

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

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**Sub. H. B. No. 101**

**Representative Merrin**

**Cosponsors: Representatives Becker, Thompson, Seitz, Stein, West, Roegner,  
Sheehy, Sprague, Hood, Smith, R., Anielski, Antani, Antonio, Arndt, Boyd,  
Brenner, Brinkman, Butler, Carfagna, Celebrezze, Clyde, Conditt, Craig, Cupp,  
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Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Retherford, Rogers, Ryan,  
Schaffer, Slaby, Smith, K., Strahorn, Sweeney, Wiggam, Young**

**Senator Beagle**

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**A BILL**

To amend sections 3728.03, 4729.16, 4729.23,	1
4729.28, 4729.41, 4729.43, 4729.45, 4729.553,	2
4729.99, and 4731.96 and to enact sections	3
3707.60, 4729.382, 4729.47, and 4731.961 of the	4
Revised Code to establish provisions to be known	5
as the "Epinephrine Accessibility Act" and to	6
make other changes to the laws governing the	7
State Board of Pharmacy.	8

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

<b>Section 1.</b> That sections 3728.03, 4729.16, 4729.23,	9
4729.28, 4729.41, 4729.43, 4729.45, 4729.553, 4729.99, and	10
4731.96 be amended and sections 3707.60, 4729.382, 4729.47, and	11
4731.961 of the Revised Code be enacted to read as follows:	12

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

(B) A board of health that has, through a physician serving as the board's health commissioner or medical director, established a protocol that meets the requirements specified by the state board of pharmacy in rules adopted under section 4729.47 of the Revised Code may authorize pharmacists and pharmacy interns practicing pharmacy in a county that includes all or part of the health district represented by the board to use the protocol for the purpose of dispensing epinephrine under section 4729.47 of the Revised Code.

Sec. 3728.03. (A) A qualified entity may acquire and maintain a supply of epinephrine autoinjectors ~~that, in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code,~~ pursuant to either of the following:

(1) The autoinjectors are personally furnished by a prescriber, or obtained pursuant to a prescription issued by a prescriber, in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code.

(2) The autoinjectors are dispensed by a pharmacist or pharmacy intern in accordance with a protocol as authorized under section 4729.47 of the Revised Code.

(B) Epinephrine autoinjectors acquired pursuant to this section shall be stored in a location readily accessible in an emergency and maintained in accordance with the manufacturer's instructions and any additional requirements that may be established by the department of health under section 3728.11 of

the Revised Code. 42

(C) A qualified entity that acquires epinephrine 43  
autoinjectors pursuant to this section shall designate one or 44  
more individuals who are employees or agents of the entity and 45  
have successfully completed anaphylaxis training in accordance 46  
with section 3728.04 of the Revised Code to be responsible for 47  
oversight of the epinephrine autoinjectors, including storage, 48  
maintenance, and control. The qualified entity may authorize 49  
those individuals and other individuals who have successfully 50  
completed the anaphylaxis training to administer epinephrine. 51

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 52  
notice and hearing in accordance with Chapter 119. of the 53  
Revised Code, may impose any one or more of the following 54  
sanctions on a pharmacist or pharmacy intern if the board finds 55  
the individual engaged in any of the conduct set forth in 56  
division (A) (2) of this section: 57

(a) Revoke, suspend, restrict, limit, or refuse to grant 58  
or renew a license; 59

(b) Reprimand or place the license holder on probation; 60

(c) Impose a monetary penalty or forfeiture not to exceed 61  
in severity any fine designated under the Revised Code for a 62  
similar offense, or in the case of a violation of a section of 63  
the Revised Code that does not bear a penalty, a monetary 64  
penalty or forfeiture of not more than five hundred dollars. 65

(2) The board may impose the sanctions listed in division 66  
(A) (1) of this section if the board finds a pharmacist or 67  
pharmacy intern: 68

(a) Has been convicted of a felony, or a crime of moral 69  
turpitude, as defined in section 4776.10 of the Revised Code; 70

(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	71 72
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	73 74 75
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	76 77
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	78 79 80 81 82
(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	83 84
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	85 86 87 88
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	89 90 91 92 93
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	94 95
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised	96 97 98

Code;	99
(k) Failed to comply with an order of the board or a	100
settlement agreement;	101
(l) Engaged in any other conduct for which the board may	102
impose discipline as set forth in rules adopted under section	103
4729.26 of the Revised Code.	104
(B) Any individual whose license is revoked, suspended, or	105
refused, shall return the license to the offices of the state	106
board of pharmacy within ten days after receipt of notice of	107
such action.	108
(C) As used in this section:	109
"Unprofessional conduct in the practice of pharmacy"	110
includes any of the following:	111
(1) Advertising or displaying signs that promote dangerous	112
drugs to the public in a manner that is false or misleading;	113
(2) Except as provided in section 4729.281 <del>or</del> , <u>4729.44</u> , <u>or 4729.47</u> of the Revised Code, the dispensing or sale of any	114
drug for which a prescription is required, without having	115
received a prescription for the drug;	116
(3) Knowingly dispensing medication pursuant to false or	117
forged prescriptions;	118
(4) Knowingly failing to maintain complete and accurate	119
records of all dangerous drugs received or dispensed in	120
compliance with federal laws and regulations and state laws and	121
rules;	122
(5) Obtaining any remuneration by fraud,	123
misrepresentation, or deception;	124
	125

(6) Failing to conform to prevailing standards of care of 126  
similar pharmacists or pharmacy interns under the same or 127  
similar circumstances, whether or not actual injury to a patient 128  
is established; 129

(7) Engaging in any other conduct that the board specifies 130  
as unprofessional conduct in the practice of pharmacy in rules 131  
adopted under section 4729.26 of the Revised Code. 132

(D) The board may suspend a license under division (B) of 133  
section 3719.121 of the Revised Code by utilizing a telephone 134  
conference call to review the allegations and take a vote. 135

(E) For purposes of this division, an individual 136  
authorized to practice as a pharmacist or pharmacy intern 137  
accepts the privilege of practicing in this state subject to 138  
supervision by the board. By filing an application for or 139  
holding a license to practice as a pharmacist or pharmacy 140  
intern, an individual gives consent to submit to a mental or 141  
physical examination when ordered to do so by the board in 142  
writing and waives all objections to the admissibility of 143  
testimony or examination reports that constitute privileged 144  
communications. 145

