 3313.713 of the Revised Code or 130  
any policy adopted under that section, a student of a school 131  
operated by a city, local, exempted village, or joint vocational 132  
school district or a student of a chartered nonpublic school may 133  
possess and use an epinephrine autoinjector to treat anaphylaxis, 134  
if all of the following conditions are satisfied: 135

(1) The student has the written approval of the prescriber of 136  
the autoinjector and, if the student is a minor, the written 137  
approval of the parent, guardian, or other person having care or 138  
charge of the student. The prescriber's written approval shall 139  
include at least all of the following information: 140

(a) The student's name and address; 141

(b) The names and dose of the medication contained in the 142  
autoinjector; 143

(c) The date the administration of the medication is to 144  
begin; 145

(d) The date, if known, that the administration of the 146  
medication is to cease; 147

(e) Acknowledgment that the prescriber has determined that 148  
the student is capable of possessing and using the autoinjector 149  
appropriately and has provided the student with training in the 150  
proper use of the autoinjector; 151

(f) Circumstances in which the autoinjector should be used; 152

(g) Written instructions that outline procedures school 153  
employees should follow in the event that the student is unable to 154  
administer the anaphylaxis medication or the medication does not 155  
produce the expected relief from the student's anaphylaxis; 156

(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;	157 158
(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;	159 160 161
(j) At least one emergency telephone number for contacting the prescriber in an emergency;	162 163
(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;	164 165 166
(1) Any other special instructions from the prescriber.	167
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (B)(1) of this section.	168 169 170 171
(3) The school principal or, if a school nurse is assigned to the student's school building, the school nurse has received a backup dose of the anaphylaxis medication from the parent, guardian, or other person having care or charge of the student or, if the student is not a minor, from the student.	172 173 174 175 176
If these conditions are satisfied, the student may possess and use the autoinjector at school or at any activity, event, or program sponsored by or in which the student's school is a participant.	177 178 179 180
(C) Whenever a student uses an autoinjector at school or at any activity, event, or program sponsored by or in which the student's school is a participant or whenever a school employee administers anaphylaxis medication to a student <u>at such times that was possessed by the student pursuant to the written approvals described in division (B)(1) of this section</u> , a school employee	181 182 183 184 185 186

shall immediately request assistance from an emergency medical 187  
service provider. 188

(D)(1) A school district, member of a school district board 189  
of education, or school district employee is not liable in damages 190  
in a civil action for injury, death, or loss to person or property 191  
allegedly arising from a district employee's prohibiting a student 192  
from using an autoinjector because of the employee's good faith 193  
belief that the conditions of division (B) of this section had not 194  
been satisfied. A school district, member of a school district 195  
board of education, or school district employee is not liable in 196  
damages in a civil action for injury, death, or loss to person or 197  
property allegedly arising from a district employee's permitting a 198  
student to use an autoinjector because of the employee's good 199  
faith belief that the conditions of division (B) of this section 200  
had been satisfied. Furthermore, when a school district is 201  
required by this section to permit a student to possess and use an 202  
autoinjector because the conditions of division (B) of this 203  
section have been satisfied, the school district, any member of 204  
the school district board of education, or any school district 205  
employee is not liable in damages in a civil action for injury, 206  
death, or loss to person or property allegedly arising from the 207  
use of the autoinjector by a student for whom it was not 208  
prescribed. 209

This section does not eliminate, limit, or reduce any other 210  
immunity or defense that a school district, member of a school 211  
district board of education, or school district employee may be 212  
entitled to under Chapter 2744. or any other provision of the 213  
Revised Code or under the common law of this state. 214

