

**As Reported by the Senate Health Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 558**

**Representatives Roemer, Jordan**

**Cosponsors: Representatives Brinkman, Click, Gross, Hall, Lanese, Richardson, Seitz, Wiggam, Bird, Ginter, West, Abrams, Boyd, Carruthers, Creech, Crossman, Cutrona, Davis, Denson, Fraizer, Galonski, Ghanbari, Grendell, Hicks-Hudson, Holmes, John, Jones, Kick, Lampton, Leland, Lepore-Hagan, Lightbody, Lipps, Liston, Manning, McClain, Miller, A., Miller, J., O'Brien, Oelslager, Patton, Plummer, Ray, Riedel, Russo, Smith, K., Smith, M., Stein, Stephens, Stewart, Sweeney, Upchurch, White, Wilkin, Young, T., Speaker Cupp  
Senators Johnson, Huffman, S.**

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**A BILL**

To amend sections 149.43, 2317.54, 3712.01, 1  
3712.031, 3712.061, 3715.87, 3715.871, 3715.872, 2  
3715.873, 3719.061, 3721.01, 3722.02, 3740.01, 3  
4729.01, 4729.16, 4729.28, 4729.29, 4729.51, 4  
4729.54, 4729.541, 4729.60, 4752.02, and 5  
5123.19; to amend, for the purpose of adopting 6  
new section numbers as indicated in parentheses, 7  
sections 4729.44 (3715.502) and 4765.44 8  
(3715.505); to enact sections 5.2532, 5.2533, 9  
3712.032, 3712.042, 3712.063, 3715.50, 3715.501, 10  
3715.503, 3715.504, and 4729.391; and to repeal 11  
sections 2925.61, 3707.56, 3707.561, 3707.562, 12  
4723.484, 4723.485, 4723.486, 4729.514, 13  
4729.515, 4730.434, 4730.435, 4730.436, 4731.94, 14  
4731.941, 4731.942, and 4731.943 of the Revised 15  
Code to modify the laws governing the drug 16  
repository program for donated prescription 17  
drugs and the laws governing access to overdose 18

reversal drugs, to authorize a pharmacist to 19  
modify a prescription to include a drug delivery 20  
device, to register pediatric transition care 21  
programs, to designate March as "Bleeding 22  
Disorders Awareness Month," and to designate the 23  
fourth Wednesday of February as "Hypertrophic 24  
Cardiomyopathy Awareness Day." 25

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

**Section 1.** That sections 149.43, 2317.54, 3712.01, 26  
3712.031, 3712.061, 3715.87, 3715.871, 3715.872, 3715.873, 27  
3719.061, 3721.01, 3722.02, 3740.01, 4729.01, 4729.16, 4729.28, 28  
4729.29, 4729.51, 4729.54, 4729.541, 4729.60, 4752.02, and 29  
5123.19 be amended; sections 4729.44 (3715.502) and 4765.44 30  
(3715.505) be amended for the purpose of adopting new section 31  
numbers as indicated in parentheses; and sections 5.2532, 32  
5.2533, 3712.032, 3712.042, 3712.063, 3715.50, 3715.501, 33  
3715.503, 3715.504, and 4729.391 of the Revised Code be enacted 34  
to read as follows: 35

**Sec. 5.2532.** The fourth Wednesday of February is 36  
designated as "Hypertrophic Cardiomyopathy Awareness Day." 37

**Sec. 5.2533.** The month of March is designated as "Bleeding 38  
Disorders Awareness Month" to increase public awareness of 39  
bleeding disorders, which are rare genetic disorders that 40  
prevent the blood from clotting properly, and to encourage the 41  
enhancement of care and treatment options available for patients 42  
living with a bleeding disorder. 43

**Sec. 149.43.** (A) As used in this section: 44

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;	74
(h) Confidential law enforcement investigatory records;	75
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	76 77
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	78 79
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	80 81 82 83
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	84 85 86 87
(m) Intellectual property records;	88
(n) Donor profile records;	89
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	90 91
(p) Designated public service worker residential and familial information;	92 93
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	94 95 96 97 98
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	99 100

(s) In the case of a child fatality review board acting 101  
under sections 307.621 to 307.629 of the Revised Code or a 102  
review conducted pursuant to guidelines established by the 103  
director of health under section 3701.70 of the Revised Code, 104  
records provided to the board or director, statements made by 105  
board members during meetings of the board or by persons 106  
participating in the director's review, and all work products of 107  
the board or director, and in the case of a child fatality 108  
review board, child fatality review data submitted by the board 109  
to the department of health or a national child death review 110  
database, other than the report prepared pursuant to division 111  
(A) of section 307.626 of the Revised Code; 112