If the board has reasonable cause to believe that an 146  
individual who is a pharmacist or pharmacy intern is physically 147  
or mentally impaired, the board may require the individual to 148  
submit to a physical or mental examination, or both. The expense 149  
of the examination is the responsibility of the individual 150  
required to be examined. 151

Failure of an individual who is a pharmacist or pharmacy 152  
intern to submit to a physical or mental examination ordered by 153  
the board, unless the failure is due to circumstances beyond the 154

individual's control, constitutes an admission of the 155  
allegations and a suspension order shall be entered without the 156  
taking of testimony or presentation of evidence. Any subsequent 157  
adjudication hearing under Chapter 119. of the Revised Code 158  
concerning failure to submit to an examination is limited to 159  
consideration of whether the failure was beyond the individual's 160  
control. 161

If, based on the results of an examination ordered under 162  
this division, the board determines that the individual's 163  
ability to practice is impaired, the board shall suspend the 164  
individual's license or deny the individual's application and 165  
shall require the individual, as a condition for an initial, 166  
continued, reinstated, or renewed license to practice, to submit 167  
to a physical or mental examination and treatment. 168

An order of suspension issued under this division shall 169  
not be subject to suspension by a court during pendency of any 170  
appeal filed under section 119.12 of the Revised Code. 171

(F) If the board is required under Chapter 119. of the 172  
Revised Code to give notice of an opportunity for a hearing and 173  
the applicant or licensee does not make a timely request for a 174  
hearing in accordance with section 119.07 of the Revised Code, 175  
the board is not required to hold a hearing, but may adopt a 176  
final order that contains the board's findings. In the final 177  
order, the board may impose any of the sanctions listed in 178  
division (A) of this section. 179

(G) Notwithstanding the provision of division (C) (2) of 180  
section 2953.32 of the Revised Code specifying that if records 181  
pertaining to a criminal case are sealed under that section the 182  
proceedings in the case must be deemed not to have occurred, 183  
sealing of the following records on which the board has based an 184

action under this section shall have no effect on the board's 185  
action or any sanction imposed by the board under this section: 186  
records of any conviction, guilty plea, judicial finding of 187  
guilt resulting from a plea of no contest, or a judicial finding 188  
of eligibility for a pretrial diversion program or intervention 189  
in lieu of conviction. The board shall not be required to seal, 190  
destroy, redact, or otherwise modify its records to reflect the 191  
court's sealing of conviction records. 192

(H) No pharmacist or pharmacy intern shall knowingly 193  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 194  
(e) to (l) of this section. 195

**Sec. 4729.23.** (A) Except as provided in division (B) of 196  
this section, information received by the state board of 197  
pharmacy pursuant to an investigation is confidential, is not a 198  
public record, and is not subject to discovery in any civil 199  
action. ~~Any record that identifies a patient, confidential~~ 200  
~~informant, or individual who files a complaint with the board or~~ 201  
~~may reasonably lead to the identification of the patient,~~ 202  
~~informant, or complainant is not a public record for purposes of~~ 203  
~~section 149.43 of the Revised Code and is not subject to~~ 204  
~~inspection or copying under section 1347.08 of the Revised Code.~~ 205

(B) The board shall conduct all investigations or 206  
inspections and proceedings in a manner that protects the 207  
confidentiality of patients, confidential informants, and 208  
individuals who file complaints with the board. The board shall 209  
not make public the names or any other identifying information 210  
of patients, confidential informants, or complainants unless 211  
proper consent is given or, in the case of a patient, a waiver 212  
of the patient privilege exists under division (B) of section 213  
2317.02 of the Revised Code. The consent or waiver is not 214



required if the board possesses reliable and substantial 215  
evidence that no bona fide physician-patient relationship 216  
exists. 217

On request, the board may share any information it 218  
receives pursuant to an investigation or inspection, including 219  
patient records and patient record information, with law 220  
enforcement agencies, other licensing boards, and other state or 221  
federal governmental agencies that are prosecuting, 222  
adjudicating, or investigating alleged violations of statutes or 223  
administrative rules. An agency or board that receives the 224  
information shall comply with the same requirements regarding 225  
confidentiality as those with which the state board of pharmacy 226  
must comply, notwithstanding any conflicting provision of the 227  
Revised Code or agency procedure that applies when the agency is 228  
dealing with other information in its possession. 229

Any information the board receives from a state or federal 230  
agency is subject to the same confidentiality requirements as 231  
the agency from which it was received and shall not be released 232  
by the board without prior authorization from that agency. 233

The board may, for good cause shown, disclose or authorize 234  
disclosure of information gathered pursuant to an investigation. 235

(C) Any board activity that involves continued monitoring 236  
of an individual for treatment or recovery purposes as part of 237  
or following any disciplinary action taken under ~~section-~~ 238  
~~4729.16, 4729.56, or 4729.57 of the Revised Code~~ this chapter 239  
shall be conducted in a manner that maintains an individual's 240  
confidentiality with respect to the individual's treatment or 241  
recovery program. Information received or maintained by the 242  
board with respect to the board's monitoring activities is not 243  
subject to discovery in any civil action, is not a public 244

record, and is confidential, except that the board may disclose 245  
information to law enforcement officers and government entities 246  
for purposes of an investigation of a license or certificate 247  
holder. 248

**Sec. 4729.28.** ~~No~~ (A) As used in this section, "dispense" 249  
has the meaning specified by the state board of pharmacy in 250  
rules adopted under section 4729.26 of the Revised Code. 251

(B) (1) Except as provided in division (B) (2) of this 252  
section, no person who is not a pharmacist or a pharmacy intern 253  
under the personal supervision of a pharmacist shall compound, 254  
dispense, or sell dangerous drugs or otherwise engage in the 255  
practice of pharmacy. 256

(2) Except as provided in sections 3701.048, 4729.44, and 257  
4729.47 of the Revised Code or rules adopted by the board under 258  
section 4729.26 of the Revised Code, no person who is not a 259  
pharmacist shall dispense dangerous drugs. 260

**Sec. 4729.382.** (A) As used in this section, "epinephrine 261  
autoinjector" means a device used to administer epinephrine only 262  
in a manufactured dosage form. 263

