

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 119**

**Senators Hackett, Hottinger**

**Cosponsors: Senators Beagle, Balderson, Brown, Burke, Dolan, Eklund, Gardner, Hoagland, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Terhar, Uecker, Wilson Representatives Gavarone, Antani, Butler, Duffey, Edwards, Ginter, Johnson, Lepore-Hagan, Anielski, Arndt, Barnes, Blessing, Brenner, Brown, Carfagna, Craig, Cupp, Dean, Dever, DeVitis, Faber, Fedor, Galonski, Green, Greenspan, Hagan, Hambley, Hill, Holmes, Householder, Howse, Hughes, Kent, Kick, Landis, Lanese, Leland, Manning, McClain, Merrin, Miller, Patterson, Patton, Pelanda, Ramos, Reece, Riedel, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Seitz, Sheehy, Slaby, Smith, K., Smith, T., Sprague, Stein, Strahorn, Sweeney, B., Sykes, Thompson, West, Wilkin, Young, Zeltwanger, Speaker Smith**

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**A BILL**

To amend sections 4723.52, 4729.01, 4729.44,	1
4729.75, 4729.79, 4729.85, 4730.56, 4731.83, and	2
5119.363, to amend, for the purpose of adopting	3
a new section number as indicated in	4
parentheses, section 3715.08 (3719.064), and to	5
enact sections 3719.063, 4729.283, and 4765.45	6
of the Revised Code regarding naloxone,	7
naltrexone, and medication-assisted treatment.	8

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

<b>Section 1.</b> That sections 4723.52, 4729.01, 4729.44,	9
4729.75, 4729.79, 4729.85, 4730.56, 4731.83, and 5119.363 be	10
amended, section 3715.08 (3719.064) be amended for the purpose	11

of adopting a new section number as indicated in parentheses,  
and sections 3719.063, 4729.283, and 4765.45 of the Revised Code  
be enacted to read as follows:

**Sec. 3719.063.** In the absence of gross negligence or  
intentional misconduct, a person who administers the drug  
naltrexone by injection, the person's employer, and the facility  
at which the drug is administered are not liable in any civil  
action or subject to criminal prosecution or professional  
discipline for any injury or damage caused by the injection or  
drug if all of the following conditions are met:

(A) The individual to whom the drug is administered is  
unable to have it administered as follows:

(1) By a person who routinely administers the drug to the  
individual;

(2) At the facility at which the drug is routinely  
administered to the individual;

(3) Under the direction of the drug's prescriber.

(B) The person who administers the drug under this section  
is legally authorized to administer it by injection but is not  
the prescriber of the drug or one who routinely administers it  
to the individual.

(C) The drug is provided to the person who administers it  
under this section in either of the following ways:

(1) By the individual to whom it is administered;

(2) By the pharmacy that has a record of a prescription  
for the drug in the name of the individual to whom it is  
administered.

(D) The person who administers the drug under this section 39  
is authorized to do so by that person's employer or the facility 40  
at which the drug is administered. 41

**Sec. ~~3715.08~~ 3719.064.** (A) As used in this section: 42

(1) "Medication-assisted treatment" has the same meaning 43  
as in section 340.01 of the Revised Code. 44

(2) "Prescriber" means any of the following: 45

(a) An advanced practice registered nurse who holds a 46  
current, valid license issued under Chapter 4723. of the Revised 47  
Code and is designated as a clinical nurse specialist, certified 48  
nurse-midwife, or certified nurse practitioner; 49

(b) A physician authorized under Chapter 4731. of the 50  
Revised Code to practice medicine and surgery or osteopathic 51  
medicine and surgery; 52

(c) A physician assistant who is licensed under Chapter 53  
4730. of the Revised Code, holds a valid prescriber number 54  
issued by the state medical board, and has been granted 55  
physician-delegated prescriptive authority. 56

(3) "Qualifying practitioner" has the same meaning as in 57  
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 58  
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 59

(B) Before initiating medication-assisted treatment, a 60  
prescriber shall give the patient or the patient's 61  
representative information about all drugs approved by the 62  
United States food and drug administration for use in 63  
medication-assisted treatment. The information must be provided 64  
both orally and in writing. The prescriber or the prescriber's 65  
delegate shall note in the patient's medical record when this 66

information was provided and make the record available to 67  
employees of the board of nursing or state medical board on 68  
their request. 69