(2) A chartered nonpublic school or any officer, director, or 215  
employee of the school is not liable in damages in a civil action 216  
for injury, death, or loss to person or property allegedly arising 217  
from a school employee's prohibiting a student from using an 218

autoinjector because of the employee's good faith belief that the 219  
conditions of division (B) of this section had not been satisfied. 220  
A chartered nonpublic school or any officer, director, or employee 221  
of the school is not liable in damages in a civil action for 222  
injury, death, or loss to person or property allegedly arising 223  
from a school employee's permitting a student to use an 224  
autoinjector because of the employee's good faith belief that the 225  
conditions of division (B) of this section had been satisfied. 226  
Furthermore, when a chartered nonpublic school is required by this 227  
section to permit a student to possess and use an autoinjector 228  
because the conditions of division (B) of this section have been 229  
satisfied, the chartered nonpublic school or any officer, 230  
director, or employee of the school is not liable in damages in a 231  
civil action for injury, death, or loss to person or property 232  
allegedly arising from the use of the autoinjector by a student 233  
for whom it was not prescribed. 234

Sec. 3313.7110. (A) The board of education of each city, 235  
local, exempted village, or joint vocational school district may 236  
procure epinephrine autoinjectors for each school operated by the 237  
district to have on the school premises for use in emergency 238  
situations identified under division (C)(5) of this section. A 239  
district board that elects to procure epinephrine autoinjectors 240  
under this section is encouraged to maintain, at all times, at 241  
least two epinephrine injectors at each school operated by the 242  
district. 243

(B) A district board that elects to procure epinephrine 244  
autoinjectors under this section shall require the district's 245  
superintendent to adopt a policy governing their maintenance and 246  
use. Before adopting the policy, the superintendent shall consult 247  
with a licensed health professional authorized to prescribe drugs, 248  
as defined in section 4729.01 of the Revised Code. 249

(C) A component of a policy adopted by a superintendent under 250  
division (B) of this section shall be a prescriber-issued protocol 251  
specifying definitive orders for epinephrine autoinjectors and the 252  
dosages of epinephrine to be administered through them. The policy 253  
also shall do all of the following: 254

(1) Identify the one or more locations in each school 255  
operated by the district in which an epinephrine autoinjector must 256  
be stored; 257

(2) Specify the conditions under which an epinephrine 258  
autoinjector must be stored, replaced, and disposed; 259

(3) Specify the individuals employed by or under contract 260  
with the district board, in addition to a school nurse licensed 261  
under section 3319.221 of the Revised Code or an athletic trainer 262  
licensed under Chapter 4755. of the Revised Code, who may access 263  
and use an epinephrine autoinjector to provide a dosage of 264  
epinephrine to an individual in an emergency situation identified 265  
under division (C)(5) of this section; 266

(4) Specify any training that employees or contractors 267  
specified under division (C)(3) of this section, other than a 268  
school nurse or athletic trainer, must complete before being 269  
authorized to access and use an epinephrine autoinjector; 270

(5) Identify the emergency situations, including when an 271  
individual exhibits signs and symptoms of anaphylaxis, in which a 272  
school nurse, athletic trainer, or other employees or contractors 273  
specified under division (C)(3) of this section may access and use 274  
an epinephrine autoinjector; 275

(6) Specify that assistance from an emergency medical service 276  
provider must be requested immediately after an epinephrine 277  
autoinjector is used; 278

(7) Specify the individuals, in addition to students, school 279  
employees or contractors, and school visitors, to whom a dosage of 280

epinephrine may be administered through an epinephrine 281  
autoinjector in an emergency situation specified under division 282  
(C)(5) of this section. 283

(D) A school or school district, a member of a district board 284  
of education, or a district or school employee or contractor is 285  
not liable in damages in a civil action for injury, death, or loss 286  
to person or property that allegedly arises from an act or 287  
omission associated with procuring, maintaining, accessing, or 288  
using an epinephrine autoinjector under this section, unless the 289  
act or omission constitutes willful or wanton misconduct. 290

This section does not eliminate, limit, or reduce any other 291  
immunity or defense that a school or school district, member of a 292  
district board of education, or district or school employee or 293  
contractor may be entitled to under Chapter 2744. or any other 294  
provision of the Revised Code or under the common law of this 295  
state. 296

(E) A school district board of education may accept donations 297  
of epinephrine autoinjectors from a wholesale distributor of 298  
dangerous drugs or a manufacturer of dangerous drugs, as defined 299  
in section 4729.01 of the Revised Code, and may accept donations 300  
of money from any person to purchase epinephrine autoinjectors. 301