(B) Subject to division (C) of this section, a pharmacist 264  
dispensing an epinephrine autoinjector pursuant to a 265  
prescription that identifies a specific type of epinephrine 266  
autoinjector may substitute the prescribed autoinjector with 267  
another epinephrine autoinjector, but only if the form of 268  
epinephrine contained in the autoinjector to be dispensed by 269  
substitution meets either of the following conditions: 270

(1) It is identical to the form of epinephrine in the type 271  
of autoinjector that was prescribed. 272

(2) It is a pharmaceutical equivalent of the form of 273

epinephrine in the type of autoinjector that was prescribed in 274  
that it contains identical amounts of the identical active 275  
ingredients, but not necessarily the same inactive ingredients; 276  
it has been approved by the United States food and drug 277  
administration; and it has not been excluded from recognition as 278  
a pharmaceutical equivalent form of epinephrine by rules adopted 279  
under division (H) of this section. 280

(C) All of the following conditions apply with respect to 281  
a pharmacist's authority to dispense an epinephrine autoinjector 282  
by substitution: 283

(1) The pharmacist shall not make the substitution if the 284  
person receiving the autoinjector pursuant to the prescription 285  
instructs otherwise. 286

(2) The pharmacist shall not make the substitution if 287  
either of the following applies to the prescription: 288

(a) In the case of a written or electronic prescription, 289  
including a computer-generated prescription, the prescriber 290  
handwrites or actively causes to display on the prescription 291  
"dispense as written," "D.A.W.," "do not substitute," "medically 292  
necessary as prescribed," or any other statement or numerical 293  
code that indicates the prescriber's intent to prevent 294  
substitution. Such a designation shall not be preprinted or 295  
stamped on the prescription, but a reminder to the prescriber of 296  
the designation procedure may be preprinted or displayed on the 297  
prescription form or electronic system the prescriber uses to 298  
issue the prescription. 299

(b) In the case of an oral prescription, the prescriber 300  
specifies that the epinephrine autoinjector as prescribed is 301  
medically necessary or otherwise indicates the prescriber's 302

intent to prevent substitution. 303

(3) The pharmacist shall not make the substitution unless 304  
its price to the patient is less than or equal to the price of 305  
the prescribed epinephrine autoinjector, except that a 306  
pharmacist may substitute an epinephrine autoinjector with a 307  
price to the patient that is greater than the prescribed 308  
autoinjector if the patient specifically requests the more 309  
expensive autoinjector. 310

(4) The pharmacist, or a pharmacy intern or agent of the 311  
pharmacist, shall make a reasonable attempt to inform the 312  
patient or the patient's representative if a type of epinephrine 313  
autoinjector is available at a lower or equal cost. 314

(5) The pharmacist, or a pharmacy intern or agent of the 315  
pharmacist, shall inform the patient or the patient's 316  
representative of the person's right to refuse substitution of 317  
the prescribed epinephrine autoinjector. 318

(D) (1) Unless the prescriber instructs otherwise, the 319  
label for every epinephrine autoinjector dispensed shall include 320  
the epinephrine autoinjector's name, if any, and the distributor 321  
of the autoinjector. Abbreviations may be used as necessary. 322

(2) When dispensing at retail an epinephrine autoinjector 323  
by substitution, the pharmacist shall indicate on the 324  
autoinjector's label or container that a substitution was made. 325

(3) The labeling requirements established by divisions (D) 326  
(1) and (2) of this section are in addition to all other 327  
labeling requirements as required in rules adopted by the state 328  
board of pharmacy. 329

(E) When a pharmacist dispenses an epinephrine 330  
autoinjector by substitution, the pharmacist or a pharmacy 331

intern shall provide to the person receiving the device 332  
instruction on the proper method of administering epinephrine 333  
with the device, except that the instruction does not have to be 334  
provided if the person is receiving the same device that was 335  
dispensed when the person last received the device by having a 336  
prescription filled or refilled. 337

(F) A pharmacist who dispenses an epinephrine autoinjector 338  
pursuant to this section assumes no greater liability for 339  
dispensing the autoinjector by substitution than would be 340  
incurred for dispensing the autoinjector identified on the 341  
prescription. 342

(G) The failure of a prescriber to restrict a prescription 343  
by indicating an intent to prevent substitution pursuant to this 344  
section shall not constitute evidence of the prescriber's 345  
negligence unless the prescriber had reasonable cause to believe 346  
that the health condition of the patient for whom the 347  
epinephrine autoinjector was intended warranted the prescription 348  
of a specific type of epinephrine autoinjector and no other. No 349  
prescriber shall be liable for civil damages or in any criminal 350  
prosecution arising from a pharmacist dispensing an epinephrine 351  
autoinjector by substitution, unless the type of autoinjector 352  
prescribed would have reasonably caused the same loss, damage, 353  
injury, or death. 354

(H) The state board of pharmacy may adopt rules in 355  
accordance with Chapter 119. of the Revised Code to implement 356  
this section. The rules may specify forms of epinephrine that 357  
are not to be recognized as pharmaceutical equivalents of other 358  
forms of epinephrine for purposes of this section. 359

(I) No pharmacist shall knowingly engage in conduct that 360  
is prohibited by division (C) or (D) of this section. 361

**Sec. 4729.41.** (A) (1) A pharmacist licensed under this 362  
chapter who meets the requirements of division (B) of this 363  
section, and a pharmacy intern licensed under this chapter who 364  
meets the requirements of division (B) of this section and is 365  
working under the direct supervision of a pharmacist who meets 366  
the requirements of that division, may do any of the following: 367

(a) Administer immunizations for influenza to individuals 368  
who are seven years of age or older; 369

(b) Only pursuant to a prescription, administer to 370  
individuals who are seven years of age or older but not more 371  
than thirteen years of age any of the immunizations included in 372  
division (A) (2) of this section; 373

(c) Administer to individuals who are thirteen years of 374  
age or older any of the immunizations included in division (A) 375  
(2) of this section. 376

(2) A pharmacist or pharmacy intern may administer in 377  
accordance with divisions (A) (1) (b) and (c) of this section 378  
either of the following: 379

(a) Any immunization that on ~~the effective date of this~~ 380  
~~amendment~~ March 19, 2015, is included in either of the following 381  
immunization schedules recommended by the advisory committee on 382  
immunization practices of the centers for disease control and 383  
prevention in the United States department of health and human 384  
services: 385

