

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 673**

**Representative Roemer**

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**A BILL**

To amend section 4729.41 and to enact sections 1  
4713.351 and 4729.42 of the Revised Code and to 2  
amend Section 30 of H.B. 197 of the 133rd 3  
General Assembly regarding the operation of 4  
businesses, practice of certain professions, and 5  
completion of education as it relates to COVID- 6  
19 and to declare an emergency. 7

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

**Section 1.** That section 4729.41 be amended and sections 8  
4713.351 and 4729.42 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 4713.351.** Notwithstanding any provision of this 11  
chapter or Chapter 4709. of the Revised Code to the contrary, 12  
the state cosmetology and barber board shall not require an 13  
individual who holds a license to provide hair-related services 14  
under Chapter 4709. or 4713. of the Revised Code to obtain an 15  
additional license or permit to provide those services on 16  
premises other than a fixed location. 17

**Sec. 4729.41.** (A) (1) A pharmacist licensed under this 18  
chapter who meets the requirements of division (B) of this 19

section, and a pharmacy intern licensed under this chapter who 20  
meets the requirements of division (B) of this section and is 21  
working under the direct supervision of a pharmacist who meets 22  
the requirements of that division, may do any of the following: 23

(a) Administer immunizations for influenza to individuals 24  
who are seven years of age or older; 25

(b) Only pursuant to a prescription, administer to 26  
individuals who are seven years of age or older but not more 27  
than thirteen years of age any of the immunizations included in 28  
division (A) (2) of this section; 29

(c) Administer to individuals who are thirteen years of 30  
age or older any of the immunizations included in division (A) 31  
(2) of this section; 32

(d) Administer immunizations for COVID-19, if any, to 33  
individuals who are seven years of age or older. 34

(2) A pharmacist or pharmacy intern may administer in 35  
accordance with divisions (A) (1) (b) and (c) of this section 36  
either of the following: 37

(a) Any immunization that on March 19, 2015, is included 38  
in either of the following immunization schedules recommended by 39  
the advisory committee on immunization practices of the centers 40  
for disease control and prevention in the United States 41  
department of health and human services: 42

(i) The recommended immunization schedule for persons aged 43  
zero through eighteen years; 44

(ii) The recommended adult immunization schedule. 45

(b) Any other immunization specified in rules adopted 46  
under division (E) (1) (d) of this section. 47

(3) As part of engaging in the administration of 48  
immunizations or supervising a pharmacy intern's administration 49  
of immunizations, a pharmacist may administer epinephrine or 50  
diphenhydramine, or both, to individuals in emergency situations 51  
resulting from adverse reactions to the immunizations 52  
administered by the pharmacist or pharmacy intern. 53

(B) For a pharmacist or pharmacy intern to be authorized 54  
to engage in the administration of immunizations pursuant to 55  
division (A) of this section, the pharmacist or pharmacy intern 56  
shall do all of the following: 57

(1) Successfully complete a course in the administration 58  
of immunizations that meets the requirements established in 59  
rules adopted under this section for such courses; 60

(2) Receive and maintain certification to perform basic 61  
life-support procedures by successfully completing a basic life- 62  
support training course that is certified by the American red 63  
cross or American heart association or approved by the state 64  
board of pharmacy; 65

(3) Practice in accordance with a protocol that meets the 66  
requirements of division (C) of this section. 67

(C) All of the following apply with respect to the 68  
protocol required by division (B) (3) of this section: 69

(1) The protocol shall be established by a physician 70  
authorized under Chapter 4731. of the Revised Code to practice 71  
medicine and surgery or osteopathic medicine and surgery. 72

(2) The protocol shall specify a definitive set of 73  
treatment guidelines and the locations at which a pharmacist or 74  
pharmacy intern may engage in the administration of 75  
immunizations. 76

(3) The protocol shall satisfy the requirements 77  
established in rules adopted under this section for protocols. 78

(4) The protocol shall include provisions for 79  
implementation of the following requirements: 80

(a) The pharmacist or pharmacy intern who administers an 81  
immunization shall observe the individual who receives the 82  
immunization to determine whether the individual has an adverse 83  
reaction to the immunization. The length of time and location of 84  
the observation shall comply with the rules adopted under this 85  
section establishing requirements for protocols. The protocol 86  
shall specify procedures to be followed by a pharmacist when 87  
administering epinephrine, diphenhydramine, or both, to an 88  
individual who has an adverse reaction to an immunization 89  
administered by the pharmacist or a pharmacy intern. 90

