

**As Reported by the Senate Medicaid, Health and Human Services
Committee**

**130th General Assembly
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Am. Sub. H. B. No. 44

Representative McClain

**Cosponsors: Representatives Sears, Grossman, Adams, J., Derickson,
Stebelton, Terhar, Retherford, O'Brien, Bishoff, Brown, Carney, Amstutz,
Anielski, Antonio, Barnes, Beck, Damschroder, Fedor, Gerberry, Hackett,
Letson, McGregor, Milkovich, Patmon, Pelanda, Ramos, Rogers**

Speaker Batchelder

Senator Tavares

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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: 8

(1) "Board of health" means the board of health of a city or 9
general health district or the authority having the duties of a 10
board of health under section 3709.05 of the Revised Code. 11

(2) "Controlled substance" has the same meaning as in section 12
3719.01 of the Revised Code. 13

(3) "Drug," "dangerous drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as in section 4729.01 of the Revised Code. 14
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(4) "Registered volunteer" has the same meaning as in section 5502.281 of the Revised Code. 17
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(B) In consultation with the appropriate professional regulatory boards of this state, the director of health shall develop one or more protocols that authorize the following individuals to administer, deliver, or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the administration, delivery, or distribution of drugs by those individuals: 19
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(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; 28
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(2) A physician assistant who holds a certificate to practice issued under Chapter 4730. of the Revised Code; 31
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(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code; 33
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(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; 35
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(5) A licensed practical nurse licensed under Chapter 4723. of the Revised Code; 38
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(6) An optometrist licensed under Chapter 4725. of the Revised Code; 40
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(7) A pharmacist or pharmacy intern licensed under Chapter 4729. of the Revised Code; 42
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(8) A respiratory care professional licensed under Chapter 4761. of the Revised Code; 44
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(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; 46
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(10) A veterinarian licensed under Chapter 4741. of the Revised Code. 50
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(C) In consultation with the executive director of the emergency management agency, the director of health shall develop one or more protocols that authorize employees of boards of health and registered volunteers to deliver or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the delivery or distribution of drugs by those individuals. 52
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(D) 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 (E) of this section, limited quantities of dangerous drugs, other than schedule II and III controlled substances, without a written, oral, or electronic prescription from a licensed health professional authorized to prescribe drugs or without a record of a prescription, notwithstanding any statute or rule that otherwise prohibits or restricts the dispensing of drugs without a prescription or record of a prescription. 60
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(E) On the governor's declaration of an emergency that affects the public health, the director of health may issue an order to implement one or more of the protocols developed pursuant to division (B), (C), or (D) of this section. At a minimum, the 71
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director's order shall identify the one or more protocols to be 75
implemented and the period of time during which the one or more 76
protocols are to be effective. 77

(F)(1) An individual who administers, delivers, distributes, 78
or dispenses a drug or dangerous drug in accordance with one or 79
more of the protocols implemented under division (E) of this 80
section is not liable for damages in any civil action unless the 81
individual's acts or omissions in performing those activities 82
constitute willful or wanton misconduct. 83

(2) An individual who administers, delivers, distributes, or 84
dispenses a drug or dangerous drug in accordance with one or more 85
of the protocols implemented under division (E) of this section is 86
not subject to criminal prosecution or professional disciplinary 87
action under any chapter in Title XLVII of the Revised Code. 88