(i) The recommended immunization schedule for persons aged 386  
zero through eighteen years; 387

(ii) The recommended adult immunization schedule. 388

(b) Any other immunization specified in rules adopted 389

under division (E) (1) (d) of this section. 390

(3) As part of engaging in the administration of 391  
immunizations or supervising a pharmacy intern's administration 392  
of immunizations, a pharmacist may administer epinephrine or 393  
diphenhydramine, or both, to individuals in emergency situations 394  
resulting from adverse reactions to the immunizations 395  
administered by the pharmacist or pharmacy intern. 396

(B) For a pharmacist or pharmacy intern to be authorized 397  
to engage in the administration of immunizations pursuant to 398  
division (A) of this section, the pharmacist or pharmacy intern 399  
shall do all of the following: 400

(1) Successfully complete a course in the administration 401  
of immunizations that has been approved by the state board of 402  
pharmacy as meeting the standards established for such courses 403  
by the centers for disease control and prevention; 404

(2) Receive and maintain certification to perform basic 405  
life-support procedures by successfully completing a basic life- 406  
support training course that is certified by the American red 407  
cross or American heart association or approved by the state 408  
board of pharmacy; 409

(3) Practice in accordance with a definitive set of 410  
treatment guidelines specified in a protocol established by a 411  
physician and approved by the state board of pharmacy. 412

(C) The protocol required by division (B) (3) of this 413  
section shall include provisions for implementation of the 414  
following requirements: 415

(1) The pharmacist or pharmacy intern who administers an 416  
immunization shall observe the individual who receives the 417  
immunization to determine whether the individual has an adverse 418

reaction to the immunization. The length of time and location of 419  
the observation shall comply with the standards specified in 420  
rules adopted by the state board of pharmacy under division (E) 421  
of this section for the approval of protocols. The protocol 422  
shall specify procedures to be followed by a pharmacist when 423  
administering epinephrine, diphenhydramine, or both, to an 424  
individual who has an adverse reaction to an immunization 425  
administered by the pharmacist or a pharmacy intern. 426

(2) For each immunization administered to an individual by 427  
a pharmacist or pharmacy intern, other than an immunization for 428  
influenza administered to an individual eighteen years of age or 429  
older, the pharmacist or pharmacy intern shall notify the 430  
individual's family physician or, if the individual has no 431  
family physician, the board of health of the health district in 432  
which the individual resides or the authority having the duties 433  
of a board of health for that district under section 3709.05 of 434  
the Revised Code. The notice shall be given not later than 435  
thirty days after the immunization is administered. 436

(3) For each immunization administered by a pharmacist or 437  
pharmacy intern to an individual younger than eighteen years of 438  
age pursuant to division (A) (1) of this section, the pharmacist 439  
or a pharmacy intern shall obtain permission from the 440  
individual's parent or legal guardian in accordance with the 441  
procedures specified in rules adopted under division (E) of this 442  
section. 443

(D) (1) No pharmacist shall do either of the following: 444

(a) Engage in the administration of immunizations unless 445  
the requirements of division (B) of this section have been met; 446

(b) Delegate to any person the pharmacist's authority to 447



engage in or supervise the administration of immunizations. 448

(2) No pharmacy intern shall engage in the administration 449  
of immunizations unless the requirements of division (B) of this 450  
section have been met. 451

(E) (1) The state board of pharmacy shall adopt rules to 452  
implement this section. The rules shall be adopted in accordance 453  
with Chapter 119. of the Revised Code and shall include the 454  
following: 455

(a) Provisions for approval of courses in administration 456  
of immunizations; 457

(b) Provisions for approval of protocols to be followed by 458  
pharmacists and pharmacy interns in engaging in the 459  
administration of immunizations, including protocols that 460  
contain provisions specifying the locations at which a 461  
pharmacist or pharmacy intern may engage in the administration 462  
of immunizations; 463

(c) Procedures to be followed by pharmacists and pharmacy 464  
interns in obtaining from the individual's parent or legal 465  
guardian permission to administer immunizations to an individual 466  
younger than eighteen years of age pursuant to division (A) (1) 467  
of this section; 468

(d) Provisions specifying any immunizations that may be 469  
administered under division (A) (2) (b) of this section. 470

(2) Prior to adopting rules regarding approval of 471  
protocols to be followed by pharmacists and pharmacy interns in 472  
engaging in the administration of immunizations, the state board 473  
of pharmacy shall consult with the state medical board and the 474  
board of nursing. 475

(3) Prior to adopting rules specifying any immunizations 476  
that may be administered under division (A) (2) (b) of this 477  
section, the state board of pharmacy shall consult with the 478  
state medical board. 479

(F) In addition to the rules it adopts under division (E) 480  
of this section, the board may adopt rules that change the 481  
immunizations authorized by division (A) (2) (a) of this section 482  
to reflect changes in the recommendations of the advisory 483  
committee on immunization practices. The rules shall be adopted 484  
in accordance with Chapter 119. of the Revised Code. 485

**Sec. 4729.43.** (A) As used in this section: 486

(1) "Home health agency" has the same meaning as in 487  
section 3701.881 of the Revised Code. 488

(2) "Hospice care program" and "hospice patient" have the 489  
same meanings as in section 3712.01 of the Revised Code. 490

(B) With regard to a dangerous drug that is indicated for 491  
the treatment of cancer or a cancer-related illness, must be 492  
administered intravenously or by subcutaneous injection, and 493  
cannot reasonably be self-administered by the patient to whom 494  
the drug is prescribed or by an individual assisting the patient 495  
with the self-administration, a pharmacist ~~or pharmacy intern~~ 496  
shall not dispense the drug by delivering the drug directly to 497  
any of the following or causing the drug to be delivered 498  
directly to any of the following: 499

(1) The patient; 500

(2) The patient's representative, which may include the 501  
patient's guardian or a family member or friend of the patient; 502

(3) The patient's private residence unless any of the 503

following is the case: 504

(a) The patient's private residence is a nursing home, 505  
residential care facility, rehabilitation facility, or similar 506  
institutional facility or health care facility. 507

(b) If the patient is an adult and a hospice patient or 508  
client of a home health agency, the patient, the licensed health 509  
professional authorized to prescribe drugs who prescribed the 510  
drug to the patient, or an employee or agent of the prescriber 511  
has notified the pharmacist ~~or pharmacy intern~~ that the patient 512  
is a hospice patient or client of a home health agency and an 513  
employee or agent of the hospice care program or home health 514  
agency will be administering the drug to the patient. 515

