

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 101**

**Representative Merrin**

**Cosponsors: Representatives Becker, Thompson, Seitz, Stein, West, Roegner,  
Sheehy, Sprague, Hood, Smith, R.**

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**A BILL**

To amend sections 4729.16, 4729.99, and 4731.96 and 1  
to enact sections 3707.60, 4729.382, 4729.46, 2  
and 4731.961 of the Revised Code to authorize an 3  
epinephrine autoinjector substitution when a 4  
prescription is filled or refilled, to authorize 5  
epinephrine to be dispensed without a 6  
prescription under a physician-established 7  
protocol, and to declare the act the 8  
"Epinephrine Accessibility Act." 9

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

**Section 1.** That sections 4729.16, 4729.99, and 4731.96 be 10  
amended and sections 3707.60, 4729.382, 4729.46, and 4731.961 of 11  
the Revised Code be enacted to read as follows: 12

**Sec. 3707.60.** (A) As used in this section, "board of 13  
health" means a board of health of a city or general health 14  
district or the authority having the duties of a board of health 15  
under section 3709.05 of the Revised Code. 16

(B) A board of health that has, through a physician 17

serving as the board's health commissioner or medical director, 18  
established a protocol that meets the requirements specified by 19  
the state board of pharmacy in rules adopted under section 20  
4729.46 of the Revised Code may authorize pharmacists and 21  
pharmacy interns practicing pharmacy in a county that includes 22  
all or part of the health district represented by the board to 23  
use the protocol for the purpose of dispensing epinephrine under 24  
section 4729.46 of the Revised Code. 25

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 26  
notice and hearing in accordance with Chapter 119. of the 27  
Revised Code, may impose any one or more of the following 28  
sanctions on a pharmacist or pharmacy intern if the board finds 29  
the individual engaged in any of the conduct set forth in 30  
division (A) (2) of this section: 31

(a) Revoke, suspend, restrict, limit, or refuse to grant 32  
or renew a license; 33

(b) Reprimand or place the license holder on probation; 34

(c) Impose a monetary penalty or forfeiture not to exceed 35  
in severity any fine designated under the Revised Code for a 36  
similar offense, or in the case of a violation of a section of 37  
the Revised Code that does not bear a penalty, a monetary 38  
penalty or forfeiture of not more than five hundred dollars. 39

(2) The board may impose the sanctions listed in division 40  
(A) (1) of this section if the board finds a pharmacist or 41  
pharmacy intern: 42

(a) Has been convicted of a felony, or a crime of moral 43  
turpitude, as defined in section 4776.10 of the Revised Code; 44

(b) Engaged in dishonesty or unprofessional conduct in the 45  
practice of pharmacy; 46

(c) Is addicted to or abusing alcohol or drugs or is 47  
impaired physically or mentally to such a degree as to render 48  
the pharmacist or pharmacy intern unfit to practice pharmacy; 49

(d) Has been convicted of a misdemeanor related to, or 50  
committed in, the practice of pharmacy; 51

(e) Violated, conspired to violate, attempted to violate, 52  
or aided and abetted the violation of any of the provisions of 53  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 54  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 55  
by the board under those provisions; 56

(f) Permitted someone other than a pharmacist or pharmacy 57  
intern to practice pharmacy; 58

(g) Knowingly lent the pharmacist's or pharmacy intern's 59  
name to an illegal practitioner of pharmacy or had a 60  
professional connection with an illegal practitioner of 61  
pharmacy; 62

(h) Divided or agreed to divide remuneration made in the 63  
practice of pharmacy with any other individual, including, but 64  
not limited to, any licensed health professional authorized to 65  
prescribe drugs or any owner, manager, or employee of a health 66  
care facility, residential care facility, or nursing home; 67

(i) Violated the terms of a consult agreement entered into 68  
pursuant to section 4729.39 of the Revised Code; 69

(j) Committed fraud, misrepresentation, or deception in 70  
applying for or securing a license or identification card issued 71  
by the board under this chapter or under Chapter 3715. or 3719. 72  
of the Revised Code; 73

(k) Failed to comply with an order of the board or a 74

settlement agreement; 75

(1) Engaged in any other conduct for which the board may 76  
impose discipline as set forth in rules adopted under section 77  
4729.26 of the Revised Code. 78