(b) For each immunization administered to an individual by 91  
a pharmacist or pharmacy intern, other than an immunization for 92  
influenza administered to an individual eighteen years of age or 93  
older, the pharmacist or pharmacy intern shall notify the 94  
individual's family physician or, if the individual has no 95  
family physician, the board of health of the health district in 96  
which the individual resides or the authority having the duties 97  
of a board of health for that district under section 3709.05 of 98  
the Revised Code. The notice shall be given not later than 99  
thirty days after the immunization is administered. 100

(c) For each immunization administered by a pharmacist or 101  
pharmacy intern to an individual younger than eighteen years of 102  
age pursuant to division (A)(1) of this section, the pharmacist 103  
or a pharmacy intern shall obtain permission from the 104  
individual's parent or legal guardian in accordance with the 105  
procedures specified in rules adopted under this section. 106

(D) (1) No pharmacist shall do either of the following:	107
(a) Engage in the administration of immunizations unless	108
the requirements of division (B) of this section have been met;	109
(b) Delegate to any person the pharmacist's authority to	110
engage in or supervise the administration of immunizations.	111
(2) No pharmacy intern shall engage in the administration	112
of immunizations unless the requirements of division (B) of this	113
section have been met.	114
(E) (1) The state board of pharmacy shall adopt rules to	115
implement this section. The rules shall be adopted in accordance	116
with Chapter 119. of the Revised Code and shall include the	117
following:	118
(a) Requirements for courses in administration of	119
immunizations, including requirements that are consistent with	120
any standards established for such courses by the centers for	121
disease control and prevention;	122
(b) Requirements for protocols to be followed by	123
pharmacists and pharmacy interns in engaging in the	124
administration of immunizations;	125
(c) Procedures to be followed by pharmacists and pharmacy	126
interns in obtaining from the individual's parent or legal	127
guardian permission to administer immunizations to an individual	128
younger than eighteen years of age pursuant to division (A) (1)	129
of this section;	130
(d) Provisions specifying any immunizations that may be	131
administered under division (A) (2) (b) of this section.	132
(2) Prior to adopting rules regarding requirements for	133
protocols to be followed by pharmacists and pharmacy interns in	134

engaging in the administration of immunizations, the state board 135  
of pharmacy shall consult with the state medical board and the 136  
board of nursing. 137

(3) Prior to adopting rules specifying any immunizations 138  
that may be administered under division (A) (2) (b) of this 139  
section, the state board of pharmacy shall consult with the 140  
state medical board. 141

(F) In addition to the rules it adopts under division (E) 142  
of this section, the state board of pharmacy may adopt rules 143  
that change the immunizations authorized by division (A) (2) (a) 144  
of this section to reflect changes in the recommendations of the 145  
advisory committee on immunization practices. The rules shall be 146  
adopted in accordance with Chapter 119. of the Revised Code. 147

Sec. 4729.42. A pharmacist may administer diagnostic tests 148  
for COVID-19 and tests for COVID-19 antibodies. 149

**Section 2.** That existing section 4729.41 of the Revised 150  
Code is hereby repealed. 151

**Section 3.** That Section 30 of H.B. 197 of the 133rd 152  
General Assembly be amended to read as follows: 153

**Sec. 30.** (A) During the period ~~of beginning on the date~~ 154  
~~that~~ the emergency declared by Executive Order 2020-01D~~7~~ was 155  
~~issued on, March 9, 2020, and ending on July 1, 2021,~~ the 156  
requirement of division (A) (2) (a) of section 4723.09 of the 157  
Revised Code is suspended. Accordingly, during such period, the 158  
Board of Nursing shall grant to an applicant described in 159  
division (A) of section 4723.09 of the Revised Code a temporary 160  
license to practice nursing as a registered nurse or as a 161  
licensed practical nurse if the conditions of divisions (A) (1) 162  
and (A) (2) (b) to (d) of section 4723.09 of the Revised Code have 163

been met. 164

For each nurse practicing under a temporary license as 165  
authorized by this division, the State Board of Nursing shall 166  
recognize any hours the nurse works under the temporary license 167  
and count those hours towards any outstanding clinical 168  
experience that must be completed before the nurse is eligible 169  
to take the examination that is required when division (A) (2) (a) 170  
of section 4723.09 of the Revised Code is no longer suspended. 171

(B) A temporary license issued under this section ~~shall be~~ 172  
~~is valid until whichever of the following dates occurs first:~~ 173

