

As Introduced

133rd General Assembly

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H. B. No. 224

Representatives Cross, Wilkin

**Cosponsors: Representatives Becker, Lang, Riedel, Stein, Jordan, Kick, Carfagna,
Brent, Edwards, Smith, T., Hoops, Manning, D.**

A BILL

To amend sections 4723.43, 4729.01, and 4761.17 of 1
the Revised Code and to amend the version of 2
section 4729.01 of the Revised Code that is 3
scheduled to take effect March 22, 2020, 4
regarding the practice of certified registered 5
nurse anesthetists. 6

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

Section 1. That sections 4723.43, 4729.01, and 4761.17 of 7
the Revised Code be amended to read as follows: 8

Sec. 4723.43. A certified registered nurse anesthetist, 9
clinical nurse specialist, certified nurse-midwife, or certified 10
nurse practitioner may provide to individuals and groups nursing 11
care that requires knowledge and skill obtained from advanced 12
formal education and clinical experience. In this capacity as an 13
advanced practice registered nurse, a certified nurse-midwife is 14
subject to division (A) of this section, a certified registered 15
nurse anesthetist is subject to division (B) of this section, a 16
certified nurse practitioner is subject to division (C) of this 17
section, and a clinical nurse specialist is subject to division 18

(D) of this section. 19

(A) A nurse authorized to practice as a certified nurse- 20
midwife, in collaboration with one or more physicians, may 21
provide the management of preventive services and those primary 22
care services necessary to provide health care to women 23
antepartally, intrapartally, postpartally, and gynecologically, 24
consistent with the nurse's education and certification, and in 25
accordance with rules adopted by the board of nursing. 26

No certified nurse-midwife may perform version, deliver 27
breech or face presentation, use forceps, do any obstetric 28
operation, or treat any other abnormal condition, except in 29
emergencies. Division (A) of this section does not prohibit a 30
certified nurse-midwife from performing episiotomies or normal 31
vaginal deliveries, or repairing vaginal tears. A certified 32
nurse-midwife may, in collaboration with one or more physicians, 33
prescribe drugs and therapeutic devices in accordance with 34
section 4723.481 of the Revised Code. 35

(B)-A-(1) With the supervision of and after consultation 36
with a physician, podiatrist, or dentist, a nurse authorized to 37
practice as a certified registered nurse anesthetist, ~~with the~~ 38
~~supervision and in the immediate presence of a physician,~~ 39
~~podiatrist, or dentist, may administer anesthesia and perform~~ 40
~~anesthesia induction, maintenance, and emergence, and may~~ 41
~~perform with supervision preanesthetic preparation and~~ 42
~~evaluation, postanesthesia care, and clinical support functions,~~ 43
may do all of the following consistent with the nurse's 44
education and certification, and in accordance with rules 45
adopted by the board.— 46

~~The physician, podiatrist, or dentist supervising a~~ 47
~~certified registered nurse anesthetist must be actively engaged—~~ 48

~~in practice in this state. When a certified registered nurse- 49
anesthetist is supervised by a podiatrist, the nurse's scope of 50
practice is limited to the anesthesia procedures that the 51
podiatrist has the authority under section 4731.51 of the 52
Revised Code to perform. A certified registered nurse 53
anesthetist may not administer general anesthesia under the 54
supervision of a podiatrist in a podiatrist's office. When a 55
certified registered nurse anesthetist is supervised by a 56
dentist, the nurse's scope of practice is limited to the 57
anesthesia procedures that the dentist has the authority under 58
Chapter 4715. of the Revised Code to perform: 59~~

(a) Perform and document evaluations and assessments which 60
may include ordering and evaluating one or more diagnostic tests 61
and consulting with one or more other health professionals; 62

(b) Establish anesthesia care plans; 63

(c) Determine whether planned anesthesia is appropriate; 64

(d) Obtain informed consent for anesthesia care; 65

(e) In the immediate presence of a physician, podiatrist, 66
or dentist, select and administer anesthesia and perform 67
anesthesia induction, maintenance, and emergence; 68

(f) As necessary for patient management and care, select, 69
order, and administer fluids, treatments, and drugs for 70
conditions related to the administration of anesthesia; 71