If the prescriber is not a qualifying practitioner and the 70  
patient's choice is treatment with a controlled substance 71  
containing buprenorphine and the prescriber determines that such 72  
treatment is clinically appropriate and meets generally accepted 73  
standards of medicine, the prescriber shall refer the patient to 74  
a qualifying practitioner. If the patient's choice is methadone 75  
treatment and the prescriber determines that such treatment is 76  
clinically appropriate and meets generally accepted standards of 77  
medicine, the prescriber shall refer the patient to a community 78  
addiction services provider licensed under section 5119.391 of 79  
the Revised Code. In either case, the prescriber or the 80  
prescriber's delegate shall make a notation in the patient's 81  
medical record naming the practitioner or provider to whom the 82  
patient was referred and specifying when the referral was made. 83

**Sec. 4723.52.** (A) As used in this section: 84

(1) "Community addiction services provider" has the same 85  
meaning as in section 5119.01 of the Revised Code. 86

(2) "Medication-assisted treatment" has the same meaning 87  
as in section 340.01 of the Revised Code. 88

(B) An advanced practice registered nurse shall comply 89  
with section ~~3715.08~~3719.064 of the Revised Code and rules 90  
adopted under section 4723.51 of the Revised Code when treating 91  
a patient for addiction with medication-assisted treatment or 92  
proposing to initiate such treatment. 93

(C) An advanced practice registered nurse who fails to 94  
comply with this section shall treat not more than thirty 95

patients at any one time with medication-assisted treatment even 96  
if the facility or location at which the treatment is provided 97  
is either of the following: 98

(1) Exempted by divisions (B) (2) (a) to (d) of section 99  
4729.553 of the Revised Code from being required to possess a 100  
category III terminal distributor of dangerous drugs license 101  
with an office-based opioid treatment classification; 102

(2) A community addiction services provider that provides 103  
alcohol and drug addiction services that are certified by the 104  
department of mental health and addiction services under section 105  
5119.36 of the Revised Code. 106

**Sec. 4729.01.** As used in this chapter: 107

(A) "Pharmacy," except when used in a context that refers 108  
to the practice of pharmacy, means any area, room, rooms, place 109  
of business, department, or portion of any of the foregoing 110  
where the practice of pharmacy is conducted. 111

(B) "Practice of pharmacy" means providing pharmacist care 112  
requiring specialized knowledge, judgment, and skill derived 113  
from the principles of biological, chemical, behavioral, social, 114  
pharmaceutical, and clinical sciences. As used in this division, 115  
"pharmacist care" includes the following: 116

(1) Interpreting prescriptions; 117

(2) Dispensing drugs and drug therapy related devices; 118

(3) Compounding drugs; 119

(4) Counseling individuals with regard to their drug 120  
therapy, recommending drug therapy related devices, and 121  
assisting in the selection of drugs and appliances for treatment 122  
of common diseases and injuries and providing instruction in the 123

proper use of the drugs and appliances;	124
(5) Performing drug regimen reviews with individuals by	125
discussing all of the drugs that the individual is taking and	126
explaining the interactions of the drugs;	127
(6) Performing drug utilization reviews with licensed	128
health professionals authorized to prescribe drugs when the	129
pharmacist determines that an individual with a prescription has	130
a drug regimen that warrants additional discussion with the	131
prescriber;	132
(7) Advising an individual and the health care	133
professionals treating an individual with regard to the	134
individual's drug therapy;	135
(8) Acting pursuant to a consult agreement with one or	136
more physicians authorized under Chapter 4731. of the Revised	137
Code to practice medicine and surgery or osteopathic medicine	138
and surgery, if an agreement has been established;	139
(9) Engaging in the administration of immunizations to the	140
extent authorized by section 4729.41 of the Revised Code;	141
(10) Engaging in the administration of drugs to the extent	142
authorized by section 4729.45 of the Revised Code.	143
(C) "Compounding" means the preparation, mixing,	144
assembling, packaging, and labeling of one or more drugs in any	145
of the following circumstances:	146
(1) Pursuant to a prescription issued by a licensed health	147
professional authorized to prescribe drugs;	148
(2) Pursuant to the modification of a prescription made in	149
accordance with a consult agreement;	150

(3) As an incident to research, teaching activities, or 151  
chemical analysis; 152

(4) In anticipation of orders for drugs pursuant to 153  
prescriptions, based on routine, regularly observed dispensing 154  
patterns; 155

(5) Pursuant to a request made by a licensed health 156  
professional authorized to prescribe drugs for a drug that is to 157  
be used by the professional for the purpose of direct 158  
administration to patients in the course of the professional's 159  
practice, if all of the following apply: 160

(a) At the time the request is made, the drug is not 161  
commercially available regardless of the reason that the drug is 162  
not available, including the absence of a manufacturer for the 163  
drug or the lack of a readily available supply of the drug from 164  
a manufacturer. 165