(c) If the patient is a minor and a hospice patient or 516  
client of a home health agency, either of the following has 517  
notified the pharmacist ~~or pharmacy intern~~ that the patient is a 518  
client of a home health agency and an employee or agent of the 519  
hospice care program or home health agency will be administering 520  
the drug to the patient: 521

(i) The licensed health professional authorized to 522  
prescribe drugs who prescribed the drug to the patient or an 523  
employee or agent of the prescriber; 524

(ii) The parent, guardian, or other person who has care or 525  
charge of the patient and is authorized to consent to medical 526  
treatment on behalf of the patient. 527

**Sec. 4729.45.** (A) As used in this section, "physician" 528  
means an individual authorized under Chapter 4731. of the 529  
Revised Code to practice medicine and surgery or osteopathic 530  
medicine and surgery. 531

(B) (1) Subject to division (C) of this section, a 532

pharmacist licensed under this chapter may administer by 533  
injection any of the following drugs as long as the drug that is 534  
to be administered has been prescribed by a physician and the 535  
individual to whom the drug was prescribed has an ongoing 536  
physician-patient relationship with the physician: 537

(a) An opioid antagonist used for treatment of drug 538  
addiction and administered in a long-acting or extended-release 539  
form; 540

(b) An antipsychotic drug administered in a long-acting or 541  
extended-release form; 542

(c) Hydroxyprogesterone caproate; 543

(d) Medroxyprogesterone acetate; 544

(e) Cobalamin. 545

(2) As part of engaging in the administration of drugs by 546  
injection pursuant to this section, a pharmacist may administer 547  
epinephrine or diphenhydramine, or both, to an individual in an 548  
emergency situation resulting from an adverse reaction to a drug 549  
administered by the pharmacist. 550

(C) To be authorized to administer drugs pursuant to this 551  
section, a pharmacist must do all of the following: 552

(1) Successfully complete a course in the administration 553  
of drugs that satisfies the requirements established by the 554  
state board of pharmacy in rules adopted under division (H) (1) 555  
(a) of this section; 556

(2) Receive and maintain certification to perform basic 557  
life-support procedures by successfully completing a basic life- 558  
support training course that is certified by the American red 559  
cross or American heart association or approved by the state 560

board of pharmacy; 561

(3) Practice in accordance with a protocol that meets the 562  
requirements of division (F) of this section. 563

(D) Each time a pharmacist administers a drug pursuant to 564  
this section, the pharmacist shall do all of the following: 565

(1) Obtain permission in accordance with the procedures 566  
specified in rules adopted under division (H) of this section 567  
and comply with the following requirements: 568

(a) Except as provided in division (D) (1) (c) of this 569  
section, for each drug administered by a pharmacist to an 570  
individual who is eighteen years of age or older, the pharmacist 571  
shall obtain permission from the individual. 572

(b) For each drug administered by a pharmacist to an 573  
individual who is under eighteen years of age, the pharmacist 574  
shall obtain permission from the individual's parent or other 575  
person having care or charge of the individual. 576

(c) For each drug administered by a pharmacist to an 577  
individual who lacks the capacity to make informed health care 578  
decisions, the pharmacist shall obtain permission from the 579  
person authorized to make such decisions on the individual's 580  
behalf. 581

(2) In the case of an opioid antagonist described in 582  
division (B) of this section, obtain in accordance with division 583  
(E) of this section test results indicating that it is 584  
appropriate to administer the drug to the individual if either 585  
of the following is to be administered: 586

(a) The initial dose of the drug; 587

(b) Any subsequent dose, if the administration occurs more 588

than thirty days after the previous dose of the drug was 589  
administered. 590

(3) Observe the individual to whom the drug is 591  
administered to determine whether the individual has an adverse 592  
reaction to the drug; 593

(4) Notify the physician who prescribed the drug that the 594  
drug has been administered to the individual. 595

(E) A pharmacist may obtain the test results described in 596  
division (D) (2) of this section in either of the following ways: 597

(1) From the physician; 598

(2) By ordering blood and urine tests for the individual 599  
to whom the opioid antagonist is to be administered. 600

If a pharmacist orders blood and urine tests, the 601  
pharmacist shall evaluate the results of the tests to determine 602  
whether they indicate that it is appropriate to administer the 603  
opioid antagonist. A pharmacist's authority to evaluate test 604  
results under this division does not authorize the pharmacist to 605  
make a diagnosis. 606

(F) All of the following apply with respect to the 607  
protocol required by division (C) (3) of this section: 608

(1) The protocol must be established by a physician who 609  
has a scope of practice that includes treatment of the condition 610  
for which the individual has been prescribed the drug to be 611  
administered. 612

(2) The protocol must satisfy the requirements established 613  
in rules adopted under division (H) (1) (b) of this section. 614

(3) The protocol must do all of the following: 615

- (a) Specify a definitive set of treatment guidelines; 616
- (b) Specify the locations at which a pharmacist may engage 617  
in the administration of drugs pursuant to this section; 618
- (c) Include provisions for implementing the requirements 619  
of division (D) of this section, including for purposes of 620  
division (D)(3) of this section provisions specifying the length 621  
of time and location at which a pharmacist must observe an 622  
individual who receives a drug to determine whether the 623  
individual has an adverse reaction to the drug; 624
- (d) Specify procedures to be followed by a pharmacist when 625  
administering epinephrine, diphenhydramine, or both, to an 626  
individual who has an adverse reaction to a drug administered by 627  
the pharmacist. 628
- (G) A pharmacist shall not do either of the following: 629
- (1) Engage in the administration of drugs pursuant to this 630  
section unless the requirements of division (C) of this section 631  
have been met; 632
- (2) Delegate to any person the pharmacist's authority to 633  
engage in the administration of drugs pursuant to this section. 634
- (H) (1) The state board of pharmacy shall adopt rules to 635  
implement this section. The rules shall be adopted in accordance 636  
with Chapter 119. of the Revised Code and include all of the 637  
following: 638
- (a) Requirements for courses in administration of drugs; 639
- (b) Requirements for protocols to be followed by 640  
pharmacists in administering drugs pursuant to this section; 641
- (c) Procedures to be followed by a pharmacist in obtaining 642

permission to administer a drug to an individual. 643

(2) The board shall consult with the state medical board 644  
before adopting rules regarding requirements for protocols under 645  
this section. 646

