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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, Brenner, Fedor, Bishoff,
Driehaus**

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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, 3328.29, and 5104.60 of the Revised Code 3
to permit public schools, residential camps, and 4
child day camps to procure epinephrine 5
autoinjectors in accordance with prescribed 6
procedures and to exempt them from licensing 7
requirements related to the possession of 8
epinephrine autoinjectors. 9

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

Section 1. That sections 3313.713, 3313.718, 4729.51, and 10
4729.60 be amended and sections 3313.7110, 3314.143, 3326.28, 11
3328.29, and 5104.60 of the Revised Code be enacted to read as 12
follows: 13

Sec. 3313.713. (A) As used in this section: 14

(1) "Drug" means a drug, as defined in section 4729.01 of the 15

Revised Code, that is to be administered pursuant to the 16
instructions of the prescriber, whether or not required by law to 17
be sold only upon a prescription. 18

(2) "Federal law" means the "Individuals with Disabilities 19
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 20

(3) "Prescriber" has the same meaning as in section 4729.01 21
of the Revised Code. 22

(B) The board of education of each city, local, exempted 23
village, and joint vocational school district shall, ~~not later~~ 24
~~than one hundred twenty days after September 20, 1984,~~ adopt a 25
policy on the authority of its employees, when acting in 26
situations other than those governed by sections 2305.23, 27
2305.231, ~~and~~ 3313.712, and 3313.7110 of the Revised Code, to 28
administer drugs prescribed to students enrolled in the schools of 29
the district. The policy shall provide either that: 30

(1) Except as otherwise required by federal law, no person 31
employed by the board shall, in the course of such employment, 32
administer any drug prescribed to any student enrolled in the 33
schools of the district. 34

(2) Designated persons employed by the board are authorized 35
to administer to a student a drug prescribed for the student. 36
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 administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.

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

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

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

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

(G) A policy adopted by a board of education pursuant to this

section may be changed, modified, or revised by action of the board. 107
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(H) Nothing in this section shall be construed to require a 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. 109
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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. 116
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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. 119
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Sec. 3313.718. (A) As used in this section, "prescriber" has the same meaning as in section 4729.01 of the Revised Code. 128
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(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: 130
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(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	157
using the autoinjector that should be reported to the prescriber;	158
(i) Any severe adverse reactions that may occur to another	159
child, for whom the autoinjector is not prescribed, should such a	160
child receive a dose of the medication;	161
(j) At least one emergency telephone number for contacting	162
the prescriber in an emergency;	163
(k) At least one emergency telephone number for contacting	164
the parent, guardian, or other person having care or charge of the	165
student in an emergency;	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 at such times that <u>was possessed by the student pursuant to the written approvals described in division (B)(1) of this section</u> , a school employee shall immediately request assistance from an emergency medical service provider.	181 182 183 184 185 186 187 188
(D)(1) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district 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 school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or	189 190 191 192 193 194 195 196 197

property allegedly arising from a district 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 school district 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 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, 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. Each 239
district board that elects to procure epinephrine autoinjectors 240
under this section is encouraged to maintain at least two 241
epinephrine injectors at all times. 242

(B) Each district board that elects to procure epinephrine 243
autoinjectors under this section shall adopt a policy authorizing 244
their maintenance and use. The district shall consult with a 245
licensed health professional authorized to prescribe drugs, as 246
defined in section 4729.01 of the Revised Code, to develop a 247
policy composed of procedures specified under division (C) of this 248
section for the maintenance and use of epinephrine autoinjectors. 249

(C) A component of the policy required by division (B) of 250
this section shall be a prescriber-issued protocol, approved by 251
the state board of pharmacy, specifying definitive orders for 252
epinephrine autoinjectors and the dosages of epinephrine to be 253
administered through them. The policy also shall do all of the 254
following: 255

(1) Identify the one or more locations in each school 256
operated by the district in which an epinephrine autoinjector must 257
be stored; 258

(2) Specify the conditions under which an epinephrine 259
autoinjector must be stored, replaced, and disposed; 260