(B) Any individual whose identification card or license is 79  
revoked, suspended, or refused, shall return the identification 80  
card and license to the offices of the state board of pharmacy 81  
within ten days after receipt of notice of such action. 82

(C) As used in this section: 83

"Unprofessional conduct in the practice of pharmacy" 84  
includes any of the following: 85

(1) Advertising or displaying signs that promote dangerous 86  
drugs to the public in a manner that is false or misleading; 87

(2) Except as provided in section 4729.281~~or~~, 4729.44, or 4729.46 88  
of the Revised Code, the dispensing or sale of any 89  
drug for which a prescription is required, without having 90  
received a prescription for the drug; 91

(3) Knowingly dispensing medication pursuant to false or 92  
forged prescriptions; 93

(4) Knowingly failing to maintain complete and accurate 94  
records of all dangerous drugs received or dispensed in 95  
compliance with federal laws and regulations and state laws and 96  
rules; 97

(5) Obtaining any remuneration by fraud, 98  
misrepresentation, or deception; 99

(6) Failing to conform to prevailing standards of care of 100  
similar pharmacists or pharmacy interns under the same or 101

similar circumstances, whether or not actual injury to a patient 102  
is established; 103

(7) Engaging in any other conduct that the board specifies 104  
as unprofessional conduct in the practice of pharmacy in rules 105  
adopted under section 4729.26 of the Revised Code. 106

(D) The board may suspend a license or identification card 107  
under division (B) of section 3719.121 of the Revised Code by 108  
utilizing a telephone conference call to review the allegations 109  
and take a vote. 110

(E) For purposes of this division, an individual 111  
authorized to practice as a pharmacist or pharmacy intern 112  
accepts the privilege of practicing in this state subject to 113  
supervision by the board. By filing an application for or 114  
holding a license to practice as a pharmacist or pharmacy 115  
intern, an individual gives consent to submit to a mental or 116  
physical examination when ordered to do so by the board in 117  
writing and waives all objections to the admissibility of 118  
testimony or examination reports that constitute privileged 119  
communications. 120

If the board has reasonable cause to believe that an 121  
individual who is a pharmacist or pharmacy intern is physically 122  
or mentally impaired, the board may require the individual to 123  
submit to a physical or mental examination, or both. The expense 124  
of the examination is the responsibility of the individual 125  
required to be examined. 126

Failure of an individual who is a pharmacist or pharmacy 127  
intern to submit to a physical or mental examination ordered by 128  
the board, unless the failure is due to circumstances beyond the 129  
individual's control, constitutes an admission of the 130

allegations and a suspension order shall be entered without the 131  
taking of testimony or presentation of evidence. Any subsequent 132  
adjudication hearing under Chapter 119. of the Revised Code 133  
concerning failure to submit to an examination is limited to 134  
consideration of whether the failure was beyond the individual's 135  
control. 136

If, based on the results of an examination ordered under 137  
this division, the board determines that the individual's 138  
ability to practice is impaired, the board shall suspend the 139  
individual's license or deny the individual's application and 140  
shall require the individual, as a condition for an initial, 141  
continued, reinstated, or renewed license to practice, to submit 142  
to a physical or mental examination and treatment. 143

An order of suspension issued under this division shall 144  
not be subject to suspension by a court during pendency of any 145  
appeal filed under section 119.12 of the Revised Code. 146

(F) If the board is required under Chapter 119. of the 147  
Revised Code to give notice of an opportunity for a hearing and 148  
the applicant or licensee does not make a timely request for a 149  
hearing in accordance with section 119.07 of the Revised Code, 150  
the board is not required to hold a hearing, but may adopt a 151  
final order that contains the board's findings. In the final 152  
order, the board may impose any of the sanctions listed in 153  
division (A) of this section. 154

(G) Notwithstanding the provision of division (C) (2) of 155  
section 2953.32 of the Revised Code specifying that if records 156  
pertaining to a criminal case are sealed under that section the 157  
proceedings in the case must be deemed not to have occurred, 158  
sealing of the following records on which the board has based an 159  
action under this section shall have no effect on the board's 160

action or any sanction imposed by the board under this section: 161  
records of any conviction, guilty plea, judicial finding of 162  
guilt resulting from a plea of no contest, or a judicial finding 163  
of eligibility for a pretrial diversion program or intervention 164  
in lieu of conviction. The board shall not be required to seal, 165  
destroy, redact, or otherwise modify its records to reflect the 166  
court's sealing of conviction records. 167