(g) Select, order, and administer pain relief therapies; 72

(h) Perform and document postanesthesia care preparation 73
and evaluation; 74

(i) Direct registered nurses, licensed practical nurses, 75
and respiratory therapists to do any of the following that they 76

<u>are authorized by law to do for patient management and care:</u>	77
<u>(i) Provide supportive care as necessary for patient</u>	78
<u>management and care, including monitoring vital signs,</u>	79
<u>conducting electrocardiograms, and performing intravenous</u>	80
<u>therapy;</u>	81
<u>(ii) Administer fluids, treatments, and drugs to treat</u>	82
<u>conditions related to the administration of anesthesia.</u>	83
<u>(j) Perform clinical functions that are either of the</u>	84
<u>following:</u>	85
<u>(i) Specified in the clinical experience standards</u>	86
<u>established for nurse anesthetist education programs by a</u>	87
<u>national accreditation organization selected by the board of</u>	88
<u>nursing;</u>	89
<u>(ii) Completed pursuant to a physician consultation.</u>	90
<u>(k) When performing clinical functions as provided in this</u>	91
<u>section, order fluids, treatments, drugs, and one or more</u>	92
<u>diagnostic tests and evaluate the results of such tests.</u>	93
<u>(2) Division (B) (1) of this section does not authorize a</u>	94
<u>certified registered nurse anesthetist to prescribe a drug for</u>	95
<u>use outside the facility or other setting where the certified</u>	96
<u>registered nurse anesthetist provides care.</u>	97
<u>(3) The physician, podiatrist, or dentist supervising a</u>	98
<u>certified registered nurse anesthetist must be actively engaged</u>	99
<u>in practice in this state. When a certified registered nurse</u>	100
<u>anesthetist is supervised by a podiatrist, the nurse's scope of</u>	101
<u>practice is limited to the anesthesia procedures that the</u>	102
<u>podiatrist has the authority to perform under section 4731.51 of</u>	103
<u>the Revised Code. A certified registered nurse anesthetist may</u>	104

not administer general anesthesia under the supervision of a 105
podiatrist in a podiatrist's office. When a certified registered 106
nurse anesthetist is supervised by a dentist, the nurse's scope 107
of practice is limited to the anesthesia procedures that the 108
dentist has the authority to perform under Chapter 4715. of the 109
Revised Code. 110

(C) A nurse authorized to practice as a certified nurse 111
practitioner, in collaboration with one or more physicians or 112
podiatrists, may provide preventive and primary care services, 113
provide services for acute illnesses, and evaluate and promote 114
patient wellness within the nurse's nursing specialty, 115
consistent with the nurse's education and certification, and in 116
accordance with rules adopted by the board. A certified nurse 117
practitioner may, in collaboration with one or more physicians 118
or podiatrists, prescribe drugs and therapeutic devices in 119
accordance with section 4723.481 of the Revised Code. 120

When a certified nurse practitioner is collaborating with 121
a podiatrist, the nurse's scope of practice is limited to the 122
procedures that the podiatrist has the authority under section 123
4731.51 of the Revised Code to perform. 124

(D) A nurse authorized to practice as a clinical nurse 125
specialist, in collaboration with one or more physicians or 126
podiatrists, may provide and manage the care of individuals and 127
groups with complex health problems and provide health care 128
services that promote, improve, and manage health care within 129
the nurse's nursing specialty, consistent with the nurse's 130
education and in accordance with rules adopted by the board. A 131
clinical nurse specialist may, in collaboration with one or more 132
physicians or podiatrists, prescribe drugs and therapeutic 133
devices in accordance with section 4723.481 of the Revised Code. 134

When a clinical nurse specialist is collaborating with a podiatrist, the nurse's scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform.