(t) Records provided to and statements made by the 113  
executive director of a public children services agency or a 114  
prosecuting attorney acting pursuant to section 5153.171 of the 115  
Revised Code other than the information released under that 116  
section; 117

(u) Test materials, examinations, or evaluation tools used 118  
in an examination for licensure as a nursing home administrator 119  
that the board of executives of long-term services and supports 120  
administers under section 4751.15 of the Revised Code or 121  
contracts under that section with a private or government entity 122  
to administer; 123

(v) Records the release of which is prohibited by state or 124  
federal law; 125

(w) Proprietary information of or relating to any person 126  
that is submitted to or compiled by the Ohio venture capital 127  
authority created under section 150.01 of the Revised Code; 128

(x) Financial statements and data any person submits for 129

any purpose to the Ohio housing finance agency or the	130
controlling board in connection with applying for, receiving, or	131
accounting for financial assistance from the agency, and	132
information that identifies any individual who benefits directly	133
or indirectly from financial assistance from the agency;	134
(y) Records listed in section 5101.29 of the Revised Code;	135
(z) Discharges recorded with a county recorder under	136
section 317.24 of the Revised Code, as specified in division (B)	137
(2) of that section;	138
(aa) Usage information including names and addresses of	139
specific residential and commercial customers of a municipally	140
owned or operated public utility;	141
(bb) Records described in division (C) of section 187.04	142
of the Revised Code that are not designated to be made available	143
to the public as provided in that division;	144
(cc) Information and records that are made confidential,	145
privileged, and not subject to disclosure under divisions (B)	146
and (C) of section 2949.221 of the Revised Code;	147
(dd) Personal information, as defined in section 149.45 of	148
the Revised Code;	149
(ee) The confidential name, address, and other personally	150
identifiable information of a program participant in the address	151
confidentiality program established under sections 111.41 to	152
111.47 of the Revised Code, including the contents of any	153
application for absent voter's ballots, absent voter's ballot	154
identification envelope statement of voter, or provisional	155
ballot affirmation completed by a program participant who has a	156
confidential voter registration record; records or portions of	157
records pertaining to that program that identify the number of	158

program participants that reside within a precinct, ward, 159  
township, municipal corporation, county, or any other geographic 160  
area smaller than the state; and any real property 161  
confidentiality notice filed under section 111.431 of the 162  
Revised Code and the information described in division (C) of 163  
that section. As used in this division, "confidential address" 164  
and "program participant" have the meaning defined in section 165  
111.41 of the Revised Code. 166

(ff) Orders for active military service of an individual 167  
serving or with previous service in the armed forces of the 168  
United States, including a reserve component, or the Ohio 169  
organized militia, except that, such order becomes a public 170  
record on the day that is fifteen years after the published date 171  
or effective date of the call to order; 172

(gg) The name, address, contact information, or other 173  
personal information of an individual who is less than eighteen 174  
years of age that is included in any record related to a traffic 175  
accident involving a school vehicle in which the individual was 176  
an occupant at the time of the accident; 177

(hh) Protected health information, as defined in 45 C.F.R. 178  
160.103, that is in a claim for payment for a health care 179  
product, service, or procedure, as well as any other health 180  
claims data in another document that reveals the identity of an 181  
individual who is the subject of the data or could be used to 182  
reveal that individual's identity; 183

(ii) Any depiction by photograph, film, videotape, or 184  
printed or digital image under either of the following 185  
circumstances: 186

(i) The depiction is that of a victim of an offense the 187

release of which would be, to a reasonable person of ordinary 188  
sensibilities, an offensive and objectionable intrusion into the 189  
victim's expectation of bodily privacy and integrity. 190

(ii) The depiction captures or depicts the victim of a 191  
sexually oriented offense, as defined in section 2950.01 of the 192  
Revised Code, at the actual occurrence of that offense. 193

(jj) Restricted portions of a body-worn camera or 194  
dashboard camera recording; 195