(H) No pharmacist or pharmacy intern shall knowingly 168  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 169  
(e) to (l) of this section. 170

Sec. 4729.382. (A) As used in this section, "epinephrine 171  
autoinjector" means a device used to administer epinephrine only 172  
in a manufactured dosage form. 173

(B) Subject to division (C) of this section, a pharmacist 174  
dispensing an epinephrine autoinjector pursuant to a 175  
prescription that identifies a specific type of epinephrine 176  
autoinjector may substitute the prescribed autoinjector with 177  
another epinephrine autoinjector, but only if the form of 178  
epinephrine contained in the autoinjector to be dispensed by 179  
substitution meets either of the following conditions: 180

(1) It is identical to the form of epinephrine in the type 181  
of autoinjector that was prescribed. 182

(2) It is a pharmaceutical equivalent of the form of 183  
epinephrine in the type of autoinjector that was prescribed in 184  
that it contains identical amounts of the identical active 185  
ingredients, but not necessarily the same inactive ingredients; 186  
it has been approved by the United States food and drug 187  
administration; and it has not been excluded from recognition as 188  
a pharmaceutical equivalent form of epinephrine by rules adopted 189

under division (H) of this section. 190

(C) All of the following conditions apply with respect to 191  
a pharmacist's authority to dispense an epinephrine autoinjector 192  
by substitution: 193

(1) The pharmacist shall not make the substitution if the 194  
person receiving the autoinjector pursuant to the prescription 195  
instructs otherwise. 196

(2) The pharmacist shall not make the substitution if 197  
either of the following applies to the prescription: 198

(a) In the case of a written or electronic prescription, 199  
including a computer-generated prescription, the prescriber 200  
handwrites or actively causes to display on the prescription 201  
"dispense as written," "D.A.W.," "do not substitute," "medically 202  
necessary as prescribed," or any other statement or numerical 203  
code that indicates the prescriber's intent to prevent 204  
substitution. Such a designation shall not be preprinted or 205  
stamped on the prescription, but a reminder to the prescriber of 206  
the designation procedure may be preprinted or displayed on the 207  
prescription form or electronic system the prescriber uses to 208  
issue the prescription. 209

(b) In the case of an oral prescription, the prescriber 210  
specifies that the epinephrine autoinjector as prescribed is 211  
medically necessary or otherwise indicates the prescriber's 212  
intent to prevent substitution. 213

(3) The pharmacist shall not make the substitution unless 214  
its price to the patient is less than or equal to the price of 215  
the prescribed epinephrine autoinjector. 216

(4) The pharmacist, or a pharmacy intern or agent of the 217  
pharmacist, shall inform the patient or the patient's 218



representative if a type of epinephrine autoinjector is 219  
available at a lower or equal cost, and of the person's right to 220  
refuse substitution of the prescribed epinephrine autoinjector. 221

(D) (1) Unless the prescriber instructs otherwise, the 222  
label for every epinephrine autoinjector dispensed shall include 223  
the epinephrine autoinjector's name, if any, and the distributor 224  
of the autoinjector. Abbreviations may be used as necessary. 225

(2) When dispensing at retail an epinephrine autoinjector 226  
by substitution, the pharmacist shall indicate on the 227  
autoinjector's label or container that a substitution was made. 228

(3) The labeling requirements established by divisions (D) 229  
(1) and (2) of this section are in addition to all other 230  
labeling requirements as required in rules adopted by the state 231  
board of pharmacy. 232

(E) When a pharmacist dispenses an epinephrine 233  
autoinjector by substitution, the pharmacist or a pharmacy 234  
intern shall provide to the person receiving the device 235  
instruction on the proper method of administering epinephrine 236  
with the device, except that the instruction does not have to be 237  
provided if the person is receiving the same device that was 238  
dispensed when the person last received the device by having a 239  
prescription filled or refilled. 240

(F) A pharmacist who dispenses an epinephrine autoinjector 241  
pursuant to this section assumes no greater liability for 242  
dispensing the autoinjector by substitution than would be 243  
incurred for dispensing the autoinjector identified on the 244  
prescription. 245