Sec. 4729.01. As used in this chapter:

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

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

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;

(3) Compounding drugs;

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

(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;

(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has

a drug regimen that warrants additional discussion with the prescriber;	163 164
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	165 166 167
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	168 169 170 171
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	172 173
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	174 175
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	176 177 178
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	179 180
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	181 182
(3) As an incident to research, teaching activities, or chemical analysis;	183 184
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	185 186 187
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to	188 189

be used by the professional for the purpose of direct 190
administration to patients in the course of the professional's 191
practice, if all of the following apply: 192

(a) At the time the request is made, the drug is not 193
commercially available regardless of the reason that the drug is 194
not available, including the absence of a manufacturer for the 195
drug or the lack of a readily available supply of the drug from 196
a manufacturer. 197

(b) A limited quantity of the drug is compounded and 198
provided to the professional. 199

(c) The drug is compounded and provided to the 200
professional as an occasional exception to the normal practice 201
of dispensing drugs pursuant to patient-specific prescriptions. 202

(D) "Consult agreement" means an agreement that has been 203
entered into under section 4729.39 of the Revised Code. 204

(E) "Drug" means: 205

(1) Any article recognized in the United States 206
pharmacopoeia and national formulary, or any supplement to them, 207
intended for use in the diagnosis, cure, mitigation, treatment, 208
or prevention of disease in humans or animals; 209

(2) Any other article intended for use in the diagnosis, 210
cure, mitigation, treatment, or prevention of disease in humans 211
or animals; 212

(3) Any article, other than food, intended to affect the 213
structure or any function of the body of humans or animals; 214

(4) Any article intended for use as a component of any 215
article specified in division (E)(1), (2), or (3) of this 216
section; but does not include devices or their components, 217

parts, or accessories.	218
(F) "Dangerous drug" means any of the following:	219
(1) Any drug to which either of the following applies:	220
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	221
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	222
required to bear a label containing the legend "Caution: Federal	223
law prohibits dispensing without prescription" or "Caution:	224
Federal law restricts this drug to use by or on the order of a	225
licensed veterinarian" or any similar restrictive statement, or	226
the drug may be dispensed only upon a prescription;	227
(b) Under Chapter 3715. or 3719. of the Revised Code, the	228
drug may be dispensed only upon a prescription.	229
(2) Any drug that contains a schedule V controlled	230
substance and that is exempt from Chapter 3719. of the Revised	231
Code or to which that chapter does not apply;	232
(3) Any drug intended for administration by injection into	233
the human body other than through a natural orifice of the human	234
body;	235
(4) Any drug that is a biological product, as defined in	236
section 3715.01 of the Revised Code.	237
(G) "Federal drug abuse control laws" has the same meaning	238
as in section 3719.01 of the Revised Code.	239
(H) "Prescription" means all of the following:	240
(1) A written, electronic, or oral order for drugs or	241
combinations or mixtures of drugs to be used by a particular	242
individual or for treating a particular animal, issued by a	243
licensed health professional authorized to prescribe drugs;	244

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 245
and 4731.94 of the Revised Code, a written, electronic, or oral 246
order for naloxone issued to and in the name of a family member, 247
friend, or other individual in a position to assist an 248
individual who there is reason to believe is at risk of 249
experiencing an opioid-related overdose. 250

(3) For purposes of section 4729.44 of the Revised Code, a 251
written, electronic, or oral order for naloxone issued to and in 252
the name of either of the following: 253

(a) An individual who there is reason to believe is at 254
risk of experiencing an opioid-related overdose; 255

(b) A family member, friend, or other individual in a 256
position to assist an individual who there is reason to believe 257
is at risk of experiencing an opioid-related overdose. 258

(4) For purposes of sections 4723.4810, 4729.282, 259
4730.432, and 4731.93 of the Revised Code, a written, 260
electronic, or oral order for a drug to treat chlamydia, 261
gonorrhoea, or trichomoniasis issued to and in the name of a 262
patient who is not the intended user of the drug but is the 263
sexual partner of the intended user; 264

(5) For purposes of sections 3313.7110, 3313.7111, 265
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 266
4731.96, and 5101.76 of the Revised Code, a written, electronic, 267
or oral order for an epinephrine autoinjector issued to and in 268
the name of a school, school district, or camp; 269

(6) For purposes of Chapter 3728. and sections 4723.483, 270
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 271
electronic, or oral order for an epinephrine autoinjector issued 272
to and in the name of a qualified entity, as defined in section 273