(b) A limited quantity of the drug is compounded and 166  
provided to the professional. 167

(c) The drug is compounded and provided to the 168  
professional as an occasional exception to the normal practice 169  
of dispensing drugs pursuant to patient-specific prescriptions. 170

(D) "Consult agreement" means an agreement that has been 171  
entered into under section 4729.39 of the Revised Code. 172

(E) "Drug" means: 173

(1) Any article recognized in the United States 174  
pharmacopoeia and national formulary, or any supplement to them, 175  
intended for use in the diagnosis, cure, mitigation, treatment, 176  
or prevention of disease in humans or animals; 177

(2) Any other article intended for use in the diagnosis, 178

cure, mitigation, treatment, or prevention of disease in humans 179  
or animals; 180

(3) Any article, other than food, intended to affect the 181  
structure or any function of the body of humans or animals; 182

(4) Any article intended for use as a component of any 183  
article specified in division (E) (1), (2), or (3) of this 184  
section; but does not include devices or their components, 185  
parts, or accessories. 186

(F) "Dangerous drug" means any of the following: 187

(1) Any drug to which either of the following applies: 188

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 189  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 190  
required to bear a label containing the legend "Caution: Federal 191  
law prohibits dispensing without prescription" or "Caution: 192  
Federal law restricts this drug to use by or on the order of a 193  
licensed veterinarian" or any similar restrictive statement, or 194  
the drug may be dispensed only upon a prescription; 195

(b) Under Chapter 3715. or 3719. of the Revised Code, the 196  
drug may be dispensed only upon a prescription. 197

(2) Any drug that contains a schedule V controlled 198  
substance and that is exempt from Chapter 3719. of the Revised 199  
Code or to which that chapter does not apply; 200

(3) Any drug intended for administration by injection into 201  
the human body other than through a natural orifice of the human 202  
body; 203

(4) Any drug that is a biological product, as defined in 204  
section 3715.01 of the Revised Code. 205



(G) "Federal drug abuse control laws" has the same meaning 206  
as in section 3719.01 of the Revised Code. 207

(H) "Prescription" means all of the following: 208

(1) A written, electronic, or oral order for drugs or 209  
combinations or mixtures of drugs to be used by a particular 210  
individual or for treating a particular animal, issued by a 211  
licensed health professional authorized to prescribe drugs; 212

(2) For purposes of sections 2925.61, 4723.488, ~~4729.44,~~ 213  
4730.431, and 4731.94 of the Revised Code, a written, 214  
electronic, or oral order for naloxone issued to and in the name 215  
of a family member, friend, or other individual in a position to 216  
assist an individual who there is reason to believe is at risk 217  
of experiencing an opioid-related overdose. 218

(3) For purposes of section 4729.44 of the Revised Code, a 219  
written, electronic, or oral order for naloxone issued to and in 220  
the name of either of the following: 221

(a) An individual who there is reason to believe is at 222  
risk of experiencing an opioid-related overdose; 223

(b) A family member, friend, or other individual in a 224  
position to assist an individual who there is reason to believe 225  
is at risk of experiencing an opioid-related overdose. 226

(4) For purposes of sections 4723.4810, 4729.282, 227  
4730.432, and 4731.93 of the Revised Code, a written, 228  
electronic, or oral order for a drug to treat chlamydia, 229  
gonorrhea, or trichomoniasis issued to and in the name of a 230  
patient who is not the intended user of the drug but is the 231  
sexual partner of the intended user; 232

~~(4)~~ (5) For purposes of sections 3313.7110, 3313.7111, 233

3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 234  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 235  
or oral order for an epinephrine autoinjector issued to and in 236  
the name of a school, school district, or camp; 237

~~(5)~~ (6) For purposes of Chapter 3728. and sections 238  
4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a 239  
written, electronic, or oral order for an epinephrine 240  
autoinjector issued to and in the name of a qualified entity, as 241  
defined in section 3728.01 of the Revised Code. 242

(I) "Licensed health professional authorized to prescribe 243  
drugs" or "prescriber" means an individual who is authorized by 244  
law to prescribe drugs or dangerous drugs or drug therapy 245  
related devices in the course of the individual's professional 246  
practice, including only the following: 247

(1) A dentist licensed under Chapter 4715. of the Revised 248  
Code; 249

(2) A clinical nurse specialist, certified nurse-midwife, 250  
or certified nurse practitioner who holds a current, valid 251  
license to practice nursing as an advanced practice registered 252  
nurse issued under Chapter 4723. of the Revised Code; 253