(G) The failure of a prescriber to restrict a prescription 246  
by indicating an intent to prevent substitution pursuant to this 247

section shall not constitute evidence of the prescriber's 248  
negligence unless the prescriber had reasonable cause to believe 249  
that the health condition of the patient for whom the 250  
epinephrine autoinjector was intended warranted the prescription 251  
of a specific type of epinephrine autoinjector and no other. No 252  
prescriber shall be liable for civil damages or in any criminal 253  
prosecution arising from a pharmacist dispensing an epinephrine 254  
autoinjector by substitution, unless the type of autoinjector 255  
prescribed would have reasonably caused the same loss, damage, 256  
injury, or death. 257

(H) The state board of pharmacy may adopt rules in 258  
accordance with Chapter 119. of the Revised Code to implement 259  
this section. The rules may specify forms of epinephrine that 260  
are not to be recognized as pharmaceutical equivalents of other 261  
forms of epinephrine for purposes of this section. 262

(I) No pharmacist shall knowingly engage in conduct that 263  
is prohibited by division (C) or (D) of this section. 264

**Sec. 4729.46. (A) As used in this section:** 265

(1) "Board of health" means a board of health of a city or 266  
general health district or an authority having the duties of a 267  
board of health under section 3709.05 of the Revised Code. 268

(2) "Physician" means an individual authorized under 269  
Chapter 4731. of the Revised Code to practice medicine and 270  
surgery, osteopathic medicine and surgery, or podiatric medicine 271  
and surgery. 272

(B) If use of a protocol that has been developed pursuant 273  
to rules adopted under division (G) of this section has been 274  
authorized under section 3707.60 or 4731.961 of the Revised 275  
Code, a pharmacist or pharmacy intern may dispense epinephrine 276

without a prescription in accordance with that protocol to 277  
either of the following individuals so long as the individual is 278  
at least eighteen years of age: 279

(1) An individual who there is reason to believe is 280  
experiencing or at risk of experiencing anaphylaxis; 281

(2) An individual acting on behalf of a qualified entity, 282  
as defined in section 3728.01 of the Revised Code. 283

(C) A pharmacist or pharmacy intern who dispenses 284  
epinephrine under this section shall instruct the individual to 285  
whom epinephrine is dispensed to summon emergency services as 286  
soon as practicable either before or after administering 287  
epinephrine. 288

(D) A pharmacist may document the dispensing of 289  
epinephrine by the pharmacist or a pharmacy intern supervised by 290  
the pharmacist on a prescription form. The form may be assigned 291  
a number for record-keeping purposes. 292

(E) This section does not affect the authority of a 293  
pharmacist or pharmacy intern to fill or refill a prescription 294  
for epinephrine. 295

(F) A board of health that in good faith authorizes a 296  
pharmacist or pharmacy intern to dispense epinephrine without a 297  
prescription in accordance with a protocol developed pursuant to 298  
rules adopted under division (G) of this section is not liable 299  
for or subject to any of the following for any action or 300  
omission of the individual to whom the epinephrine is dispensed: 301  
damages in any civil action, prosecution in any criminal 302  
proceeding, or professional disciplinary action. 303

A physician who in good faith authorizes a pharmacist or 304  
pharmacy intern to dispense epinephrine without a prescription 305

in accordance with a protocol developed pursuant to rules 306  
adopted under division (G) of this section is not liable for or 307  
subject to any of the following for any action or omission of 308  
the individual to whom the epinephrine is dispensed: damages in 309  
any civil action, prosecution in any criminal proceeding, or 310  
professional disciplinary action. 311

A pharmacist or pharmacy intern authorized under this 312  
section to dispense epinephrine without a prescription who does 313  
so in good faith is not liable for or subject to any of the 314  
following for any action or omission of the individual to whom 315  
the epinephrine is dispensed: damages in any civil action, 316  
prosecution in any criminal proceeding, or professional 317  
disciplinary action. 318

(G) Not later than ninety days after the effective date of 319  
this section, the state board of pharmacy shall, after 320  
consulting with the state medical board, adopt rules to 321  
implement this section. The rules shall specify minimum 322  
requirements for protocols established by physicians under which 323  
pharmacists or pharmacy interns may dispense epinephrine without 324  
a prescription. 325