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

(4) Specify any training that employees specified under 267
division (C)(3) of this section, other than a school nurse, must 268
complete before accessing or using an epinephrine autoinjector; 269

(5) Identify the emergency situations, including when an 270
individual exhibits signs and symptoms of anaphylaxis, in which a 271
school nurse or other employees specified under division (C)(3) of 272
this section may use an epinephrine autoinjector; 273

(6) Specify that assistance from an emergency medical service 274
provider must be requested immediately after an epinephrine 275
autoinjector is used; 276

(7) Specify the individuals, in addition to students, school 277
employees, and school visitors, who may receive a dosage of 278
epinephrine in an emergency situation specified under division 279
(C)(5) of this section. 280

(D) A school or school district, a member of a district board 281
of education, or a district or school employee is not liable in 282
damages in a civil action for injury, death, or loss to person or 283
property allegedly arising from the use of an epinephrine 284
autoinjector under this section. 285

This section does not eliminate, limit, or reduce any other 286
immunity or defense that a school or school district, member of a 287
district board of education, or district or school employee may be 288
entitled to under Chapter 2744. or any other provision of the 289
Revised Code or under the common law of this state. 290

(E) A school district board of education or school building 291

principal may accept donations of epinephrine autoinjectors from a 292
registered wholesale distributor of dangerous drugs or a 293
manufacturer of dangerous drugs, as defined in section 4729.01 of 294
the Revised Code, and may accept donations of money from any 295
person to purchase epinephrine autoinjectors. 296

(F) A school district board of education that elects to 297
procure epinephrine autoinjectors under this section shall report 298
to the department of education each procurement and occurrence in 299
which an epinephrine autoinjector is used from a school's supply 300
of epinephrine autoinjectors. 301

Sec. 3314.143. (A) With the approval of its governing 302
authority, a community school established under this chapter may 303
procure epinephrine autoinjectors in the manner prescribed by 304
section 3313.7110 of the Revised Code. A community school that 305
elects to do so shall comply with all provisions of that section 306
as if it were a school district. 307

(B) A community school, a member of a community school 308
governing authority, or a community school employee is not liable 309
in damages in a civil action for injury, death, or loss to person 310
or property allegedly arising from the use of an epinephrine 311
autoinjector in the manner prescribed by section 3313.7110 of the 312
Revised Code. 313

This division does not eliminate, limit, or reduce any other 314
immunity or defense that a community school or governing 315
authority, member of a community school governing authority, or 316
community school employee may be entitled to under Chapter 2744. 317
or any other provision of the Revised Code or under the common law 318
of this state. 319

(C) A community school may accept donations of epinephrine 320
autoinjectors from a registered wholesale distributor of dangerous 321
drugs or a manufacturer of dangerous drugs, as defined in section 322

4729.01 of the Revised Code, and may accept donations of money 323
from any person to purchase epinephrine autoinjectors. 324

(D) A community school that elects to procure epinephrine 325
autoinjectors under this section shall report to the department of 326
education each procurement and occurrence in which an epinephrine 327
autoinjector is used from the school's supply of epinephrine 328
autoinjectors. 329

Sec. 3326.28. (A) With the approval of its governing body, a 330
STEM school established under this chapter may procure epinephrine 331
autoinjectors in the manner prescribed by section 3313.7110 of the 332
Revised Code. A STEM school that elects to do so shall comply with 333
all provisions of that section as if it were a school district. 334

(B) A STEM school, a member of a STEM school governing body, 335
or a STEM school employee is not liable in damages in a civil 336
action for injury, death, or loss to person or property allegedly 337
arising from the use of an epinephrine autoinjector in the manner 338
prescribed by section 3313.7110 of the Revised Code. 339

This division does not eliminate, limit, or reduce any other 340
immunity or defense that a STEM school or governing body, member 341
of a STEM school governing body, or STEM school employee may be 342
entitled to under Chapter 2744. or any other provision of the 343
Revised Code or under the common law of this state. 344