(3) An optometrist licensed under Chapter 4725. of the 254  
Revised Code to practice optometry under a therapeutic 255  
pharmaceutical agents certificate; 256

(4) A physician authorized under Chapter 4731. of the 257  
Revised Code to practice medicine and surgery, osteopathic 258  
medicine and surgery, or podiatric medicine and surgery; 259

(5) A physician assistant who holds a license to practice 260  
as a physician assistant issued under Chapter 4730. of the 261  
Revised Code, holds a valid prescriber number issued by the 262

state medical board, and has been granted physician-delegated 263  
prescriptive authority; 264

(6) A veterinarian licensed under Chapter 4741. of the 265  
Revised Code. 266

(J) "Sale" or "sell" includes any transaction made by any 267  
person, whether as principal proprietor, agent, or employee, to 268  
do or offer to do any of the following: deliver, distribute, 269  
broker, exchange, gift or otherwise give away, or transfer, 270  
whether the transfer is by passage of title, physical movement, 271  
or both. 272

(K) "Wholesale sale" and "sale at wholesale" mean any sale 273  
in which the purpose of the purchaser is to resell the article 274  
purchased or received by the purchaser. 275

(L) "Retail sale" and "sale at retail" mean any sale other 276  
than a wholesale sale or sale at wholesale. 277

(M) "Retail seller" means any person that sells any 278  
dangerous drug to consumers without assuming control over and 279  
responsibility for its administration. Mere advice or 280  
instructions regarding administration do not constitute control 281  
or establish responsibility. 282

(N) "Price information" means the price charged for a 283  
prescription for a particular drug product and, in an easily 284  
understandable manner, all of the following: 285

(1) The proprietary name of the drug product; 286

(2) The established (generic) name of the drug product; 287

(3) The strength of the drug product if the product 288  
contains a single active ingredient or if the drug product 289  
contains more than one active ingredient and a relevant strength 290

can be associated with the product without indicating each 291  
active ingredient. The established name and quantity of each 292  
active ingredient are required if such a relevant strength 293  
cannot be so associated with a drug product containing more than 294  
one ingredient. 295

(4) The dosage form; 296

(5) The price charged for a specific quantity of the drug 297  
product. The stated price shall include all charges to the 298  
consumer, including, but not limited to, the cost of the drug 299  
product, professional fees, handling fees, if any, and a 300  
statement identifying professional services routinely furnished 301  
by the pharmacy. Any mailing fees and delivery fees may be 302  
stated separately without repetition. The information shall not 303  
be false or misleading. 304

(O) "Wholesale distributor of dangerous drugs" or 305  
"wholesale distributor" means a person engaged in the sale of 306  
dangerous drugs at wholesale and includes any agent or employee 307  
of such a person authorized by the person to engage in the sale 308  
of dangerous drugs at wholesale. 309

(P) "Manufacturer of dangerous drugs" or "manufacturer" 310  
means a person, other than a pharmacist or prescriber, who 311  
manufactures dangerous drugs and who is engaged in the sale of 312  
those dangerous drugs. 313

(Q) "Terminal distributor of dangerous drugs" or "terminal 314  
distributor" means a person who is engaged in the sale of 315  
dangerous drugs at retail, or any person, other than a 316  
manufacturer, repackager, outsourcing facility, third-party 317  
logistics provider, wholesale distributor, or pharmacist, who 318  
has possession, custody, or control of dangerous drugs for any 319

purpose other than for that person's own use and consumption. 320  
"Terminal distributor" includes pharmacies, hospitals, nursing 321  
homes, and laboratories and all other persons who procure 322  
dangerous drugs for sale or other distribution by or under the 323  
supervision of a pharmacist or licensed health professional 324  
authorized to prescribe drugs. 325

(R) "Promote to the public" means disseminating a 326  
representation to the public in any manner or by any means, 327  
other than by labeling, for the purpose of inducing, or that is 328  
likely to induce, directly or indirectly, the purchase of a 329  
dangerous drug at retail. 330

(S) "Person" includes any individual, partnership, 331  
association, limited liability company, or corporation, the 332  
state, any political subdivision of the state, and any district, 333  
department, or agency of the state or its political 334  
subdivisions. 335

(T) "Animal shelter" means a facility operated by a humane 336  
society or any society organized under Chapter 1717. of the 337  
Revised Code or a dog pound operated pursuant to Chapter 955. of 338  
the Revised Code. 339

(U) "Food" has the same meaning as in section 3715.01 of 340  
the Revised Code. 341

(V) "Pain management clinic" has the same meaning as in 342  
section 4731.054 of the Revised Code. 343