(F) A district board that elects to procure epinephrine 302  
autoinjectors under this section shall report to the department of 303  
education each procurement and occurrence in which an epinephrine 304  
autoinjector is used from a school's supply of epinephrine 305  
autoinjectors. 306

**Sec. 3313.7111.** (A) With the approval of its governing 307  
authority, a chartered or nonchartered nonpublic school may 308  
procure epinephrine autoinjectors in the manner prescribed by 309  
section 3313.7110 of the Revised Code. A chartered or nonchartered 310  
nonpublic school that elects to do so shall comply with all 311

provisions of that section as if it were a school district. 312

(B) A chartered or nonchartered nonpublic school, a member of 313  
a chartered or nonchartered nonpublic school governing authority, 314  
or an employee or contractor of the school is not liable in 315  
damages in a civil action for injury, death, or loss to person or 316  
property that allegedly arises from an act or omission associated 317  
with procuring, maintaining, accessing, or using an epinephrine 318  
autoinjector under this section, unless the act or omission 319  
constitutes willful or wanton misconduct. 320

(C) A chartered or nonchartered nonpublic school may accept 321  
donations of epinephrine autoinjectors from a wholesale 322  
distributor of dangerous drugs or a manufacturer of dangerous 323  
drugs, as defined in section 4729.01 of the Revised Code, and may 324  
accept donations of money from any person to purchase epinephrine 325  
autoinjectors. 326

(D) A chartered or nonchartered nonpublic school that elects 327  
to procure epinephrine autoinjectors under this section shall 328  
report to the department of education each procurement and 329  
occurrence in which an epinephrine autoinjector is used from the 330  
school's supply of epinephrine autoinjectors. 331

**Sec. 3314.143.** (A) With the approval of its governing 332  
authority, a community school established under this chapter may 333  
procure epinephrine autoinjectors in the manner prescribed by 334  
section 3313.7110 of the Revised Code. A community school that 335  
elects to do so shall comply with all provisions of that section 336  
as if it were a school district. 337

(B) A community school, a member of a community school 338  
governing authority, or a community school employee or contractor 339  
is not liable in damages in a civil action for injury, death, or 340  
loss to person or property that allegedly arises from an act or 341

omission associated with procuring, maintaining, accessing, or 342  
using an epinephrine autoinjector under this section, unless the 343  
act or omission constitutes willful or wanton misconduct. 344

This division does not eliminate, limit, or reduce any other 345  
immunity or defense that a community school or governing 346  
authority, member of a community school governing authority, or 347  
community school employee or contractor may be entitled to under 348  
Chapter 2744. or any other provision of the Revised Code or under 349  
the common law of this state. 350

(C) A community school may accept donations of epinephrine 351  
autoinjectors from a wholesale distributor of dangerous drugs or a 352  
manufacturer of dangerous drugs, as defined in section 4729.01 of 353  
the Revised Code, and may accept donations of money from any 354  
person to purchase epinephrine autoinjectors. 355

(D) A community school that elects to procure epinephrine 356  
autoinjectors under this section shall report to the department of 357  
education each procurement and occurrence in which an epinephrine 358  
autoinjector is used from the school's supply of epinephrine 359  
autoinjectors. 360

**Sec. 3326.28.** (A) With the approval of its governing body, a 361  
STEM school established under this chapter may procure epinephrine 362  
autoinjectors in the manner prescribed by section 3313.7110 of the 363  
Revised Code. A STEM school that elects to do so shall comply with 364  
all provisions of that section as if it were a school district. 365

(B) A STEM school, a member of a STEM school governing body, 366  
or a STEM school employee or contractor is not liable in damages 367  
in a civil action for injury, death, or loss to person or property 368  
that allegedly arises from an act or omission associated with 369  
procuring, maintaining, accessing, or using an epinephrine 370  
autoinjector under this section, unless the act or omission 371  
constitutes willful or wanton misconduct. 372