(kk) In the case of a fetal-infant mortality review board 196  
acting under sections 3707.70 to 3707.77 of the Revised Code, 197  
records, documents, reports, or other information presented to 198  
the board or a person abstracting such materials on the board's 199  
behalf, statements made by review board members during board 200  
meetings, all work products of the board, and data submitted by 201  
the board to the department of health or a national infant death 202  
review database, other than the report prepared pursuant to 203  
section 3707.77 of the Revised Code. 204

(ll) Records, documents, reports, or other information 205  
presented to the pregnancy-associated mortality review board 206  
established under section 3738.01 of the Revised Code, 207  
statements made by board members during board meetings, all work 208  
products of the board, and data submitted by the board to the 209  
department of health, other than the biennial reports prepared 210  
under section 3738.08 of the Revised Code; 211

(mm) Except as otherwise provided in division (A) (1) (oo) 212  
of this section, telephone numbers for a victim, as defined in 213  
section 2930.01 of the Revised Code or a witness to a crime that 214  
are listed on any law enforcement record or report. 215

(nn) A preneed funeral contract, as defined in section 216



4717.01 of the Revised Code, and contract terms and personally 217  
identifying information of a preneed funeral contract, that is 218  
contained in a report submitted by or for a funeral home to the 219  
board of embalmers and funeral directors under division (C) of 220  
section 4717.13, division (J) of section 4717.31, or section 221  
4717.41 of the Revised Code. 222

(oo) Telephone numbers for a party to a motor vehicle 223  
accident subject to the requirements of section 5502.11 of the 224  
Revised Code that are listed on any law enforcement record or 225  
report, except that the telephone numbers described in this 226  
division are not excluded from the definition of "public record" 227  
under this division on and after the thirtieth day after the 228  
occurrence of the motor vehicle accident. 229

(pp) Records pertaining to individuals who complete 230  
training under section 5502.703 of the Revised Code to be 231  
permitted by a school district board of education or governing 232  
body of a community school established under Chapter 3314. of 233  
the Revised Code, a STEM school established under Chapter 3326. 234  
of the Revised Code, or a chartered nonpublic school to convey 235  
deadly weapons or dangerous ordnance into a school safety zone. 236

A record that is not a public record under division (A) (1) 237  
of this section and that, under law, is permanently retained 238  
becomes a public record on the day that is seventy-five years 239  
after the day on which the record was created, except for any 240  
record protected by the attorney-client privilege, a trial 241  
preparation record as defined in this section, a statement 242  
prohibiting the release of identifying information signed under 243  
section 3107.083 of the Revised Code, a denial of release form 244  
filed pursuant to section 3107.46 of the Revised Code, or any 245  
record that is exempt from release or disclosure under section 246

149.433 of the Revised Code. If the record is a birth 247  
certificate and a biological parent's name redaction request 248  
form has been accepted under section 3107.391 of the Revised 249  
Code, the name of that parent shall be redacted from the birth 250  
certificate before it is released under this paragraph. If any 251  
other section of the Revised Code establishes a time period for 252  
disclosure of a record that conflicts with the time period 253  
specified in this section, the time period in the other section 254  
prevails. 255

(2) "Confidential law enforcement investigatory record" 256  
means any record that pertains to a law enforcement matter of a 257  
criminal, quasi-criminal, civil, or administrative nature, but 258  
only to the extent that the release of the record would create a 259  
high probability of disclosure of any of the following: 260

(a) The identity of a suspect who has not been charged 261  
with the offense to which the record pertains, or of an 262  
information source or witness to whom confidentiality has been 263  
reasonably promised; 264

(b) Information provided by an information source or 265  
witness to whom confidentiality has been reasonably promised, 266  
which information would reasonably tend to disclose the source's 267  
or witness's identity; 268

(c) Specific confidential investigatory techniques or 269  
procedures or specific investigatory work product; 270

(d) Information that would endanger the life or physical 271  
safety of law enforcement personnel, a crime victim, a witness, 272  
or a confidential information source. 273

(3) "Medical record" means any document or combination of 274  
documents, except births, deaths, and the fact of admission to 275

or discharge from a hospital, that pertains to the medical 276  
history, diagnosis, prognosis, or medical condition of a patient 277  
and that is generated and maintained in the process of medical 278  
treatment. 279

(4) "Trial preparation record" means any record that 280  
contains information that is specifically compiled in reasonable 281  
anticipation of, or in defense of, a civil or criminal action or 282  
proceeding, including the independent thought processes and 283  
personal trial preparation of an attorney. 284