3728.01 of the Revised Code.	274
(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:	275 276 277 278 279
(1) A dentist licensed under Chapter 4715. of the Revised Code;	280 281
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;	282 283 284 285
(3) <u>A certified registered nurse anesthetist who holds a current, valid license to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under division (B) of section 4723.43 of the Revised Code;</u>	286 287 288 289 290
<u>(4)</u> An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	291 292 293
(4) <u>(5)</u> A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	294 295 296
(5) <u>(6)</u> A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	297 298 299 300 301

(6) <u>(7)</u> A veterinarian licensed under Chapter 4741. of the Revised Code.	302 303
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	304 305 306 307 308 309
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	310 311 312
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	313 314
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	315 316 317 318 319
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	320 321 322
(1) The proprietary name of the drug product;	323
(2) The established (generic) name of the drug product;	324
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each	325 326 327 328 329

active ingredient are required if such a relevant strength 330
cannot be so associated with a drug product containing more than 331
one ingredient. 332

(4) The dosage form; 333

(5) The price charged for a specific quantity of the drug 334
product. The stated price shall include all charges to the 335
consumer, including, but not limited to, the cost of the drug 336
product, professional fees, handling fees, if any, and a 337
statement identifying professional services routinely furnished 338
by the pharmacy. Any mailing fees and delivery fees may be 339
stated separately without repetition. The information shall not 340
be false or misleading. 341

(O) "Wholesale distributor of dangerous drugs" or 342
"wholesale distributor" means a person engaged in the sale of 343
dangerous drugs at wholesale and includes any agent or employee 344
of such a person authorized by the person to engage in the sale 345
of dangerous drugs at wholesale. 346

(P) "Manufacturer of dangerous drugs" or "manufacturer" 347
means a person, other than a pharmacist or prescriber, who 348
manufactures dangerous drugs and who is engaged in the sale of 349
those dangerous drugs. 350

(Q) "Terminal distributor of dangerous drugs" or "terminal 351
distributor" means a person who is engaged in the sale of 352
dangerous drugs at retail, or any person, other than a 353
manufacturer, repackager, outsourcing facility, third-party 354
logistics provider, wholesale distributor, or pharmacist, who 355
has possession, custody, or control of dangerous drugs for any 356
purpose other than for that person's own use and consumption. 357
"Terminal distributor" includes pharmacies, hospitals, nursing 358

homes, and laboratories and all other persons who procure 359
dangerous drugs for sale or other distribution by or under the 360
supervision of a pharmacist or licensed health professional 361
authorized to prescribe drugs. 362

(R) "Promote to the public" means disseminating a 363
representation to the public in any manner or by any means, 364
other than by labeling, for the purpose of inducing, or that is 365
likely to induce, directly or indirectly, the purchase of a 366
dangerous drug at retail. 367

(S) "Person" includes any individual, partnership, 368
association, limited liability company, or corporation, the 369
state, any political subdivision of the state, and any district, 370
department, or agency of the state or its political 371
subdivisions. 372

(T) "Animal shelter" means a facility operated by a humane 373
society or any society organized under Chapter 1717. of the 374
Revised Code or a dog pound operated pursuant to Chapter 955. of 375
the Revised Code. 376

(U) "Food" has the same meaning as in section 3715.01 of 377
the Revised Code. 378

(V) "Pain management clinic" has the same meaning as in 379
section 4731.054 of the Revised Code. 380

(W) "Investigational drug or product" means a drug or 381
product that has successfully completed phase one of the United 382
States food and drug administration clinical trials and remains 383
under clinical trial, but has not been approved for general use 384
by the United States food and drug administration. 385
"Investigational drug or product" does not include controlled 386
substances in schedule I, as established pursuant to section 387

3719.41 of the Revised Code, and as amended. 388

(X) "Product," when used in reference to an 389
investigational drug or product, means a biological product, 390
other than a drug, that is made from a natural human, animal, or 391
microorganism source and is intended to treat a disease or 392
medical condition. 393

(Y) "Third-party logistics provider" means a person that 394
provides or coordinates warehousing or other logistics services 395
pertaining to dangerous drugs including distribution, on behalf 396
of a manufacturer, wholesale distributor, or terminal 397
distributor of dangerous drugs, but does not take ownership of 398
the drugs or have responsibility to direct the sale or 399
disposition of the drugs. 400