This division does not eliminate, limit, or reduce any other 373  
immunity or defense that a STEM school or governing body, member 374  
of a STEM school governing body, or STEM school employee or 375  
contractor may be entitled to under Chapter 2744. or any other 376  
provision of the Revised Code or under the common law of this 377  
state. 378

(C) A STEM school may accept donations of epinephrine 379  
autoinjectors from a wholesale distributor of dangerous drugs or a 380  
manufacturer of dangerous drugs, as defined in section 4729.01 of 381  
the Revised Code, and may accept donations of money from any 382  
person to purchase epinephrine autoinjectors. 383

(D) A STEM school that elects to procure epinephrine 384  
autoinjectors under this section shall report to the department of 385  
education each procurement and occurrence in which an epinephrine 386  
autoinjector is used from the school's supply of epinephrine 387  
autoinjectors. 388

**Sec. 3328.29.** (A) With the approval of its board of trustees, 389  
a college-preparatory boarding school established under this 390  
chapter may procure epinephrine autoinjectors in the manner 391  
prescribed by section 3313.7110 of the Revised Code. A 392  
college-preparatory boarding school that elects to do so shall 393  
comply with all provisions of that section as if it were a school 394  
district. 395

(B) A college-preparatory boarding school, a member of a 396  
college-preparatory boarding school board of trustees, or a 397  
college-preparatory boarding school employee or contractor is not 398  
liable in damages in a civil action for injury, death, or loss to 399  
person or property that allegedly arises from an act or omission 400  
associated with procuring, maintaining, accessing, or using an 401  
epinephrine autoinjector under this section, unless the act or 402  
omission constitutes willful or wanton misconduct. 403

This division does not eliminate, limit, or reduce any other 404  
immunity or defense that a college-preparatory boarding school or 405  
board of trustees, member of a college-preparatory boarding school 406  
board of trustees, or college-preparatory boarding school employee 407  
or contractor may be entitled to under Chapter 2744. or any other 408  
provision of the Revised Code or under the common law of this 409  
state. 410

(C) A college-preparatory boarding school may accept 411  
donations of epinephrine autoinjectors from a wholesale 412  
distributor of dangerous drugs or a manufacturer of dangerous 413  
drugs, as defined in section 4729.01 of the Revised Code, and may 414  
accept donations of money from any person to purchase epinephrine 415  
autoinjectors. 416

(D) A college-preparatory boarding school that elects to 417  
procure epinephrine autoinjectors under this section shall report 418  
to the department of education each procurement and occurrence in 419  
which an epinephrine autoinjector is used from a school's supply 420  
of epinephrine autoinjectors. 421

**Sec. 4729.51.** (A) ~~No~~ (1) Except as provided in division 422  
(A)(2) of this section, no person other than a registered 423  
wholesale distributor of dangerous drugs shall possess for sale, 424  
sell, distribute, or deliver, at wholesale, dangerous drugs, 425  
except as follows: 426

~~(1)~~(a) A pharmacist who is a licensed terminal distributor of 427  
dangerous drugs or who is employed by a licensed terminal 428  
distributor of dangerous drugs may make occasional sales of 429  
dangerous drugs at wholesale; 430

~~(2)~~(b) A licensed terminal distributor of dangerous drugs 431  
having more than one establishment or place may transfer or 432  
deliver dangerous drugs from one establishment or place for which 433  
a license has been issued to the terminal distributor to another 434

establishment or place for which a license has been issued to the 435  
terminal distributor if the license issued for each establishment 436  
or place is in effect at the time of the transfer or delivery. 437

(2) A manufacturer of dangerous drugs may donate epinephrine 438  
autoinjectors to any of the following: 439

(a) The board of education of a city, local, exempted 440  
village, or joint vocational school district; 441

(b) A community school established under Chapter 3314. of the 442  
Revised Code; 443

(c) A STEM school established under Chapter 3326. of the 444  
Revised Code; 445

(d) A college-preparatory boarding school established under 446  
Chapter 3328. of the Revised Code; 447