(W) "Investigational drug or product" means a drug or 344  
product that has successfully completed phase one of the United 345  
States food and drug administration clinical trials and remains 346  
under clinical trial, but has not been approved for general use 347  
by the United States food and drug administration. 348

"Investigational drug or product" does not include controlled 349  
substances in schedule I, as established pursuant to section 350  
3719.41 of the Revised Code, and as amended. 351

(X) "Product," when used in reference to an 352  
investigational drug or product, means a biological product, 353  
other than a drug, that is made from a natural human, animal, or 354  
microorganism source and is intended to treat a disease or 355  
medical condition. 356

(Y) "Third-party logistics provider" means a person that 357  
provides or coordinates warehousing or other logistics services 358  
pertaining to dangerous drugs including distribution, on behalf 359  
of a manufacturer, wholesale distributor, or terminal 360  
distributor of dangerous drugs, but does not take ownership of 361  
the drugs or have responsibility to direct the sale or 362  
disposition of the drugs. 363

(Z) "Repackager of dangerous drugs" or "repackager" means 364  
a person that repacks and relabels dangerous drugs for sale or 365  
distribution. 366

(AA) "Outsourcing facility" means a facility that is 367  
engaged in the compounding and sale of sterile drugs and is 368  
registered as an outsourcing facility with the United States 369  
food and drug administration. 370

Sec. 4729.283. (A) A pharmacist may dispense naltrexone 371  
without a written or oral prescription from a licensed health 372  
professional authorized to prescribe drugs if all of the 373  
following conditions are met: 374

(1) The pharmacist is able to verify a record of a 375  
prescription for the injectable long-acting or extended-release 376  
form of naltrexone in the name of the patient who is requesting 377

the drug, but the prescription does not provide for a refill or 378  
the time permitted by rules adopted by the state board of 379  
pharmacy for providing refills has elapsed. 380

(2) The pharmacist is unable to obtain authorization to 381  
refill the prescription from the prescriber who issued it or 382  
another prescriber responsible for the patient's care. 383

(3) In the exercise of the pharmacist's professional 384  
judgment: 385

(a) The drug is necessary to continue the patient's 386  
therapy for substance use disorder. 387

(b) Failure to dispense the drug to the patient could 388  
result in harm to the health of the patient. 389

(B) Before dispensing naltrexone under this section, the 390  
pharmacist shall offer the patient the choice of receiving 391  
either the oral form or injectable long-acting or extended- 392  
release form, but only if both forms of the drug are available 393  
for dispensing at the time of the patient's request or within 394  
one day after the request. 395

(C) (1) With respect to naltrexone dispensed in an oral 396  
form under this section, the pharmacist shall not dispense an 397  
amount that exceeds a five-day supply. 398

(2) With respect to naltrexone dispensed in an injectable 399  
long-acting or extended-release form under this section, both of 400  
the following apply: 401

(a) The pharmacist shall exercise professional judgment in 402  
determining the amount of the drug dispensed. 403

(b) The pharmacist may administer the drug by injection to 404  
the patient but only in accordance with section 4729.45 of the 405

Revised Code. 406

(D) A pharmacist who dispenses naltrexone under this 407  
section shall do all of the following: 408

(1) For one year after the date of dispensing, maintain a 409  
record in accordance with this chapter of the drug dispensed, 410  
including the amount and form dispensed, the original 411  
prescription number, the name and address of the patient and, if 412  
the individual receiving the drug is not the patient, the name 413  
and address of that individual; 414

(2) Notify the prescriber who issued the prescription 415  
described in division (A) (1) of this section or another 416  
prescriber responsible for the patient's care not later than 417  
five days after the drug is dispensed; 418

(3) If applicable, obtain authorization for additional 419  
dispensing from one of the prescribers described in division (D) 420  
(2) of this section. 421

(E) A pharmacist shall exercise professional judgment in 422  
determining the number of times naltrexone may be dispensed 423  
under this section to the same patient. 424

(F) This section does not limit the authority of a 425  
pharmacist to dispense a dangerous drug under section 4729.281 426  
of the Revised Code. 427

**Sec. 4729.44.** (A) As used in this section: 428

(1) "Board of health" means a board of health of a city or 429  
general health district or an authority having the duties of a 430  
board of health under section 3709.05 of the Revised Code. 431

(2) "Physician" means an individual authorized under 432  
Chapter 4731. of the Revised Code to practice medicine and 433



surgery, osteopathic medicine and surgery, or podiatric medicine 434  
and surgery. 435