(5) "Intellectual property record" means a record, other 285  
than a financial or administrative record, that is produced or 286  
collected by or for faculty or staff of a state institution of 287  
higher learning in the conduct of or as a result of study or 288  
research on an educational, commercial, scientific, artistic, 289  
technical, or scholarly issue, regardless of whether the study 290  
or research was sponsored by the institution alone or in 291  
conjunction with a governmental body or private concern, and 292  
that has not been publicly released, published, or patented. 293

(6) "Donor profile record" means all records about donors 294  
or potential donors to a public institution of higher education 295  
except the names and reported addresses of the actual donors and 296  
the date, amount, and conditions of the actual donation. 297

(7) "Designated public service worker" means a peace 298  
officer, parole officer, probation officer, bailiff, prosecuting 299  
attorney, assistant prosecuting attorney, correctional employee, 300  
county or multicounty corrections officer, community-based 301  
correctional facility employee, designated Ohio national guard 302  
member, protective services worker, youth services employee, 303  
firefighter, EMT, medical director or member of a cooperating 304  
physician advisory board of an emergency medical service 305

organization, state board of pharmacy employee, investigator of 306  
the bureau of criminal identification and investigation, 307  
emergency service telecommunicator, forensic mental health 308  
provider, mental health evaluation provider, regional 309  
psychiatric hospital employee, judge, magistrate, or federal law 310  
enforcement officer. 311

(8) "Designated public service worker residential and 312  
familial information" means any information that discloses any 313  
of the following about a designated public service worker: 314

(a) The address of the actual personal residence of a 315  
designated public service worker, except for the following 316  
information: 317

(i) The address of the actual personal residence of a 318  
prosecuting attorney or judge; and 319

(ii) The state or political subdivision in which a 320  
designated public service worker resides. 321

(b) Information compiled from referral to or participation 322  
in an employee assistance program; 323

(c) The social security number, the residential telephone 324  
number, any bank account, debit card, charge card, or credit 325  
card number, or the emergency telephone number of, or any 326  
medical information pertaining to, a designated public service 327  
worker; 328

(d) The name of any beneficiary of employment benefits, 329  
including, but not limited to, life insurance benefits, provided 330  
to a designated public service worker by the designated public 331  
service worker's employer; 332

(e) The identity and amount of any charitable or 333

employment benefit deduction made by the designated public 334  
service worker's employer from the designated public service 335  
worker's compensation, unless the amount of the deduction is 336  
required by state or federal law; 337

(f) The name, the residential address, the name of the 338  
employer, the address of the employer, the social security 339  
number, the residential telephone number, any bank account, 340  
debit card, charge card, or credit card number, or the emergency 341  
telephone number of the spouse, a former spouse, or any child of 342  
a designated public service worker; 343

(g) A photograph of a peace officer who holds a position 344  
or has an assignment that may include undercover or plain 345  
clothes positions or assignments as determined by the peace 346  
officer's appointing authority. 347

(9) As used in divisions (A) (7) and (15) to (17) of this 348  
section: 349

"Peace officer" has the meaning defined in section 109.71 350  
of the Revised Code and also includes the superintendent and 351  
troopers of the state highway patrol; it does not include the 352  
sheriff of a county or a supervisory employee who, in the 353  
absence of the sheriff, is authorized to stand in for, exercise 354  
the authority of, and perform the duties of the sheriff. 355

"Correctional employee" means any employee of the 356  
department of rehabilitation and correction who in the course of 357  
performing the employee's job duties has or has had contact with 358  
inmates and persons under supervision. 359

"County or multicounty corrections officer" means any 360  
corrections officer employed by any county or multicounty 361  
correctional facility. 362

"Designated Ohio national guard member" means a member of 363  
the Ohio national guard who is participating in duties related 364  
to remotely piloted aircraft, including, but not limited to, 365  
pilots, sensor operators, and mission intelligence personnel, 366  
duties related to special forces operations, or duties related 367  
to cybersecurity, and is designated by the adjutant general as a 368  
designated public service worker for those purposes. 369

"Protective services worker" means any employee of a 370  
county agency who is responsible for child protective services, 371  
child support services, or adult protective services. 372

"Youth services employee" means any employee of the 373  
department of youth services who in the course of performing the 374  
employee's job duties has or has had contact with children 375  
committed to the custody of the department of youth services. 376

"Firefighter" means any regular, paid or volunteer, member 377  
of a lawfully constituted fire department of a municipal 378  
corporation, township, fire district, or village. 379