~~(1) The date that is ninety days after December 1, 2020;~~ 174

~~(2) The date that is ninety days after the duration of the~~ 175  
~~period of the emergency described in division (A) of this~~ 176  
~~section~~July 1, 2021. 177

**Section 4.** That existing Section 30 of H.B. 197 of the 178  
133rd General Assembly is hereby repealed. 179

**Section 5.** (A) As used in this section, "eligible 180  
institution" means either of the following: 181

(1) A state institution of higher education, as defined in 182  
section 3345.011 of the Revised Code; 183

(2) A nonprofit institution of higher education that holds 184  
a certificate of authorization pursuant to Chapter 1713. of the 185  
Revised Code. 186

(B) The Chancellor of Higher Education shall establish a 187  
program to provide grants to eligible institutions in Ohio to 188  
expedite and increase the offering of coursework that leads to 189  
healthcare-related credentialing, including for nurses, social 190  
workers, technicians, or other appropriate professions. The 191

Chancellor shall develop guidelines and procedures for the 192  
program, including an application process and criteria for 193  
awards. 194

**Section 6.** Notwithstanding any provision of law to the 195  
contrary, each educator preparation program approved under 196  
section 3333.048 of the Revised Code shall develop and implement 197  
a plan to provide its students with alternative experiences, 198  
assignments, or instruction in the 2020-2021 academic year to 199  
make up any hours or weeks of clinical experiences, including 200  
field experiences, student teaching, and internship placements, 201  
that the students miss due to the Director of Health's order 202  
under section 3701.13 of the Revised Code "In re: Order the 203  
Closure of All K-12 Schools in the State of Ohio" issued on 204  
March 14, 2020, or any local board of health order, and any 205  
extension of any order, based on the implications of COVID-19 or 206  
due to any other closure of schools or implementation of limited 207  
hours based on the implications of COVID-19. The alternative 208  
experiences, assignments, or instruction shall allow students to 209  
demonstrate mastery of the expected outcomes of clinical 210  
experiences. The alternative experiences, assignments, or 211  
instruction may include virtual learning, designing lessons and 212  
units of instruction, selecting and implementing instructional 213  
strategies, teaching lessons and content, assessing learning to 214  
evaluate student progress and inform instructional decisions, 215  
creating a supportive learning environment, managing the 216  
classroom effectively, and other appropriate activities. The 217  
Department of Higher Education and the Department of Education 218  
shall consider a student who successfully completes make up 219  
hours or weeks using alternative experiences, assignments, or 220  
instruction eligible for licensure and endorsement 221  
recommendations in the same manner as a student who completes 222

clinical experiences. 223

**Section 7.** (A) As used in this section: 224

(1) (a) "Occupational license" means any license, 225  
certificate, permit, or other authorization issued by a state 226  
agency that allows the holder to practice a job or profession. 227

(b) "Occupational license" does not include a license 228  
issued pursuant to rules prescribed under Section 5 of Article 229  
IV, Ohio Constitution. 230

(2) "State agency" has the same meaning as in section 1.60 231  
of the Revised Code. 232

(3) "Distance education" means continuing education 233  
courses in which instruction is accomplished through the use of 234  
interactive, electronic media and where the teacher and student 235  
are separated by distance or time, or both. 236

(B) (1) Except as provided in division (B) (2) of this 237  
section and notwithstanding any provision of law to the 238  
contrary, beginning on the effective date of this section and 239  
ending on December 1, 2020, any requirement that a person must 240  
complete continuing education to maintain or renew an 241  
occupational license is suspended. 242

(2) Division (B) (1) of this section does not apply if the 243  
laws governing the applicable occupational license allow a 244  
person to complete continuing education through distance 245  
education. 246

**Section 8.** Section 4729.41 of the Revised Code is 247  
presented in this act as a composite of the section as amended 248  
by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The 249  
General Assembly, applying the principle stated in division (B) 250

of section 1.52 of the Revised Code that amendments are to be 251  
harmonized if reasonably capable of simultaneous operation, 252  
finds that the composite is the resulting version of the section 253  
in effect prior to the effective date of the section as 254  
presented in this act. 255

**Section 9.** This act is hereby declared to be an emergency 256  
measure necessary for the immediate preservation of the public 257  
peace, health, and safety. The reason for such necessity is that 258  
immediate action is crucial to protecting the public health 259  
during an outbreak of COVID-19. Therefore, this act shall go 260  
into immediate effect. 261