(C) A STEM school may accept donations of epinephrine 345
autoinjectors from a registered wholesale distributor of dangerous 346
drugs or a manufacturer of dangerous drugs, as defined in section 347
4729.01 of the Revised Code, and may accept donations of money 348
from any person to purchase epinephrine autoinjectors. 349

(D) A STEM school that elects to procure epinephrine 350
autoinjectors under this section shall report to the department of 351
education each procurement and occurrence in which an epinephrine 352

autoinjector is used from the school's supply of epinephrine 353
autoinjectors. 354

Sec. 3328.29. (A) With the approval of its board of trustees, 355
a college-preparatory boarding school established under this 356
chapter may procure epinephrine autoinjectors in the manner 357
prescribed by section 3313.7110 of the Revised Code. A 358
college-preparatory boarding school that elects to do so shall 359
comply with all provisions of that section as if it were a school 360
district. 361

(B) A college-preparatory boarding school, a member of a 362
college-preparatory boarding school board of trustees, or a 363
college-preparatory boarding school employee is not liable in 364
damages in a civil action for injury, death, or loss to person or 365
property allegedly arising from the use of an epinephrine 366
autoinjector in the manner prescribed by section 3313.7110 of the 367
Revised Code. 368

This division does not eliminate, limit, or reduce any other 369
immunity or defense that a college-preparatory boarding school or 370
board of trustees, member of a college-preparatory boarding school 371
board of trustees, or college-preparatory boarding school employee 372
may be entitled to under Chapter 2744. or any other provision of 373
the Revised Code or under the common law of this state. 374

(C) A college-preparatory boarding school may accept 375
donations of epinephrine autoinjectors from a registered wholesale 376
distributor of dangerous drugs or a manufacturer of dangerous 377
drugs, as defined in section 4729.01 of the Revised Code, and may 378
accept donations of money from any person to purchase epinephrine 379
autoinjectors. 380

(D) A college-preparatory boarding school that elects to 381
procure epinephrine autoinjectors under this section shall report 382
to the department of education each procurement and occurrence in 383

which an epinephrine autoinjector is used from a school's supply 384
of epinephrine autoinjectors. 385

Sec. 4729.51. (A) ~~No~~ (1) Except as provided in division 386
(A)(2) of this section, no person other than a registered 387
wholesale distributor of dangerous drugs shall possess for sale, 388
sell, distribute, or deliver, at wholesale, dangerous drugs, 389
except as follows: 390

~~(1)~~(a) A pharmacist who is a licensed terminal distributor of 391
dangerous drugs or who is employed by a licensed terminal 392
distributor of dangerous drugs may make occasional sales of 393
dangerous drugs at wholesale; 394

~~(2)~~(b) A licensed terminal distributor of dangerous drugs 395
having more than one establishment or place may transfer or 396
deliver dangerous drugs from one establishment or place for which 397
a license has been issued to the terminal distributor to another 398
establishment or place for which a license has been issued to the 399
terminal distributor if the license issued for each establishment 400
or place is in effect at the time of the transfer or delivery. 401

(2) A manufacturer of dangerous drugs may donate epinephrine 402
autoinjectors to any of the following: 403

(a) The board of education of a city, local, exempted 404
village, or joint vocational school district; 405

(b) A community school established under Chapter 3314. of the 406
Revised Code; 407

(c) A STEM school established under Chapter 3326. of the 408
Revised Code; 409

(d) A college-preparatory boarding school established under 410
Chapter 3328. of the Revised Code; 411

(e) A residential camp, as defined in section 2151.011 of the 412
Revised Code; 413