"EMT" means EMTs-basic, EMTs-I, and paramedics that 380  
provide emergency medical services for a public emergency 381  
medical service organization. "Emergency medical service 382  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 383  
meanings defined in section 4765.01 of the Revised Code. 384

"Investigator of the bureau of criminal identification and 385  
investigation" has the meaning defined in section 2903.11 of the 386  
Revised Code. 387

"Emergency service telecommunicator" has the meaning 388  
defined in section 4742.01 of the Revised Code. 389

"Forensic mental health provider" means any employee of a 390  
community mental health service provider or local alcohol, drug 391

addiction, and mental health services board who, in the course 392  
of the employee's duties, has contact with persons committed to 393  
a local alcohol, drug addiction, and mental health services 394  
board by a court order pursuant to section 2945.38, 2945.39, 395  
2945.40, or 2945.402 of the Revised Code. 396

"Mental health evaluation provider" means an individual 397  
who, under Chapter 5122. of the Revised Code, examines a 398  
respondent who is alleged to be a mentally ill person subject to 399  
court order, as defined in section 5122.01 of the Revised Code, 400  
and reports to the probate court the respondent's mental 401  
condition. 402

"Regional psychiatric hospital employee" means any 403  
employee of the department of mental health and addiction 404  
services who, in the course of performing the employee's duties, 405  
has contact with patients committed to the department of mental 406  
health and addiction services by a court order pursuant to 407  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 408  
Code. 409

"Federal law enforcement officer" has the meaning defined 410  
in section 9.88 of the Revised Code. 411

(10) "Information pertaining to the recreational 412  
activities of a person under the age of eighteen" means 413  
information that is kept in the ordinary course of business by a 414  
public office, that pertains to the recreational activities of a 415  
person under the age of eighteen years, and that discloses any 416  
of the following: 417

(a) The address or telephone number of a person under the 418  
age of eighteen or the address or telephone number of that 419  
person's parent, guardian, custodian, or emergency contact 420

person;	421
(b) The social security number, birth date, or	422
photographic image of a person under the age of eighteen;	423
(c) Any medical record, history, or information pertaining	424
to a person under the age of eighteen;	425
(d) Any additional information sought or required about a	426
person under the age of eighteen for the purpose of allowing	427
that person to participate in any recreational activity	428
conducted or sponsored by a public office or to use or obtain	429
admission privileges to any recreational facility owned or	430
operated by a public office.	431
(11) "Community control sanction" has the meaning defined	432
in section 2929.01 of the Revised Code.	433
(12) "Post-release control sanction" has the meaning	434
defined in section 2967.01 of the Revised Code.	435
(13) "Redaction" means obscuring or deleting any	436
information that is exempt from the duty to permit public	437
inspection or copying from an item that otherwise meets the	438
definition of a "record" in section 149.011 of the Revised Code.	439
(14) "Designee," "elected official," and "future official"	440
have the meanings defined in section 109.43 of the Revised Code.	441
(15) "Body-worn camera" means a visual and audio recording	442
device worn on the person of a peace officer while the peace	443
officer is engaged in the performance of the peace officer's	444
duties.	445
(16) "Dashboard camera" means a visual and audio recording	446
device mounted on a peace officer's vehicle or vessel that is	447
used while the peace officer is engaged in the performance of	448



the peace officer's duties. 449

(17) "Restricted portions of a body-worn camera or 450  
dashboard camera recording" means any visual or audio portion of 451  
a body-worn camera or dashboard camera recording that shows, 452  
communicates, or discloses any of the following: 453

(a) The image or identity of a child or information that 454  
could lead to the identification of a child who is a primary 455  
subject of the recording when the law enforcement agency knows 456  
or has reason to know the person is a child based on the law 457  
enforcement agency's records or the content of the recording; 458

(b) The death of a person or a deceased person's body, 459  
unless the death was caused by a peace officer or, subject to 460  
division (H) (1) of this section, the consent of the decedent's 461  
executor or administrator has been obtained; 462

(c) The death of a peace officer, firefighter, paramedic, 463  
or other first responder, occurring while the decedent was 464  
engaged in the performance of official duties, unless, subject 465  
to division (H) (1) of this section, the consent of the 466  
decedent's executor or administrator has been obtained; 467

(d) Grievous bodily harm, unless the injury was effected 468  
by a peace officer or, subject to division (H) (1) of this 469  
section, the consent of the injured person or the injured 470  
person's guardian has been obtained; 471