(B) If use of the protocol developed pursuant to rules 436  
adopted under division (G) of this section has been authorized 437  
under section 3707.56 or 4731.942 of the Revised Code, a 438  
pharmacist or pharmacy intern may dispense naloxone without a 439  
prescription to either of the following in accordance with that 440  
protocol: 441

(1) An individual who there is reason to believe is 442  
experiencing or at risk of experiencing an opioid-related 443  
overdose; 444

(2) A family member, friend, or other ~~person~~ individual in 445  
a position to assist an individual who there is reason to 446  
believe is at risk of experiencing an opioid-related overdose. 447

(C) A pharmacist or pharmacy intern who dispenses naloxone 448  
under this section shall instruct the individual to whom 449  
naloxone is dispensed to summon emergency services as soon as 450  
practicable either before or after administering naloxone. 451

(D) A pharmacist may document on a prescription form the 452  
dispensing of naloxone by the pharmacist or a pharmacy intern 453  
supervised by the pharmacist ~~on a prescription form~~. The form 454  
may be assigned a number for record-keeping purposes. 455

(E) This section does not affect the authority of a 456  
pharmacist or pharmacy intern to fill or refill a prescription 457  
for naloxone. 458

(F) A board of health that in good faith authorizes a 459  
pharmacist or pharmacy intern to dispense naloxone without a 460  
prescription in accordance with a protocol developed pursuant to 461  
rules adopted under division (G) of this section is not liable 462

for or subject to any of the following for any action or 463  
omission of the individual to whom the naloxone is dispensed: 464  
damages in any civil action, prosecution in any criminal 465  
proceeding, or professional disciplinary action. 466

A physician who in good faith authorizes a pharmacist or 467  
pharmacy intern to dispense naloxone without a prescription in 468  
accordance with a protocol developed pursuant to rules adopted 469  
under division (G) of this section is not liable for or subject 470  
to any of the following for any action or omission of the 471  
individual to whom the naloxone is dispensed: damages in any 472  
civil action, prosecution in any criminal proceeding, or 473  
professional disciplinary action. 474

A pharmacist or pharmacy intern authorized under this 475  
section to dispense naloxone without a prescription who does so 476  
in good faith is not liable for or subject to any of the 477  
following for any action or omission of the individual to whom 478  
the naloxone is dispensed: damages in any civil action, 479  
prosecution in any criminal proceeding, or professional 480  
disciplinary action. 481

(G) The state board of pharmacy shall, after consulting 482  
with the department of health and state medical board, adopt 483  
rules to implement this section. The rules shall specify a 484  
protocol under which pharmacists or pharmacy interns may 485  
dispense naloxone without a prescription. 486

All rules adopted under this section shall be adopted in 487  
accordance with Chapter 119. of the Revised Code. 488

**Sec. 4729.75.** The state board of pharmacy may establish 489  
and maintain a drug database. The board shall use the drug 490  
database to monitor the misuse and diversion of the following: 491

controlled substances, as defined in section 3719.01 of the 492  
Revised Code; medical marijuana, as authorized under Chapter 493  
3796. of the Revised Code; and other dangerous drugs the board 494  
includes in the database pursuant to rules adopted under section 495  
4729.84 of the Revised Code. ~~In~~ 496

The board also shall use the drug database to monitor 497  
naltrexone. 498

In establishing and maintaining the database, the board 499  
shall electronically collect information pursuant to sections 500  
4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the Revised 501  
Code and shall disseminate information as authorized or required 502  
by sections 4729.80 and 4729.81 of the Revised Code. The board's 503  
collection and dissemination of information shall be conducted 504  
in accordance with rules adopted under section 4729.84 of the 505  
Revised Code. 506

**Sec. 4729.79.** (A) If the state board of pharmacy 507  
establishes and maintains a drug database pursuant to section 508  
4729.75 of the Revised Code, each licensed health professional 509  
authorized to prescribe drugs, except as provided in division 510  
(C) of this section, who personally furnishes to a patient a 511  
controlled substance, naltrexone, or other dangerous drug the 512  
board includes in the database pursuant to rules adopted under 513  
section 4729.84 of the Revised Code shall submit to the board 514  
the following information: 515