(e) A chartered or nonchartered nonpublic school. 448

(B)(1) No registered wholesale distributor of dangerous drugs 449  
shall possess for sale, or sell, at wholesale, dangerous drugs to 450  
any person other than the following: 451

(a) Except as provided in division (B)(2)(a) of this section, 452  
a licensed health professional authorized to prescribe drugs; 453

(b) An optometrist licensed under Chapter 4725. of the 454  
Revised Code who holds a topical ocular pharmaceutical agents 455  
certificate; 456

(c) A registered wholesale distributor of dangerous drugs; 457

(d) A manufacturer of dangerous drugs; 458

(e) Subject to division (B)(3) of this section, a licensed 459  
terminal distributor of dangerous drugs; 460

(f) Carriers or warehouses for the purpose of carriage or 461  
storage; 462

(g) Terminal or wholesale distributors of dangerous drugs who 463

are not engaged in the sale of dangerous drugs within this state; 464

(h) An individual who holds a current license, certificate, 465  
or registration issued under Title 47 XLVII of the Revised Code 466  
and has been certified to conduct diabetes education by a national 467  
certifying body specified in rules adopted by the state board of 468  
pharmacy under section 4729.68 of the Revised Code, but only with 469  
respect to insulin that will be used for the purpose of diabetes 470  
education and only if diabetes education is within the 471  
individual's scope of practice under statutes and rules regulating 472  
the individual's profession; 473

(i) An individual who holds a valid certificate issued by a 474  
nationally recognized S.C.U.B.A. diving certifying organization 475  
approved by the state board of pharmacy in rule, but only with 476  
respect to medical oxygen that will be used for the purpose of 477  
emergency care or treatment at the scene of a diving emergency; 478

(j) Except as provided in division (B)(2)(b) of this section, 479  
a business entity that is a corporation formed under division (B) 480  
of section 1701.03 of the Revised Code, a limited liability 481  
company formed under Chapter 1705. of the Revised Code, or a 482  
professional association formed under Chapter 1785. of the Revised 483  
Code if the entity has a sole shareholder who is a licensed health 484  
professional authorized to prescribe drugs and is authorized to 485  
provide the professional services being offered by the entity; 486

(k) Except as provided in division (B)(2)(c) of this section, 487  
a business entity that is a corporation formed under division (B) 488  
of section 1701.03 of the Revised Code, a limited liability 489  
company formed under Chapter 1705. of the Revised Code, a 490  
partnership or a limited liability partnership formed under 491  
Chapter 1775. of the Revised Code, or a professional association 492  
formed under Chapter 1785. of the Revised Code, if, to be a 493  
shareholder, member, or partner, an individual is required to be 494  
licensed, certified, or otherwise legally authorized under Title 495

XLVII of the Revised Code to perform the professional service 496  
provided by the entity and each such individual is a licensed 497  
health professional authorized to prescribe drugs; 498

(l) With respect to epinephrine autoinjectors that may be 499  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 500  
or 3328.29 of the Revised Code, any of the following: the board of 501  
education of a city, local, exempted village, or joint vocational 502  
school district; a chartered or nonchartered nonpublic school; a 503  
community school established under Chapter 3314. of the Revised 504  
Code; a STEM school established under Chapter 3326. of the Revised 505  
Code; or a college-preparatory boarding school established under 506  
Chapter 3328. of the Revised Code; 507

(m) With respect to epinephrine autoinjectors that may be 508  
possessed under section 5101.76 of the Revised Code, any of the 509  
following: a residential camp, as defined in section 2151.011 of 510  
the Revised Code; a child day camp, as defined in section 5104.01 511  
of the Revised Code; or a child day camp operated by any county, 512  
township, municipal corporation, township park district created 513  
under section 511.18 of the Revised Code, park district created 514  
under section 1545.04 of the Revised Code, or joint recreation 515  
district established under section 755.14 of the Revised Code. 516

(2) No registered wholesale distributor of dangerous drugs 517  
shall possess for sale, or sell, at wholesale, dangerous drugs to 518  
any of the following: 519