(Z) "Repackager of dangerous drugs" or "repackager" means 401
a person that repacks and relabels dangerous drugs for sale or 402
distribution. 403

(AA) "Outsourcing facility" means a facility that is 404
engaged in the compounding and sale of sterile drugs and is 405
registered as an outsourcing facility with the United States 406
food and drug administration. 407

Sec. 4761.17. All of the following apply to the practice 408
of respiratory care by a person who holds a license or limited 409
permit issued under this chapter: 410

(A) The person shall practice only pursuant to a 411
prescription or other order for respiratory care issued by any 412
of the following: 413

(1) A physician; 414

(2) A clinical nurse specialist, certified nurse-midwife, 415

or certified nurse practitioner who holds a current, valid 416
license issued under Chapter 4723. of the Revised Code to 417
practice nursing as an advanced practice registered nurse and 418
has entered into a standard care arrangement with a physician; 419

(3) A certified registered nurse anesthetist who holds a 420
current, valid license issued under Chapter 4723. of the Revised 421
Code to practice nursing as an advanced practice registered 422
nurse and acts in compliance with division (B) of section 423
4723.43 of the Revised Code; 424

(4) A physician assistant who holds a valid prescriber 425
number issued by the state medical board, has been granted 426
physician-delegated prescriptive authority, and has entered into 427
a supervision agreement that allows the physician assistant to 428
prescribe or order respiratory care services. 429

(B) The person shall practice only under the supervision 430
of any of the following: 431

(1) A physician; 432

(2) A certified nurse practitioner, certified nurse- 433
midwife, or clinical nurse specialist; 434

(3) A physician assistant who is authorized to prescribe 435
or order respiratory care services as provided in division (A) 436
(3) of this section. 437

(C) (1) When practicing under the prescription or order of 438
a certified nurse practitioner, certified nurse midwife, or 439
clinical nurse specialist or under the supervision of such a 440
nurse, the person's administration of medication that requires a 441
prescription is limited to the drugs that the nurse is 442
authorized to prescribe pursuant to section 4723.481 of the 443
Revised Code. 444

(2) When practicing under the order of a certified registered nurse anesthetist, the person's administration of medication is limited to the drugs that the nurse is authorized to order or direct the person to administer, as provided in division (B) of section 4723.43 of the Revised Code.

(3) When practicing under the prescription or order of a physician assistant or under the supervision of a physician assistant, the person's administration of medication that requires a prescription is limited to the drugs that the physician assistant is authorized to prescribe pursuant to the physician assistant's physician-delegated prescriptive authority.

Section 2. That existing sections 4723.43, 4729.01, and 4761.17 of the Revised Code are hereby repealed.

Section 3. That the version of section 4729.01 of the Revised Code that is scheduled to take effect March 22, 2020, be amended to read as follows:

Sec. 4729.01. As used in this chapter:

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

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

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;	473
(3) Compounding drugs;	474
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	475 476 477 478 479
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	480 481 482
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	483 484 485 486 487
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	488 489 490
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	491 492 493 494
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	495 496
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	497 498
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any	499 500

of the following circumstances: 501

(1) Pursuant to a prescription issued by a licensed health 502
professional authorized to prescribe drugs; 503

(2) Pursuant to the modification of a prescription made in 504
accordance with a consult agreement; 505

(3) As an incident to research, teaching activities, or 506
chemical analysis; 507

(4) In anticipation of orders for drugs pursuant to 508
prescriptions, based on routine, regularly observed dispensing 509
patterns; 510

(5) Pursuant to a request made by a licensed health 511
professional authorized to prescribe drugs for a drug that is to 512
be used by the professional for the purpose of direct 513
administration to patients in the course of the professional's 514
practice, if all of the following apply: 515

(a) At the time the request is made, the drug is not 516
commercially available regardless of the reason that the drug is 517
not available, including the absence of a manufacturer for the 518
drug or the lack of a readily available supply of the drug from 519
a manufacturer. 520