(1) Prescriber identification; 516

(2) Patient identification; 517

(3) Date drug was furnished by the prescriber; 518

(4) Indication of whether the drug furnished is new or a 519  
refill; 520

(5) Name, strength, and national drug code of drug	521
furnished;	522
(6) Quantity of drug furnished;	523
(7) Number of days' supply of drug furnished;	524
(8) Source of payment for the drug furnished;	525
(9) Identification of the owner of the drug furnished.	526
(B) (1) The information shall be transmitted as specified	527
by the board in rules adopted under section 4729.84 of the	528
Revised Code.	529
(2) The information shall be submitted electronically in	530
the format specified by the board, except that the board may	531
grant a waiver allowing the prescriber to submit the information	532
in another format.	533
(3) The information shall be submitted in accordance with	534
any time limits specified by the board, except that the board	535
may grant an extension if either of the following occurs:	536
(a) The prescriber's transmission system suffers a	537
mechanical or electronic failure, or the prescriber cannot meet	538
the deadline for other reasons beyond the prescriber's control.	539
(b) The board is unable to receive electronic submissions.	540
(C) (1) The information required to be submitted under	541
division (A) of this section may be submitted on behalf of the	542
prescriber by the owner of the drug being personally furnished	543
or by a delegate approved by that owner.	544
(2) The requirements of this section to submit information	545
to the board do not apply to a prescriber who is a veterinarian.	546
(D) If the board becomes aware of a prescriber's failure	547

to comply with this section, the board shall notify the 548  
government entity responsible for licensing the prescriber. 549

**Sec. 4729.85.** If the state board of pharmacy establishes 550  
and maintains a drug database pursuant to section 4729.75 of the 551  
Revised Code, the board shall prepare reports regarding the 552  
database and present or submit them in accordance with both of 553  
the following: 554

(A) The board shall present a biennial report to the 555  
standing committees of the house of representatives and the 556  
senate that are primarily responsible for considering health and 557  
human services issues. Each report shall include all of the 558  
following: 559

(1) The cost to the state of establishing and maintaining 560  
the database; 561

(2) Information from the board, terminal distributors of 562  
dangerous drugs, prescribers, and retail dispensaries licensed 563  
under Chapter 3796. of the Revised Code regarding the board's 564  
effectiveness in providing information from the database; 565

(3) The board's timeliness in transmitting information 566  
from the database. 567

(B) The board shall submit a semiannual report to the 568  
governor, the president of the senate, the speaker of the house 569  
of representatives, the attorney general, the chairpersons of 570  
the standing committees of the house of representatives and the 571  
senate that are primarily responsible for considering health and 572  
human services issues, the department of public safety, the 573  
state dental board, the board of nursing, the state vision 574  
professionals board, the state medical board, and the state 575  
veterinary medical licensing board. The state board of pharmacy 576

shall make the report available to the public on its internet 577  
web site. Each report submitted shall include all of the 578  
following for the period covered by the report: 579

(1) An aggregate of the information submitted to the board 580  
under section 4729.77 of the Revised Code regarding 581  
prescriptions for controlled substances containing opioids, 582  
including all of the following: 583

(a) The number of prescribers who issued the 584  
prescriptions; 585

(b) The number of patients to whom the controlled 586  
substances were dispensed; 587

(c) The average quantity of the controlled substances 588  
dispensed per prescription; 589

(d) The average daily morphine equivalent dose of the 590  
controlled substances dispensed per prescription. 591

(2) An aggregate of the information submitted to the board 592  
under section 4729.79 of the Revised Code regarding controlled 593  
substances containing opioids that have been personally 594  
furnished to a patient by a prescriber, other than a prescriber 595  
who is a veterinarian, including all of the following: 596

(a) The number of prescribers who personally furnished the 597  
controlled substances; 598

(b) The number of patients to whom the controlled 599  
substances were personally furnished; 600

(c) The average quantity of the controlled substances that 601  
were furnished at one time; 602

(d) The average daily morphine equivalent dose of the 603

controlled substances that were furnished at one time. 604

(3) An aggregate of the information submitted to the board 605  
under section 4729.771 of the Revised Code regarding medical 606  
marijuana; 607

(4) An aggregate of the information submitted to the board 608  
under sections 4729.77 and 4729.79 of the Revised Code regarding 609  
naltrexone, including all of the following: 610

(a) The number of prescribers who issued the prescriptions 611  
for or personally furnished the drug; 612

(b) The number of patients to whom the drug was dispensed 613  
or personally furnished; 614

(c) The average quantity of the drug dispensed per 615  
prescription or furnished at one time. 616

**Sec. 4730.56.** (A) As used in this section: 617

(1) "Community addiction services provider" has the same 618  
meaning as in section 5119.01 of the Revised Code. 619

(2) "Medication-assisted treatment" has the same meaning 620  
as in section 340.01 of the Revised Code. 621

(B) A physician assistant shall comply with section 622  
~~3715.08~~ 3719.064 of the Revised Code and rules adopted under 623  
section 4730.55 of the Revised Code when treating a patient with 624  
medication-assisted treatment or proposing to initiate such 625  
treatment. 626