All rules adopted under this section shall be adopted in 326  
accordance with Chapter 119. of the Revised Code. 327

**Sec. 4729.99.** (A) Whoever violates division (H) of section 328  
4729.16, division (G) of section 4729.38, division (I) of 329  
section 4729.382, section 4729.57, or division (F) of section 330  
4729.96 of the Revised Code is guilty of a minor misdemeanor, 331  
unless a different penalty is otherwise specified in the Revised 332  
Code. Each day's violation constitutes a separate offense. 333

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 334

of the Revised Code is guilty of a misdemeanor of the third 335  
degree. Each day's violation constitutes a separate offense. If 336  
the offender previously has been convicted of or pleaded guilty 337  
to a violation of this chapter, that person is guilty of a 338  
misdemeanor of the second degree. 339

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 340  
of the Revised Code is guilty of a misdemeanor. 341

(D) Whoever violates division (A), (B), (C), (D), (F), or 342  
(G) of section 4729.51 of the Revised Code is guilty of a 343  
misdemeanor of the first degree. 344

(E) (1) Whoever violates section 4729.37, division (E) (1) 345  
(b) of section 4729.51, division (J) of section 4729.54, 346  
division (B) or (D) of section 4729.553, or section 4729.61 of 347  
the Revised Code is guilty of a felony of the fifth degree. If 348  
the offender previously has been convicted of or pleaded guilty 349  
to a violation of this chapter or a violation of Chapter 2925. 350  
or 3719. of the Revised Code, that person is guilty of a felony 351  
of the fourth degree. 352

(2) If an offender is convicted of or pleads guilty to a 353  
violation of section 4729.37, division (E) of section 4729.51, 354  
division (J) of section 4729.54, or section 4729.61 of the 355  
Revised Code, if the violation involves the sale, offer to sell, 356  
or possession of a schedule I or II controlled substance, with 357  
the exception of marihuana, and if the court imposing sentence 358  
upon the offender finds that the offender as a result of the 359  
violation is a major drug offender, as defined in section 360  
2929.01 of the Revised Code, and is guilty of a specification of 361  
the type described in section 2941.1410 of the Revised Code, the 362  
court, in lieu of the prison term authorized or required by 363  
division (E) (1) of this section and sections 2929.13 and 2929.14 364

of the Revised Code and in addition to any other sanction 365  
imposed for the offense under sections 2929.11 to 2929.18 of the 366  
Revised Code, shall impose upon the offender, in accordance with 367  
division (B) (3) of section 2929.14 of the Revised Code, the 368  
mandatory prison term specified in that division. 369

(3) Notwithstanding any contrary provision of section 370  
3719.21 of the Revised Code, the clerk of court shall pay any 371  
fine imposed for a violation of section 4729.37, division (E) of 372  
section 4729.51, division (J) of section 4729.54, or section 373  
4729.61 of the Revised Code pursuant to division (A) of section 374  
2929.18 of the Revised Code in accordance with and subject to 375  
the requirements of division (F) of section 2925.03 of the 376  
Revised Code. The agency that receives the fine shall use the 377  
fine as specified in division (F) of section 2925.03 of the 378  
Revised Code. 379

(F) Whoever violates section 4729.531 of the Revised Code 380  
or any rule adopted thereunder or section 4729.532 of the 381  
Revised Code is guilty of a misdemeanor of the first degree. 382

(G) Whoever violates division (E) (1) (a) of section 4729.51 383  
of the Revised Code is guilty of a felony of the fourth degree. 384  
If the offender has previously been convicted of or pleaded 385  
guilty to a violation of this chapter, or of a violation of 386  
Chapter 2925. or 3719. of the Revised Code, that person is 387  
guilty of a felony of the third degree. 388

(H) Whoever violates division (E) (1) (c) of section 4729.51 389  
of the Revised Code is guilty of a misdemeanor of the first 390  
degree. If the offender has previously been convicted of or 391  
pleaded guilty to a violation of this chapter, or of a violation 392  
of Chapter 2925. or 3719. of the Revised Code, that person is 393  
guilty of a felony of the fifth degree. 394