<u>(f) A child day camp, as defined in section 5104.01 of the</u>	414
<u>Revised Code.</u>	415
(B)(1) No registered wholesale distributor of dangerous drugs	416
shall possess for sale, or sell, at wholesale, dangerous drugs to	417
any person other than the following:	418
(a) Except as provided in division (B)(2)(a) of this section,	419
a licensed health professional authorized to prescribe drugs;	420
(b) An optometrist licensed under Chapter 4725. of the	421
Revised Code who holds a topical ocular pharmaceutical agents	422
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	426
terminal distributor of dangerous drugs;	427
(f) Carriers or warehouses for the purpose of carriage or	428
storage;	429
(g) Terminal or wholesale distributors of dangerous drugs who	430
are not engaged in the sale of dangerous drugs within this state;	431
(h) An individual who holds a current license, certificate,	432
or registration issued under Title 47 <u>XLVII</u> of the Revised Code	433
and has been certified to conduct diabetes education by a national	434
certifying body specified in rules adopted by the state board of	435
pharmacy under section 4729.68 of the Revised Code, but only with	436
respect to insulin that will be used for the purpose of diabetes	437
education and only if diabetes education is within the	438
individual's scope of practice under statutes and rules regulating	439
the individual's profession;	440
(i) An individual who holds a valid certificate issued by a	441
nationally recognized S.C.U.B.A. diving certifying organization	442
approved by the state board of pharmacy in rule, but only with	443

respect to medical oxygen that will be used for the purpose of 444
emergency care or treatment at the scene of a diving emergency; 445

(j) Except as provided in division (B)(2)(b) of this section, 446
a business entity that is a corporation formed under division (B) 447
of section 1701.03 of the Revised Code, a limited liability 448
company formed under Chapter 1705. of the Revised Code, or a 449
professional association formed under Chapter 1785. of the Revised 450
Code if the entity has a sole shareholder who is a licensed health 451
professional authorized to prescribe drugs and is authorized to 452
provide the professional services being offered by the entity; 453

(k) Except as provided in division (B)(2)(c) of this section, 454
a business entity that is a corporation formed under division (B) 455
of section 1701.03 of the Revised Code, a limited liability 456
company formed under Chapter 1705. of the Revised Code, a 457
partnership or a limited liability partnership formed under 458
Chapter 1775. of the Revised Code, or a professional association 459
formed under Chapter 1785. of the Revised Code, if, to be a 460
shareholder, member, or partner, an individual is required to be 461
licensed, certified, or otherwise legally authorized under Title 462
XLVII of the Revised Code to perform the professional service 463
provided by the entity and each such individual is a licensed 464
health professional authorized to prescribe drugs; 465

(l) The board of education of a city, local, exempted 466
village, or joint vocational school district, a community school 467
established under Chapter 3314. of the Revised Code, a STEM school 468
established under Chapter 3326. of the Revised Code, or a 469
college-preparatory boarding school established under Chapter 470
3328. of the Revised Code, but only with respect to epinephrine 471
autoinjectors that may be possessed under section 3313.7110 of the 472
Revised Code; 473

(m) A residential camp, as defined in section 2151.011 of the 474
Revised Code, or a child day camp, as defined in section 5104.01 475

of the Revised Code, but only with respect to epinephrine 476
autoinjectors that may be possessed under section 5104.60 of the 477
Revised Code. 478

(2) No registered wholesale distributor of dangerous drugs 479
shall possess for sale, or sell, at wholesale, dangerous drugs to 480
any of the following: 481

(a) A prescriber who is employed by a pain management clinic 482
that is not licensed as a terminal distributor of dangerous drugs 483
with a pain management clinic classification issued under section 484
4729.552 of the Revised Code; 485

(b) A business entity described in division (B)(1)(j) of this 486
section that is, or is operating, a pain management clinic without 487
a license as a terminal distributor of dangerous drugs with a pain 488
management clinic classification issued under section 4729.552 of 489
the Revised Code; 490

(c) A business entity described in division (B)(1)(k) of this 491
section that is, or is operating, a pain management clinic without 492
a license as a terminal distributor of dangerous drugs with a pain 493
management clinic classification issued under section 4729.552 of 494
the Revised Code. 495

(3) No registered wholesale distributor of dangerous drugs 496
shall possess dangerous drugs for sale at wholesale, or sell such 497
drugs at wholesale, to a licensed terminal distributor of 498
dangerous drugs, except as follows: 499