**Sec. 4729.47. (A) As used in this section:** 647

(1) "Board of health" means a board of health of a city or 648  
general health district or an authority having the duties of a 649  
board of health under section 3709.05 of the Revised Code. 650

(2) "Physician" means an individual authorized under 651  
Chapter 4731. of the Revised Code to practice medicine and 652  
surgery, osteopathic medicine and surgery, or podiatric medicine 653  
and surgery. 654

(B) If use of a protocol that has been developed pursuant 655  
to rules adopted under division (G) of this section has been 656  
authorized under section 3707.60 or 4731.961 of the Revised 657  
Code, a pharmacist or pharmacy intern may dispense epinephrine 658  
without a prescription in accordance with that protocol to 659  
either of the following individuals so long as the individual is 660  
at least eighteen years of age: 661

(1) An individual who there is reason to believe is 662  
experiencing or at risk of experiencing anaphylaxis if the 663  
pharmacy affiliated with the pharmacist or intern has a record 664  
of previously dispensing epinephrine to the individual in 665  
accordance with a prescription issued by a licensed health 666  
professional authorized to prescribe drugs; 667

(2) An individual acting on behalf of a qualified entity, 668  
as defined in section 3728.01 of the Revised Code. 669

(C) (1) A pharmacist or pharmacy intern who dispenses 670



epinephrine under this section shall instruct the individual to 671  
whom epinephrine is dispensed to summon emergency services as 672  
soon as practicable either before or after administering 673  
epinephrine. 674

(2) A pharmacist or pharmacy intern who dispenses 675  
epinephrine to an individual identified in division (B)(1)(a) of 676  
this section shall provide notice of the dispensing to the 677  
individual's primary care provider, if known, or to the 678  
prescriber who issued the individual the initial prescription 679  
for epinephrine. 680

(D) A pharmacist may document the dispensing of 681  
epinephrine by the pharmacist or a pharmacy intern supervised by 682  
the pharmacist on a prescription form. The form may be assigned 683  
a number for record-keeping purposes. 684

(E) This section does not affect the authority of a 685  
pharmacist or pharmacy intern to fill or refill a prescription 686  
for epinephrine. 687

(F) A board of health that in good faith authorizes a 688  
pharmacist or pharmacy intern to dispense epinephrine without a 689  
prescription in accordance with a protocol developed pursuant to 690  
rules adopted under division (G) of this section is not liable 691  
for or subject to any of the following for any action or 692  
omission of the individual to whom the epinephrine is dispensed: 693  
damages in any civil action, prosecution in any criminal 694  
proceeding, or professional disciplinary action. 695

A physician who in good faith authorizes a pharmacist or 696  
pharmacy intern to dispense epinephrine without a prescription 697  
in accordance with a protocol developed pursuant to rules 698  
adopted under division (G) of this section is not liable for or 699

subject to any of the following for any action or omission of 700  
the individual to whom the epinephrine is dispensed: damages in 701  
any civil action, prosecution in any criminal proceeding, or 702  
professional disciplinary action. 703

A pharmacist or pharmacy intern authorized under this 704  
section to dispense epinephrine without a prescription who does 705  
so in good faith is not liable for or subject to any of the 706  
following for any action or omission of the individual to whom 707  
the epinephrine is dispensed: damages in any civil action, 708  
prosecution in any criminal proceeding, or professional 709  
disciplinary action. 710

(G) Not later than ninety days after the effective date of 711  
this section, the state board of pharmacy shall, after 712  
consulting with the state medical board, adopt rules to 713  
implement this section. The rules shall specify minimum 714  
requirements for protocols established by physicians under which 715  
pharmacists or pharmacy interns may dispense epinephrine without 716  
a prescription. 717

All rules adopted under this section shall be adopted in 718  
accordance with Chapter 119. of the Revised Code. 719

**Sec. 4729.553.** (A) As used in this section: 720

(1) "Controlled substance" has the same meaning as in 721  
section 3719.01 of the Revised Code. 722

(2) "Hospital" means a hospital registered with the 723  
department of health under section 3701.07 of the Revised Code. 724

(3) "Office-based opioid treatment" means the treatment of 725  
opioid dependence or addiction using a controlled substance. 726

(B) (1) Except as provided in division (B) (2) of this 727

section, no person shall knowingly operate a facility, clinic, 728  
or other location where a prescriber provides office-based 729  
opioid treatment to more than thirty patients or that meets any 730  
other identifying criteria established in rules adopted under 731  
~~division (C) of this section~~ without holding a category III 732  
terminal distributor of dangerous drugs license with an office- 733  
based opioid treatment classification. 734

(2) Division (B) (1) of this section does not apply to any 735  
of the following: 736

(a) A hospital; 737

(b) A facility for the treatment of opioid dependence or 738  
addiction that is operated by a hospital; 739

(c) A physician practice owned or controlled, in whole or 740  
in part, by a hospital or by an entity that owns or controls, in 741  
whole or in part, one or more hospitals; 742

(d) A facility that conducts only clinical research and 743  
uses controlled substances in studies approved by a hospital- 744  
based institutional review board or an institutional review 745  
board that is accredited by the association for the 746  
accreditation of human research protection programs, inc.; 747

(e) A facility that holds a category III terminal 748  
distributor of dangerous drugs license in accordance with 749  
section 4729.54 of the Revised Code for the purpose of treating 750  
drug dependence or addiction as part of an opioid treatment 751  
program and is the subject of a current, valid certification 752  
from the substance abuse and mental health services 753  
administration of the United States department of health and 754  
human services pursuant to 42 C.F.R. 8.11; 755

(f) A program or facility that ~~is licensed or certified~~ 756

holds a license or certification issued by the department of 757  
mental health and addiction services under Chapter 5119. of the 758  
Revised Code if the license or certification is approved by the 759  
state board of pharmacy; 760

(g) A federally qualified health center or federally 761  
qualified health center look-alike, as defined in section 762  
3701.047 of the Revised Code; 763

(h) A state or local correctional facility, as defined in 764  
section 5163.45 of the Revised Code; 765