(a) A prescriber who is employed by a pain management clinic 520  
that is not licensed as a terminal distributor of dangerous drugs 521  
with a pain management clinic classification issued under section 522  
4729.552 of the Revised Code; 523

(b) A business entity described in division (B)(1)(j) of this 524  
section that is, or is operating, a pain management clinic without 525  
a license as a terminal distributor of dangerous drugs with a pain 526

management clinic classification issued under section 4729.552 of 527  
the Revised Code; 528

(c) A business entity described in division (B)(1)(k) of this 529  
section that is, or is operating, a pain management clinic without 530  
a license as a terminal distributor of dangerous drugs with a pain 531  
management clinic classification issued under section 4729.552 of 532  
the Revised Code. 533

(3) No registered wholesale distributor of dangerous drugs 534  
shall possess dangerous drugs for sale at wholesale, or sell such 535  
drugs at wholesale, to a licensed terminal distributor of 536  
dangerous drugs, except as follows: 537

(a) In the case of a terminal distributor with a category I 538  
license, only dangerous drugs described in category I, as defined 539  
in division (A)(1) of section 4729.54 of the Revised Code; 540

(b) In the case of a terminal distributor with a category II 541  
license, only dangerous drugs described in category I and category 542  
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 543  
the Revised Code; 544

(c) In the case of a terminal distributor with a category III 545  
license, dangerous drugs described in category I, category II, and 546  
category III, as defined in divisions (A)(1), (2), and (3) of 547  
section 4729.54 of the Revised Code; 548

(d) In the case of a terminal distributor with a limited 549  
category I, II, or III license, only the dangerous drugs specified 550  
in the certificate furnished by the terminal distributor in 551  
accordance with section 4729.60 of the Revised Code. 552

(C)(1) Except as provided in division (C)(4) of this section, 553  
no person shall sell, at retail, dangerous drugs. 554

(2) Except as provided in division (C)(4) of this section, no 555  
person shall possess for sale, at retail, dangerous drugs. 556

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

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

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

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

Division (C)(3) of this section does not apply to 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 chartered or nonchartered nonpublic school, a community school, a STEM school, or a college-preparatory boarding school for the purpose of possessing

epinephrine autoinjectors under section 3313.7110, 3313.7111, 589  
3314.143, 3326.28, or 3328.29 of the Revised Code. 590

Division (C)(3) of this section does not apply to a 591  
residential camp, as defined in section 2151.011 of the Revised 592  
Code, a child day camp, as defined in section 5104.01 of the 593  
Revised Code, or a child day camp operated by any county, 594  
township, municipal corporation, township park district created 595  
under section 511.18 of the Revised Code, park district created 596  
under section 1545.04 of the Revised Code, or joint recreation 597  
district established under section 755.14 of the Revised Code for 598  
the purpose of possessing epinephrine autoinjectors under section 599  
5101.76 of the Revised Code. 600

(D) No licensed terminal distributor of dangerous drugs shall 601  
purchase for the purpose of resale dangerous drugs from any person 602  
other than a registered wholesale distributor of dangerous drugs, 603  
except as follows: 604

(1) A licensed terminal distributor of dangerous drugs may 605  
make occasional purchases of dangerous drugs for resale from a 606  
pharmacist who is a licensed terminal distributor of dangerous 607  
drugs or who is employed by a licensed terminal distributor of 608  
dangerous drugs; 609

(2) A licensed terminal distributor of dangerous drugs having 610  
more than one establishment or place may transfer or receive 611  
dangerous drugs from one establishment or place for which a 612  
license has been issued to the terminal distributor to another 613  
establishment or place for which a license has been issued to the 614  
terminal distributor if the license issued for each establishment 615  
or place is in effect at the time of the transfer or receipt. 616

(E) No licensed terminal distributor of dangerous drugs shall 617  
engage in the sale or other distribution of dangerous drugs at 618  
retail or maintain possession, custody, or control of dangerous 619

drugs for any purpose other than the distributor's personal use or 620  
consumption, at any establishment or place other than that or 621  
those described in the license issued by the state board of 622  
pharmacy to such terminal distributor. 623