(e) An act of severe violence against a person that 472  
results in serious physical harm to the person, unless the act 473  
and injury was effected by a peace officer or, subject to 474  
division (H) (1) of this section, the consent of the injured 475  
person or the injured person's guardian has been obtained; 476

(f) Grievous bodily harm to a peace officer, firefighter, 477

paramedic, or other first responder, occurring while the injured 478  
person was engaged in the performance of official duties, 479  
unless, subject to division (H) (1) of this section, the consent 480  
of the injured person or the injured person's guardian has been 481  
obtained; 482

(g) An act of severe violence resulting in serious 483  
physical harm against a peace officer, firefighter, paramedic, 484  
or other first responder, occurring while the injured person was 485  
engaged in the performance of official duties, unless, subject 486  
to division (H) (1) of this section, the consent of the injured 487  
person or the injured person's guardian has been obtained; 488

(h) A person's nude body, unless, subject to division (H) 489  
(1) of this section, the person's consent has been obtained; 490

(i) Protected health information, the identity of a person 491  
in a health care facility who is not the subject of a law 492  
enforcement encounter, or any other information in a health care 493  
facility that could identify a person who is not the subject of 494  
a law enforcement encounter; 495

(j) Information that could identify the alleged victim of 496  
a sex offense, menacing by stalking, or domestic violence; 497

(k) Information, that does not constitute a confidential 498  
law enforcement investigatory record, that could identify a 499  
person who provides sensitive or confidential information to a 500  
law enforcement agency when the disclosure of the person's 501  
identity or the information provided could reasonably be 502  
expected to threaten or endanger the safety or property of the 503  
person or another person; 504

(l) Personal information of a person who is not arrested, 505  
cited, charged, or issued a written warning by a peace officer; 506

(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	507 508 509
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	510 511 512
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	513 514
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	515 516 517
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	518 519 520
As used in division (A) (17) of this section:	521
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	522 523
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	524 525
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	526 527
"Law enforcement agency" <del>has the same meaning as in section 2925.61 of the Revised Code</del> <u>means a government entity that employs peace officers to perform law enforcement duties.</u>	528 529 530
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law	531 532 533

enforcement automated data system or similar databases. 534

"Sex offense" has the same meaning as in section 2907.10 535  
of the Revised Code. 536

"Firefighter," "paramedic," and "first responder" have the 537  
same meanings as in section 4765.01 of the Revised Code. 538

(B) (1) Upon request by any person and subject to division 539  
(B) (8) of this section, all public records responsive to the 540  
request shall be promptly prepared and made available for 541  
inspection to the requester at all reasonable times during 542  
regular business hours. Subject to division (B) (8) of this 543  
section, upon request by any person, a public office or person 544  
responsible for public records shall make copies of the 545  
requested public record available to the requester at cost and 546  
within a reasonable period of time. If a public record contains 547  
information that is exempt from the duty to permit public 548  
inspection or to copy the public record, the public office or 549  
the person responsible for the public record shall make 550  
available all of the information within the public record that 551  
is not exempt. When making that public record available for 552  
public inspection or copying that public record, the public 553  
office or the person responsible for the public record shall 554  
notify the requester of any redaction or make the redaction 555  
plainly visible. A redaction shall be deemed a denial of a 556  
request to inspect or copy the redacted information, except if 557  
federal or state law authorizes or requires a public office to 558  
make the redaction. 559

(2) To facilitate broader access to public records, a 560  
public office or the person responsible for public records shall 561  
organize and maintain public records in a manner that they can 562  
be made available for inspection or copying in accordance with 563

division (B) of this section. A public office also shall have 564  
available a copy of its current records retention schedule at a 565  
location readily available to the public. If a requester makes 566  
an ambiguous or overly broad request or has difficulty in making 567  
a request for copies or inspection of public records under this 568  
section such that the public office or the person responsible 569  
for the requested public record cannot reasonably identify what 570  
public records are being requested, the public office or the 571  
person responsible for the requested public record may deny the 572  
request but shall provide the requester with an opportunity to 573  
revise the request by informing the requester of the manner in 574  
which records are maintained by the public office and accessed 575  
in the ordinary course of the public office's or person's 576  
duties. 577