(I) (1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code or any other provision of law that governs the distribution of fines, the clerk of the court shall pay any fine imposed pursuant to division (I) (1) or (2) of this section to the state board of pharmacy if the board has adopted a written internal control policy under division (F) (2) of section 2925.03 of the Revised Code that addresses fine moneys that it receives under Chapter 2925. of the Revised Code and if the policy also addresses fine moneys paid under this division. The state board of pharmacy shall use the fines so paid in accordance with the written internal control policy to subsidize the board's law enforcement efforts that pertain to drug

offenses. 426

(J) (1) Whoever violates division (A) (1) of section 4729.86 427  
of the Revised Code is guilty of a misdemeanor of the third 428  
degree. If the offender has previously been convicted of or 429  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 430  
section 4729.86 of the Revised Code, that person is guilty of a 431  
misdemeanor of the first degree. 432

(2) Whoever violates division (A) (2) of section 4729.86 of 433  
the Revised Code is guilty of a misdemeanor of the first degree. 434  
If the offender has previously been convicted of or pleaded 435  
guilty to a violation of division (A) (1), (2), or (3) of section 436  
4729.86 of the Revised Code, that person is guilty of a felony 437  
of the fifth degree. 438

(3) Whoever violates division (A) (3) of section 4729.86 of 439  
the Revised Code is guilty of a felony of the fifth degree. If 440  
the offender has previously been convicted of or pleaded guilty 441  
to a violation of division (A) (1), (2), or (3) of section 442  
4729.86 of the Revised Code, that person is guilty of a felony 443  
of the fourth degree. 444

(K) A person who violates division (C) of section 4729.552 445  
of the Revised Code is guilty of a misdemeanor of the first 446  
degree. If the person previously has been convicted of or 447  
pleaded guilty to a violation of division (C) of section 448  
4729.552 of the Revised Code, that person is guilty of a felony 449  
of the fifth degree. 450

**Sec. 4731.96.** (A) As used in this section and section 451  
4731.961 of the Revised Code, "physician" means an individual 452  
authorized under this chapter to practice medicine and surgery, 453  
osteopathic medicine and surgery, or podiatric medicine and 454



surgery. 455

(B) (1) Subject to division (B) (2) of this section, and 456  
notwithstanding any provision of this chapter or rule adopted by 457  
the state medical board, a physician may do either of the 458  
following without having examined an individual to whom 459  
epinephrine may be administered: 460

(a) Personally furnish a supply of epinephrine 461  
autoinjectors for use in accordance with sections 3313.7110, 462  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 463  
5101.76 of the Revised Code; 464

(b) Issue a prescription for epinephrine autoinjectors for 465  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 466  
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 467  
Code. 468

(2) An epinephrine autoinjector personally furnished or 469  
prescribed under division (B) (1) of this section must be 470  
furnished or prescribed in such a manner that it may be 471  
administered only in a manufactured dosage form. 472

(C) A physician who acts in good faith in accordance with 473  
this section is not liable for or subject to any of the 474  
following for any action or omission of an entity to which an 475  
epinephrine autoinjector is furnished or a prescription is 476  
issued: damages in any civil action, prosecution in any criminal 477  
proceeding, or professional disciplinary action. 478

Sec. 4731.961. A physician who has established a protocol 479  
that meets the requirements specified by the state board of 480  
pharmacy in rules adopted under section 4729.46 of the Revised 481  
Code may authorize one or more pharmacists and any of the 482  
pharmacy interns supervised by the pharmacist or pharmacists to 483

use the protocol for the purpose of dispensing epinephrine under 484  
section 4729.46 of the Revised Code. 485

**Section 2.** That existing sections 4729.16, 4729.99, and 486  
4731.96 of the Revised Code are hereby repealed. 487

**Section 3.** This act shall be known as the "Epinephrine 488  
Accessibility Act." 489

**Section 4.** Section 4729.99 of the Revised Code is 490  
presented in this act as a composite of the section as amended 491  
by both Sub. H.B. 505 and Sub. S.B. 319 of the 131st General 492  
Assembly. The General Assembly, applying the principle stated in 493  
division (B) of section 1.52 of the Revised Code that amendments 494  
are to be harmonized if reasonably capable of simultaneous 495  
operation, finds that the composite is the resulting version of 496  
the section in effect prior to the effective date of the section 497  
as presented in this act. 498