(F) Nothing in this section shall be construed to interfere 624  
with the performance of official duties by any law enforcement 625  
official authorized by municipal, county, state, or federal law to 626  
collect samples of any drug, regardless of its nature or in whose 627  
possession it may be. 628

(G) Notwithstanding anything to the contrary in this section, 629  
the board of education of a city, local, exempted village, or 630  
joint vocational school district may deliver epinephrine 631  
autoinjectors to a school under its control for the purpose of 632  
possessing epinephrine autoinjectors under section 3313.7110 of 633  
the Revised Code. 634

**Sec. 4729.60.** (A) Before a registered wholesale distributor 635  
of dangerous drugs may sell dangerous drugs at wholesale to any 636  
person, other than the persons specified in divisions (B)(1)(a) to 637  
(d) ~~and (B)(1)~~, (f) to (h), (l), and (m) of section 4729.51 of the 638  
Revised Code, such wholesale distributor shall obtain from the 639  
purchaser and the purchaser shall furnish to the wholesale 640  
distributor a certificate indicating that the purchaser is a 641  
licensed terminal distributor of dangerous drugs. The certificate 642  
shall be in the form that the state board of pharmacy shall 643  
prescribe, and shall set forth the name of the licensee, the 644  
number of the license, a description of the place or establishment 645  
or each place or establishment for which the license was issued, 646  
the category of licensure, and, if the license is a limited 647  
category I, II, or III license, the dangerous drugs that the 648  
licensee is authorized to possess, have custody or control of, and 649  
distribute. 650

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

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

If no registration number is obtained or furnished before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (D) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs obtains or is furnished a registration number from a wholesale distributor of dangerous drugs and relies on the registration number in purchasing dangerous drugs at wholesale from the wholesale distributor of dangerous drugs, the terminal distributor shall be deemed not to have violated division (D) of section 4729.51 of the Revised Code in making the purchase.

Sec. 5101.76. (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine autoinjectors for use in emergency situations identified under division (C)(5) of this section. A camp that elects to procure epinephrine autoinjectors under this section is encouraged to maintain at least two epinephrine autoinjectors at all times.

(B) A camp that elects to procure epinephrine autoinjectors under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(C) A component of a policy adopted by a camp under division (B) of this section shall be a prescriber-issued protocol specifying definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them. The policy also shall do all of the following:

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;

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

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C)(5) of this

<u>section;</u>	713
<u>(4) Specify any training that employees or contractors specified under division (C)(3) of this section must complete before being authorized to access and use an epinephrine autoinjector;</u>	714 715 716 717
<u>(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector;</u>	718 719 720 721
<u>(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;</u>	722 723 724
<u>(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section.</u>	725 726 727 728
<u>(D) A camp or camp employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct.</u>	729 730 731 732 733 734
<u>This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.</u>	735 736 737 738
<u>(E) A camp may accept donations of epinephrine autoinjectors from a wholesale distributor 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.</u>	739 740 741 742

(F) A camp that elects to procure epinephrine autoinjectors 743  
under this section shall report to the department of job and 744  
family services each procurement and occurrence in which an 745  
epinephrine autoinjector is used from a camp's supply of 746  
epinephrine autoinjectors. 747

**Section 2.** That existing sections 3313.713, 3313.718, 748  
4729.51, and 4729.60 of the Revised Code are hereby repealed. 749

**Section 3.** This act is hereby declared to be an emergency 750  
measure necessary for the immediate preservation of the public 751  
peace, health, and safety. The reason for such necessity is that 752  
allergic reactions can be life-threatening and Ohio schools and 753  
camps presently lack authorization to procure epinephrine 754  
autoinjectors to treat emergency anaphylaxis. Because anaphylaxis 755  
can lead to death or permanent damage within minutes, 756  
authorization to procure and timely administer epinephrine is 757  
critical. Therefore, this act shall go into immediate effect. 758