(i) Any other facility specified in rules adopted under 766  
this section. 767

(C) To be eligible to receive a license as a category III 768  
terminal distributor of dangerous drugs with an office-based 769  
opioid treatment classification, an applicant shall submit 770  
evidence satisfactory to the ~~state board of pharmacy~~ that the 771  
applicant's office-based opioid treatment will be operated in 772  
accordance with the requirements specified in division (D) of 773  
this section and that the applicant meets any other applicable 774  
requirements of this chapter. 775

If the board determines that an applicant meets all of the 776  
requirements, the board shall issue to the applicant a license 777  
as a category III terminal distributor of dangerous drugs with 778  
an office-based opioid treatment classification. 779

(D) The holder of a category III terminal distributor 780  
license with an office-based opioid treatment classification 781  
shall do all of the following: 782

(1) Be in control of a facility that is owned and operated 783  
solely by one or more physicians authorized under Chapter 4731. 784  
of the Revised Code to practice medicine and surgery or 785

osteopathic medicine and surgery, unless the state board of 786  
pharmacy ~~has exempted the holder from~~ waives this requirement 787  
for the holder; 788

(2) Comply with the requirements for conducting office- 789  
based opioid treatment, as established by the state medical 790  
board in rules adopted under section 4731.056 of the Revised 791  
Code; 792

(3) Require any person with ownership of the facility to 793  
submit to a criminal records check in accordance with section 794  
4776.02 of the Revised Code and send the results of the criminal 795  
records check directly to the state board of pharmacy for review 796  
and decision under section 4729.071 of the Revised Code; 797

(4) Require ~~all employees of each person employed by or~~ 798  
seeking employment with the facility to submit to a criminal 799  
records check in accordance with section 4776.02 of the Revised 800  
Code ~~and ensure~~; 801

(5) Ensure that no a person is not employed who has 802  
previously been by the facility if the person, within the ten 803  
years immediately preceding the date the person applied for 804  
employment, was convicted of, or pleaded guilty to, either of 805  
the following, unless the state board of pharmacy permits the 806  
person to be employed by waiving this requirement for the 807  
facility: 808

(a) A theft offense, described in division (K) (3) of 809  
section 2913.01 of the Revised Code, that would constitute a 810  
felony under the laws of this state, any other state, or the 811  
United States; 812

(b) A felony drug offense, as defined in section 2925.01 813  
of the Revised Code. 814

~~(5)~~ (6) Maintain a list of each person with ownership of 815  
the facility and notify the state board of pharmacy of any 816  
change to that list. 817

(E) No person subject to licensure as a category III 818  
terminal distributor of dangerous drugs with an office-based 819  
opioid treatment classification shall knowingly fail to remain 820  
in compliance with the requirements of division (D) of this 821  
section and any other applicable requirements of this chapter. 822

(F) The state board of pharmacy may impose a fine of not 823  
more than five thousand dollars on a person who violates 824  
division (B) or (E) of this section. A separate fine may be 825  
imposed for each day the violation continues. In imposing the 826  
fine, the board's actions shall be taken in accordance with 827  
Chapter 119. of the Revised Code. 828

(G) The state board of pharmacy shall adopt rules as it 829  
considers necessary to implement and administer this section. 830  
The rules shall be adopted in accordance with Chapter 119. of 831  
the Revised Code. 832

**Sec. 4729.99.** (A) Whoever violates division (H) of section 833  
4729.16, division (G) of section 4729.38, division (I) of 834  
section 4729.382, section 4729.57, or division (F) of section 835  
4729.96 of the Revised Code is guilty of a minor misdemeanor, 836  
unless a different penalty is otherwise specified in the Revised 837  
Code. Each day's violation constitutes a separate offense. 838

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 839  
of the Revised Code is guilty of a misdemeanor of the third 840  
degree. Each day's violation constitutes a separate offense. If 841  
the offender previously has been convicted of or pleaded guilty 842  
to a violation of this chapter, that person is guilty of a 843

misdemeanor of the second degree. 844

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 845  
of the Revised Code is guilty of a misdemeanor. 846

(D) Whoever violates division (A), (B), (C), (D), (F), or 847  
(G) of section 4729.51 of the Revised Code is guilty of a 848  
misdemeanor of the first degree. 849

(E) (1) Whoever violates section 4729.37, division (E) (1) 850  
(b) of section 4729.51, division (J) of section 4729.54, 851  
division (B) or (D) of section 4729.553, or section 4729.61 of 852  
the Revised Code is guilty of a felony of the fifth degree. If 853  
the offender previously has been convicted of or pleaded guilty 854  
to a violation of this chapter or a violation of Chapter 2925. 855  
or 3719. of the Revised Code, that person is guilty of a felony 856  
of the fourth degree. 857

(2) If an offender is convicted of or pleads guilty to a 858  
violation of section 4729.37, division (E) of section 4729.51, 859  
division (J) of section 4729.54, or section 4729.61 of the 860  
Revised Code, if the violation involves the sale, offer to sell, 861  
or possession of a schedule I or II controlled substance, with 862  
the exception of marihuana, and if the court imposing sentence 863  
upon the offender finds that the offender as a result of the 864  
violation is a major drug offender, as defined in section 865  
2929.01 of the Revised Code, and is guilty of a specification of 866  
the type described in division (A) of section 2941.1410 of the 867  
Revised Code, the court, in lieu of the prison term authorized 868  
or required by division (E) (1) of this section and sections 869  
2929.13 and 2929.14 of the Revised Code and in addition to any 870  
other sanction imposed for the offense under sections 2929.11 to 871  
2929.18 of the Revised Code, shall impose upon the offender, in 872  
accordance with division (B) (3) of section 2929.14 of the 873

Revised Code, the mandatory prison term specified in that 874  
division. 875

(3) Notwithstanding any contrary provision of section 876  
3719.21 of the Revised Code, the clerk of court shall pay any 877  
fine imposed for a violation of section 4729.37, division (E) of 878  
section 4729.51, division (J) of section 4729.54, or section 879  
4729.61 of the Revised Code pursuant to division (A) of section 880  
2929.18 of the Revised Code in accordance with and subject to 881  
the requirements of division (F) of section 2925.03 of the 882  
Revised Code. The agency that receives the fine shall use the 883  
fine as specified in division (F) of section 2925.03 of the 884  
Revised Code. 885