(C) A physician assistant who fails to comply with this 627  
section shall treat not more than thirty patients at any one 628  
time with medication-assisted treatment even if the facility or 629  
location at which the treatment is provided is either of the 630

following: 631

(1) Exempted by divisions (B) (2) (a) to (d) of section 632  
4729.553 of the Revised Code from being required to possess a 633  
category III terminal distributor of dangerous drugs license 634  
with an office-based opioid treatment classification; 635

(2) A community addiction services provider that provides 636  
alcohol and drug addiction services that are certified by the 637  
department of mental health and addiction services under section 638  
5119.36 of the Revised Code. 639

**Sec. 4731.83.** (A) As used in this section: 640

(1) "Medication-assisted treatment" has the same meaning 641  
as in section 340.01 of the Revised Code. 642

(2) "Physician" means an individual authorized by this 643  
chapter to practice medicine and surgery or osteopathic medicine 644  
and surgery. 645

(B) A physician shall comply with section ~~3715.08~~ 3719.064 646  
of the Revised Code and rules adopted under section 4731.056 of 647  
the Revised Code when treating a patient with medication- 648  
assisted treatment or proposing to initiate such treatment. 649

(C) A physician who fails to comply with this section 650  
shall treat not more than thirty patients at any one time with 651  
medication-assisted treatment even if the facility or location 652  
at which the treatment is provided is either of the following: 653

(1) Exempted by divisions (B) (2) (a) to (d) of section 654  
4729.553 of the Revised Code from being required to possess a 655  
category III terminal distributor of dangerous drugs license 656  
with an office-based opioid treatment classification; 657

(2) A community addiction services provider that provides 658



alcohol and drug addiction services that are certified by the 659  
department of mental health and addiction services under section 660  
5119.36 of the Revised Code. 661

Sec. 4765.45. (A) If the department of public safety 662  
collects any of the following information regarding the 663  
administration of naloxone by emergency medical service 664  
personnel or any firefighter or volunteer firefighter, the 665  
department of public safety shall report the information for the 666  
previous month to the department of health on a monthly basis 667  
and in a manner prescribed by the department of health: 668

(1) The five-digit postal zip code plus four-digit add-on 669  
where the naloxone was administered; 670

(2) The date on which the naloxone was administered; 671

(3) The number of doses administered; 672

(4) The name of the emergency medical service organization 673  
or fire department that administered the naloxone; 674

(5) Whether or not an overdose was reversed; 675

(6) Whether the individual to whom naloxone was 676  
administered was taken to a hospital; 677

(7) If known, the individual's age; 678

(8) If known, the United States postal zip code in which 679  
the individual resides. 680

When reporting to the department of health, the department 681  
of public safety shall not include any information that 682  
identifies or tends to identify specific individuals to whom 683  
naloxone was administered. 684

(B) Each month, the department of health shall compile the 685

information received under division (A) of this section, 686  
organize it by county, and forward it to each board of alcohol, 687  
drug addiction, and mental health services in this state. 688

(C) The department of health may adopt rules as necessary 689  
to implement this section. The rules shall be adopted in 690  
accordance with Chapter 119. of the Revised Code. 691

**Sec. 5119.363.** The director of mental health and addiction 692  
services shall adopt rules governing the duties of boards of 693  
alcohol, drug addiction, and mental health services under 694  
section 340.20 of the Revised Code and the duties of community 695  
addiction services providers under section 5119.362 of the 696  
Revised Code. The rules shall be adopted in accordance with 697  
Chapter 119. of the Revised Code. 698

The director shall adopt rules under this section that 699  
authorize the department of mental health and addiction services 700  
to determine an advanced practice registered nurse's, physician 701  
assistant's, or physician's compliance with section ~~3715.08~~ 702  
3719.064 of the Revised Code if such practitioner works for a 703  
community addiction services provider. 704

**Section 2.** That existing section 3715.08, 4723.52, 705  
4729.01, 4729.44, 4729.75, 4729.79, 4729.85, 4730.56, 4731.83, 706  
and 5119.363 of the Revised Code are hereby repealed. 707

**Section 3.** Sections 3715.08, 3719.063, 3719.064, 4723.52, 708  
4729.283, 4730.56, 4731.83, and 5119.63 of the Revised Code, as 709  
amended or enacted by this act, shall be known as "Daniel's 710  
Law." 711

Sections 4729.01, 4729.44, 4729.75, 4729.79, 4729.85, and 712  
4765.45 of the Revised Code, as amended or enacted by this act, 713  
shall be known as the "Opioid Data and Communication Expansion 714

Act."

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