(b) A limited quantity of the drug is compounded and 521
provided to the professional. 522

(c) The drug is compounded and provided to the 523
professional as an occasional exception to the normal practice 524
of dispensing drugs pursuant to patient-specific prescriptions. 525

(D) "Consult agreement" means an agreement that has been 526
entered into under section 4729.39 of the Revised Code. 527

(E) "Drug" means:	528
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	529 530 531 532
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	533 534 535
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	536 537
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	538 539 540 541
(F) "Dangerous drug" means any of the following:	542
(1) Any drug to which either of the following applies:	543
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	544 545 546 547 548 549 550
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	551 552
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	553 554 555

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; 556
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(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 559
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 561
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(H) "Prescription" means all of the following: 563

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 564
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(2) For purposes of sections 2925.61, 4723.488, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 568
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(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of either of the following: 574
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(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose; 577
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(b) A family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 579
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(4) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, 582
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electronic, or oral order for a drug to treat chlamydia, 584
gonorrhea, or trichomoniasis issued to and in the name of a 585
patient who is not the intended user of the drug but is the 586
sexual partner of the intended user; 587

(5) For purposes of sections 3313.7110, 3313.7111, 588
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 589
4731.96, and 5101.76 of the Revised Code, a written, electronic, 590
or oral order for an epinephrine autoinjector issued to and in 591
the name of a school, school district, or camp; 592

(6) For purposes of Chapter 3728. and sections 4723.483, 593
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 594
electronic, or oral order for an epinephrine autoinjector issued 595
to and in the name of a qualified entity, as defined in section 596
3728.01 of the Revised Code. 597

(I) "Licensed health professional authorized to prescribe 598
drugs" or "prescriber" means an individual who is authorized by 599
law to prescribe drugs or dangerous drugs or drug therapy 600
related devices in the course of the individual's professional 601
practice, including only the following: 602

(1) A dentist licensed under Chapter 4715. of the Revised 603
Code; 604

(2) A clinical nurse specialist, certified nurse-midwife, 605
or certified nurse practitioner who holds a current, valid 606
license to practice nursing as an advanced practice registered 607
nurse issued under Chapter 4723. of the Revised Code; 608

(3) A certified registered nurse anesthetist who holds a 609
current, valid license to practice nursing as an advanced 610
practice registered nurse, but only to the extent of the nurse's 611
authority under division (B) of section 4723.43 of the Revised 612

<u>Code;</u>	613
<u>(4)</u> An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	614 615 616
(4) <u>(5)</u> A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	617 618 619
(5) <u>(6)</u> A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	620 621 622 623 624
(6) <u>(7)</u> A veterinarian licensed under Chapter 4741. of the Revised Code.	625 626
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	627 628 629 630 631 632
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	633 634 635
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	636 637
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or	638 639 640

instructions regarding administration do not constitute control 641
or establish responsibility. 642

(N) "Price information" means the price charged for a 643
prescription for a particular drug product and, in an easily 644
understandable manner, all of the following: 645

(1) The proprietary name of the drug product; 646

(2) The established (generic) name of the drug product; 647

(3) The strength of the drug product if the product 648
contains a single active ingredient or if the drug product 649
contains more than one active ingredient and a relevant strength 650
can be associated with the product without indicating each 651
active ingredient. The established name and quantity of each 652
active ingredient are required if such a relevant strength 653
cannot be so associated with a drug product containing more than 654
one ingredient. 655

(4) The dosage form; 656

(5) The price charged for a specific quantity of the drug 657
product. The stated price shall include all charges to the 658
consumer, including, but not limited to, the cost of the drug 659
product, professional fees, handling fees, if any, and a 660
statement identifying professional services routinely furnished 661
by the pharmacy. Any mailing fees and delivery fees may be 662
stated separately without repetition. The information shall not 663
be false or misleading. 664

(O) "Wholesale distributor of dangerous drugs" or 665
"wholesale distributor" means a person engaged in the sale of 666
dangerous drugs at wholesale and includes any agent or employee 667
of such a person authorized by the person to engage in the sale 668
of dangerous drugs at wholesale. 669