(a) In the case of a terminal distributor with a category I 500
license, only dangerous drugs described in category I, as defined 501
in division (A)(1) of section 4729.54 of the Revised Code; 502

(b) In the case of a terminal distributor with a category II 503
license, only dangerous drugs described in category I and category 504
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 505
the Revised Code; 506

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

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

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

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

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

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

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

Divisions (C)(1), (2), and (3) of this section do not apply 538
to an individual who holds a valid certificate issued by a 539
nationally recognized S.C.U.B.A. diving certifying organization 540
approved by the state board of pharmacy in rule, but only to the 541
extent that the individual possesses medical oxygen or personally 542
supplies medical oxygen for the purpose of emergency care or 543
treatment at the scene of a diving emergency. 544

Division (C)(3) of this section does not apply to the board 545
of education of a city, local, exempted village, or joint 546
vocational school district, a school building operated by a school 547
district board of education, a community school, a STEM school, or 548
a college-preparatory boarding school for the purpose of 549
possessing epinephrine autoinjectors under section 3313.7110 of 550
the Revised Code. 551

Division (C)(3) of this section does not apply to a 552
residential day camp or child day camp for the purpose of 553
possessing epinephrine autoinjectors under section 5104.60 of the 554
Revised Code. 555

(D) No licensed terminal distributor of dangerous drugs shall 556
purchase for the purpose of resale dangerous drugs from any person 557
other than a registered wholesale distributor of dangerous drugs, 558
except as follows: 559

(1) A licensed terminal distributor of dangerous drugs may 560
make occasional purchases of dangerous drugs for resale from a 561
pharmacist who is a licensed terminal distributor of dangerous 562
drugs or who is employed by a licensed terminal distributor of 563
dangerous drugs; 564

(2) A licensed terminal distributor of dangerous drugs having 565
more than one establishment or place may transfer or receive 566
dangerous drugs from one establishment or place for which a 567
license has been issued to the terminal distributor to another 568

establishment or place for which a license has been issued to the 569
terminal distributor if the license issued for each establishment 570
or place is in effect at the time of the transfer or receipt. 571

(E) No licensed terminal distributor of dangerous drugs shall 572
engage in the sale or other distribution of dangerous drugs at 573
retail or maintain possession, custody, or control of dangerous 574
drugs for any purpose other than the distributor's personal use or 575
consumption, at any establishment or place other than that or 576
those described in the license issued by the state board of 577
pharmacy to such terminal distributor. 578

(F) Nothing in this section shall be construed to interfere 579
with the performance of official duties by any law enforcement 580
official authorized by municipal, county, state, or federal law to 581
collect samples of any drug, regardless of its nature or in whose 582
possession it may be. 583

(G) Notwithstanding anything to the contrary in this section, 584
the board of education of a city, local, exempted village, or 585
joint vocational school district may deliver epinephrine 586
autoinjectors to a school under its control for the purpose of 587
possessing epinephrine autoinjectors in accordance with the policy 588
and procedures prescribed under section 3313.7110 of the Revised 589
Code. 590

Sec. 4729.60. (A) Before a registered wholesale distributor 591
of dangerous drugs may sell dangerous drugs at wholesale to any 592
person, other than the persons specified in divisions (B)(1)(a) to 593
(d) ~~and (B)(1)~~, (f) to (h), (l), and (m) of section 4729.51 of the 594
Revised Code, such wholesale distributor shall obtain from the 595
purchaser and the purchaser shall furnish to the wholesale 596
distributor a certificate indicating that the purchaser is a 597
licensed terminal distributor of dangerous drugs. The certificate 598
shall be in the form that the state board of pharmacy shall 599

prescribe, and shall set forth the name of the licensee, the 600
number of the license, a description of the place or establishment 601
or each place or establishment for which the license was issued, 602
the category of licensure, and, if the license is a limited 603
category I, II, or III license, the dangerous drugs that the 604
licensee is authorized to possess, have custody or control of, and 605
distribute. 606