(F) Whoever violates section 4729.531 of the Revised Code 886  
or any rule adopted thereunder or section 4729.532 of the 887  
Revised Code is guilty of a misdemeanor of the first degree. 888

(G) Whoever violates division (E)(1)(a) of section 4729.51 889  
of the Revised Code is guilty of a felony of the fourth degree. 890  
If the offender has previously been convicted of or pleaded 891  
guilty to a violation of this chapter, or of a violation of 892  
Chapter 2925. or 3719. of the Revised Code, that person is 893  
guilty of a felony of the third degree. 894

(H) Whoever violates division (E)(1)(c) of section 4729.51 895  
of the Revised Code is guilty of a misdemeanor of the first 896  
degree. If the offender has previously been convicted of or 897  
pleaded guilty to a violation of this chapter, or of a violation 898  
of Chapter 2925. or 3719. of the Revised Code, that person is 899  
guilty of a felony of the fifth degree. 900

(I)(1) Whoever violates division (A) of section 4729.95 of 901  
the Revised Code is guilty of unauthorized pharmacy-related drug 902



conduct. Except as otherwise provided in this section, 903  
unauthorized pharmacy-related drug conduct is a misdemeanor of 904  
the second degree. If the offender previously has been convicted 905  
of or pleaded guilty to a violation of division (A), (B), or (C) 906  
of that section, unauthorized pharmacy-related drug conduct is a 907  
misdemeanor of the first degree on a second offense and a felony 908  
of the fifth degree on a third or subsequent offense. 909

(2) Whoever violates division (B) or (C) of section 910  
4729.95 of the Revised Code is guilty of permitting unauthorized 911  
pharmacy-related drug conduct. Except as otherwise provided in 912  
this section, permitting unauthorized pharmacy-related drug 913  
conduct is a misdemeanor of the second degree. If the offender 914  
previously has been convicted of or pleaded guilty to a 915  
violation of division (A), (B), or (C) of that section, 916  
permitting unauthorized pharmacy-related drug conduct is a 917  
misdemeanor of the first degree on a second offense and a felony 918  
of the fifth degree on a third or subsequent offense. 919

(3) Notwithstanding any contrary provision of section 920  
3719.21 of the Revised Code or any other provision of law that 921  
governs the distribution of fines, the clerk of the court shall 922  
pay any fine imposed pursuant to division (I)(1) or (2) of this 923  
section to the state board of pharmacy if the board has adopted 924  
a written internal control policy under division (F)(2) of 925  
section 2925.03 of the Revised Code that addresses fine moneys 926  
that it receives under Chapter 2925. of the Revised Code and if 927  
the policy also addresses fine moneys paid under this division. 928  
The state board of pharmacy shall use the fines so paid in 929  
accordance with the written internal control policy to subsidize 930  
the board's law enforcement efforts that pertain to drug 931  
offenses. 932

(J) (1) Whoever violates division (A) (1) of section 4729.86 933  
of the Revised Code is guilty of a misdemeanor of the third 934  
degree. If the offender has previously been convicted of or 935  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 936  
section 4729.86 of the Revised Code, that person is guilty of a 937  
misdemeanor of the first degree. 938

(2) Whoever violates division (A) (2) of section 4729.86 of 939  
the Revised Code is guilty of a misdemeanor of the first degree. 940  
If the offender has previously been convicted of or pleaded 941  
guilty to a violation of division (A) (1), (2), or (3) of section 942  
4729.86 of the Revised Code, that person is guilty of a felony 943  
of the fifth degree. 944

(3) Whoever violates division (A) (3) of section 4729.86 of 945  
the Revised Code is guilty of a felony of the fifth degree. If 946  
the offender has previously been convicted of or pleaded guilty 947  
to a violation of division (A) (1), (2), or (3) of section 948  
4729.86 of the Revised Code, that person is guilty of a felony 949  
of the fourth degree. 950

(K) A person who violates division (C) of section 4729.552 951  
of the Revised Code is guilty of a misdemeanor of the first 952  
degree. If the person previously has been convicted of or 953  
pleaded guilty to a violation of division (C) of section 954  
4729.552 of the Revised Code, that person is guilty of a felony 955  
of the fifth degree. 956

**Sec. 4731.96.** (A) As used in this section and section 957  
4731.961 of the Revised Code, "physician" means an individual 958  
authorized under this chapter to practice medicine and surgery, 959  
osteopathic medicine and surgery, or podiatric medicine and 960  
surgery. 961

(B) (1) Subject to division (B) (2) of this section, and 962  
notwithstanding any provision of this chapter or rule adopted by 963  
the state medical board, a physician may do either of the 964  
following without having examined an individual to whom 965  
epinephrine may be administered: 966

(a) Personally furnish a supply of epinephrine 967  
autoinjectors for use in accordance with sections 3313.7110, 968  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 969  
5101.76 of the Revised Code; 970

(b) Issue a prescription for epinephrine autoinjectors for 971  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 972  
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 973  
Code. 974

(2) An epinephrine autoinjector personally furnished or 975  
prescribed under division (B) (1) of this section must be 976  
furnished or prescribed in such a manner that it may be 977  
administered only in a manufactured dosage form. 978

(C) A physician who acts in good faith in accordance with 979  
this section is not liable for or subject to any of the 980  
following for any action or omission of an entity to which an 981  
epinephrine autoinjector is furnished or a prescription is 982  
issued: damages in any civil action, prosecution in any criminal 983  
proceeding, or professional disciplinary action. 984

Sec. 4731.961. A physician who has established a protocol 985  
that meets the requirements specified by the state board of 986  
pharmacy in rules adopted under section 4729.47 of the Revised 987  
Code may authorize one or more pharmacists and any of the 988  
pharmacy interns supervised by the pharmacist or pharmacists to 989  
use the protocol for the purpose of dispensing epinephrine under 990

section 4729.47 of the Revised Code. 991

**Section 2.** That existing sections 3728.03, 4729.16, 992  
4729.23, 4729.28, 4729.41, 4729.43, 4729.45, 4729.553, 4729.99, 993  
and 4731.96 of the Revised Code are hereby repealed. 994

**Section 3.** The provisions of this act that amend and enact 995  
sections 3707.60, 3728.03, 4729.16, 4729.382, 4729.47, 4729.99, 996  
4731.96, and 4731.961 of the Revised Code shall be known as the 997  
"Epinephrine Accessibility Act." 998