(P) "Manufacturer of dangerous drugs" or "manufacturer" 670
means a person, other than a pharmacist or prescriber, who 671
manufactures dangerous drugs and who is engaged in the sale of 672
those dangerous drugs. 673

(Q) "Terminal distributor of dangerous drugs" or "terminal 674
distributor" means a person who is engaged in the sale of 675
dangerous drugs at retail, or any person, other than a 676
manufacturer, repackager, outsourcing facility, third-party 677
logistics provider, wholesale distributor, or pharmacist, who 678
has possession, custody, or control of dangerous drugs for any 679
purpose other than for that person's own use and consumption. 680
"Terminal distributor" includes pharmacies, hospitals, nursing 681
homes, and laboratories and all other persons who procure 682
dangerous drugs for sale or other distribution by or under the 683
supervision of a pharmacist, licensed health professional 684
authorized to prescribe drugs, or other person authorized by the 685
state board of pharmacy. 686

(R) "Promote to the public" means disseminating a 687
representation to the public in any manner or by any means, 688
other than by labeling, for the purpose of inducing, or that is 689
likely to induce, directly or indirectly, the purchase of a 690
dangerous drug at retail. 691

(S) "Person" includes any individual, partnership, 692
association, limited liability company, or corporation, the 693
state, any political subdivision of the state, and any district, 694
department, or agency of the state or its political 695
subdivisions. 696

(T) "Animal shelter" means a facility operated by a humane 697
society or any society organized under Chapter 1717. of the 698
Revised Code or a dog pound operated pursuant to Chapter 955. of 699

the Revised Code. 700

(U) "Food" has the same meaning as in section 3715.01 of 701
the Revised Code. 702

(V) "Pain management clinic" has the same meaning as in 703
section 4731.054 of the Revised Code. 704

(W) "Investigational drug or product" means a drug or 705
product that has successfully completed phase one of the United 706
States food and drug administration clinical trials and remains 707
under clinical trial, but has not been approved for general use 708
by the United States food and drug administration. 709
"Investigational drug or product" does not include controlled 710
substances in schedule I, as defined in section 3719.01 of the 711
Revised Code. 712

(X) "Product," when used in reference to an 713
investigational drug or product, means a biological product, 714
other than a drug, that is made from a natural human, animal, or 715
microorganism source and is intended to treat a disease or 716
medical condition. 717

(Y) "Third-party logistics provider" means a person that 718
provides or coordinates warehousing or other logistics services 719
pertaining to dangerous drugs including distribution, on behalf 720
of a manufacturer, wholesale distributor, or terminal 721
distributor of dangerous drugs, but does not take ownership of 722
the drugs or have responsibility to direct the sale or 723
disposition of the drugs. 724

(Z) "Repackager of dangerous drugs" or "repackager" means 725
a person that repacks and relabels dangerous drugs for sale or 726
distribution. 727

(AA) "Outsourcing facility" means a facility that is 728

engaged in the compounding and sale of sterile drugs and is 729
registered as an outsourcing facility with the United States 730
food and drug administration. 731

(BB) "Laboratory" means a laboratory licensed under this 732
chapter as a terminal distributor of dangerous drugs and 733
entrusted to have custody of any of the following drugs and to 734
use the drugs for scientific and clinical purposes and for 735
purposes of instruction: dangerous drugs that are not controlled 736
substances, as defined in section 3719.01 of the Revised Code; 737
dangerous drugs that are controlled substances, as defined in 738
that section; and controlled substances in schedule I, as 739
defined in that section. 740

Section 4. That the existing version of section 4729.01 of 741
the Revised Code that is scheduled to take effect March 22, 742
2020, is hereby repealed. 743

Section 5. The version of section 4729.01 of the Revised 744
Code that is scheduled to take effect March 22, 2020, is 745
presented in this act as a composite of the section as amended 746
by both Sub. S.B. 119 and Sub. S.B. 229 of the 132nd General 747
Assembly. The General Assembly, applying the principle stated in 748
division (B) of section 1.52 of the Revised Code that amendments 749
are to be harmonized if reasonably capable of simultaneous 750
operation, finds that the composite is the resulting version of 751
the section in effect prior to the effective date of the section 752
as presented in this act. 753