If no certificate is obtained or furnished before a sale is 607
made, it shall be presumed that the sale of dangerous drugs by the 608
wholesale distributor is in violation of division (B) of section 609
4729.51 of the Revised Code and the purchase of dangerous drugs by 610
the purchaser is in violation of division (C) of section 4729.51 611
of the Revised Code. If a registered wholesale distributor of 612
dangerous drugs obtains or is furnished a certificate from a 613
terminal distributor of dangerous drugs and relies on the 614
certificate in selling dangerous drugs at wholesale to the 615
terminal distributor of dangerous drugs, the wholesale distributor 616
of dangerous drugs shall be deemed not to have violated division 617
(B) of section 4729.51 of the Revised Code in making the sale. 618

(B) Before a licensed terminal distributor of dangerous drugs 619
may purchase dangerous drugs at wholesale, the terminal 620
distributor shall obtain from the seller and the seller shall 621
furnish to the terminal distributor the number of the seller's 622
registration certificate to engage in the sale of dangerous drugs 623
at wholesale. 624

If no registration number is obtained or furnished before a 625
purchase is made, it shall be presumed that the purchase of 626
dangerous drugs by the terminal distributor is in violation of 627
division (D) of section 4729.51 of the Revised Code and the sale 628
of dangerous drugs by the seller is in violation of division (A) 629
of section 4729.51 of the Revised Code. If a licensed terminal 630
distributor of dangerous drugs obtains or is furnished a 631

registration number from a wholesale distributor of dangerous 632
drugs and relies on the registration number in purchasing 633
dangerous drugs at wholesale from the wholesale distributor of 634
dangerous drugs, the terminal distributor shall be deemed not to 635
have violated division (D) of section 4729.51 of the Revised Code 636
in making the purchase. 637

Sec. 5104.60. (A) A residential camp, as defined in section 638
2151.011 of the Revised Code, or a child day camp, as defined in 639
section 5104.01 of the Revised Code, may procure epinephrine 640
autoinjectors for use in emergency situations identified under 641
division (C)(5) of this section. Each camp that elects to procure 642
epinephrine autoinjectors under this section is encouraged to 643
maintain at least two epinephrine autoinjectors at all times. 644

(B) Each residential camp or child day camp that elects to 645
procure epinephrine autoinjectors under this section shall adopt a 646
policy authorizing their maintenance and use. The camp shall 647
consult with a licensed health professional authorized to 648
prescribe drugs, as defined in section 4729.01 of the Revised 649
Code, to develop a policy for the maintenance and use of 650
epinephrine autoinjectors. 651

(C) A component of the policy required by division (B) of 652
this section shall be a prescriber-issued protocol, approved by 653
the state board of pharmacy, specifying definitive orders for 654
epinephrine autoinjectors and the dosages of epinephrine to be 655
administered through them. The policy also shall do all of the 656
following: 657

(1) Identify the one or more locations in which an 658
epinephrine autoinjector must be stored; 659

(2) Specify the conditions under which an epinephrine 660
autoinjector must be stored, replaced, and disposed; 661

(3) Specify the individuals employed by 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 section; 662
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(4) Specify any training that employees specified under division (C)(3) of this section must complete before accessing or using an epinephrine autoinjector; 666
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(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees specified under division (C)(3) of this section may use an epinephrine autoinjector; 669
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used; 673
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(7) Specify the individuals who may receive a dosage of epinephrine in an emergency situation specified under division (C)(5) of this section. 676
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(D) A residential camp, child day camp, or an employee of a residential camp or child day camp 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. 679
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(E) A residential camp or child day camp 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. 684
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(F) A residential camp or child day camp that elects to procure epinephrine autoinjectors under this section shall report to the department of job and family services each procurement and 690
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occurrence in which an epinephrine autoinjector is used from a 693
camp's supply of epinephrine autoinjectors. 694

Section 2. That existing sections 3313.713, 3313.718, 695
4729.51, and 4729.60 of the Revised Code are hereby repealed. 696