

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 44

Representative McClain

**Cosponsors: Representatives Sears, Grossman, Adams, J., Derickson,
Stebelton, Terhar, Retherford, O'Brien**

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A B I L L

To enact section 3701.048 of the Revised Code to 1
require the Director of Health to develop 2
protocols regarding the authority to administer, 3
deliver, distribute, or dispense drugs during 4
certain public health emergencies. 5

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

Section 1. That section 3701.048 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3701.048. (A) As used in this section, "drug," 8
"dangerous drug," and "licensed health professional authorized to 9
prescribe drugs" have the same meanings as in section 4729.01 of 10
the Revised Code. 11

(B) In consultation with the appropriate professional 12
regulatory boards of this state, the director of health shall 13
develop one or more protocols that authorize the following 14
individuals to administer, deliver, or distribute drugs during a 15
period of time described in division (D) of this section, 16
notwithstanding any statute or rule that otherwise prohibits or 17
restricts the administration, delivery, or distribution of drugs 18

<u>by those individuals:</u>	19
<u>(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;</u>	20 21 22
<u>(2) A physician assistant who holds a certificate to practice issued under Chapter 4730. of the Revised Code;</u>	23 24
<u>(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;</u>	25 26
<u>(4) A registered nurse licensed under Chapter 4723. of the Revised Code, including an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;</u>	27 28 29
<u>(5) A licensed practical nurse licensed under Chapter 4723. of the Revised Code;</u>	30 31
<u>(6) An optometrist licensed under Chapter 4725. of the Revised Code;</u>	32 33
<u>(7) A pharmacist or pharmacy intern licensed under Chapter 4729. of the Revised Code;</u>	34 35
<u>(8) A respiratory care professional licensed under Chapter 4761. of the Revised Code;</u>	36 37
<u>(9) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic who holds a certificate to practice issued under Chapter 4765. of the Revised Code;</u>	38 39 40 41
<u>(10) A veterinarian licensed under Chapter 4741. of the Revised Code.</u>	42 43
<u>(C) In consultation with the state board of pharmacy, the director of health shall develop one or more protocols that authorize pharmacists and pharmacy interns to dispense, during a period of time described in division (D) of this section, limited quantities of dangerous drugs without a written, oral, or</u>	44 45 46 47 48

electronic prescription from a licensed health professional 49
authorized to prescribe drugs or without a record of a 50
prescription, notwithstanding any statute or rule that otherwise 51
prohibits or restricts the dispensing of drugs without a 52
prescription or record of a prescription. 53

(D) On the governor's declaration of an emergency that 54
affects the public health, the director of health may issue an 55
order to implement one or more of the protocols developed pursuant 56
to division (B) or (C) of this section. At a minimum, the 57
director's order shall identify the one or more protocols to be 58
implemented and the period of time during which the one or more 59
protocols are to be effective. 60

(E) An individual who administers, delivers, distributes, or 61
dispenses a drug or dangerous drug in accordance with one or more 62
of the protocols implemented under division (D) of this section is 63
not liable for or subject to any of the following for the 64
individual's acts or omissions in performing those activities, 65
unless the acts or omissions constitute willful or wanton 66
misconduct: 67

(1) Damages in any civil action; 68

(2) Prosecution in any criminal proceeding; 69

(3) Professional disciplinary action under Chapter 4715., 70
4723., 4725., 4729., 4730., 4731., 4741., 4761., or 4765. of the 71
Revised Code. 72