(3) If a request is ultimately denied, in part or in 578  
whole, the public office or the person responsible for the 579  
requested public record shall provide the requester with an 580  
explanation, including legal authority, setting forth why the 581  
request was denied. If the initial request was provided in 582  
writing, the explanation also shall be provided to the requester 583  
in writing. The explanation shall not preclude the public office 584  
or the person responsible for the requested public record from 585  
relying upon additional reasons or legal authority in defending 586  
an action commenced under division (C) of this section. 587

(4) Unless specifically required or authorized by state or 588  
federal law or in accordance with division (B) of this section, 589  
no public office or person responsible for public records may 590  
limit or condition the availability of public records by 591  
requiring disclosure of the requester's identity or the intended 592  
use of the requested public record. Any requirement that the 593  
requester disclose the requester's identity or the intended use 594

of the requested public record constitutes a denial of the 595  
request. 596

(5) A public office or person responsible for public 597  
records may ask a requester to make the request in writing, may 598  
ask for the requester's identity, and may inquire about the 599  
intended use of the information requested, but may do so only 600  
after disclosing to the requester that a written request is not 601  
mandatory, that the requester may decline to reveal the 602  
requester's identity or the intended use, and when a written 603  
request or disclosure of the identity or intended use would 604  
benefit the requester by enhancing the ability of the public 605  
office or person responsible for public records to identify, 606  
locate, or deliver the public records sought by the requester. 607

(6) If any person requests a copy of a public record in 608  
accordance with division (B) of this section, the public office 609  
or person responsible for the public record may require the 610  
requester to pay in advance the cost involved in providing the 611  
copy of the public record in accordance with the choice made by 612  
the requester under this division. The public office or the 613  
person responsible for the public record shall permit the 614  
requester to choose to have the public record duplicated upon 615  
paper, upon the same medium upon which the public office or 616  
person responsible for the public record keeps it, or upon any 617  
other medium upon which the public office or person responsible 618  
for the public record determines that it reasonably can be 619  
duplicated as an integral part of the normal operations of the 620  
public office or person responsible for the public record. When 621  
the requester makes a choice under this division, the public 622  
office or person responsible for the public record shall provide 623  
a copy of it in accordance with the choice made by the 624  
requester. Nothing in this section requires a public office or 625

person responsible for the public record to allow the requester 626  
of a copy of the public record to make the copies of the public 627  
record. 628

(7) (a) Upon a request made in accordance with division (B) 629  
of this section and subject to division (B) (6) of this section, 630  
a public office or person responsible for public records shall 631  
transmit a copy of a public record to any person by United 632  
States mail or by any other means of delivery or transmission 633  
within a reasonable period of time after receiving the request 634  
for the copy. The public office or person responsible for the 635  
public record may require the person making the request to pay 636  
in advance the cost of postage if the copy is transmitted by 637  
United States mail or the cost of delivery if the copy is 638  
transmitted other than by United States mail, and to pay in 639  
advance the costs incurred for other supplies used in the 640  
mailing, delivery, or transmission. 641

(b) Any public office may adopt a policy and procedures 642  
that it will follow in transmitting, within a reasonable period 643  
of time after receiving a request, copies of public records by 644  
United States mail or by any other means of delivery or 645  
transmission pursuant to division (B) (7) of this section. A 646  
public office that adopts a policy and procedures under division 647  
(B) (7) of this section shall comply with them in performing its 648  
duties under that division. 649

(c) In any policy and procedures adopted under division 650  
(B) (7) of this section: 651

(i) A public office may limit the number of records 652  
requested by a person that the office will physically deliver by 653  
United States mail or by another delivery service to ten per 654  
month, unless the person certifies to the office in writing that 655

the person does not intend to use or forward the requested 656  
records, or the information contained in them, for commercial 657  
purposes; 658

(ii) A public office that chooses to provide some or all 659  
of its public records on a web site that is fully accessible to 660  
and searchable by members of the public at all times, other than 661  
during acts of God outside the public office's control or 662  
maintenance, and that charges no fee to search, access, 663  
download, or otherwise receive records provided on the web site, 664  
may limit to ten per month the number of records requested by a 665  
person that the office will deliver in a digital format, unless 666  
the requested records are not provided on the web site and 667  
unless the person certifies to the office in writing that the 668  
person does not intend to use or forward the requested records, 669  
or the information contained in them, for commercial purposes. 670

(iii) For purposes of division (B) (7) of this section, 671  
"commercial" shall be narrowly construed and does not include 672  
reporting or gathering news, reporting or gathering information 673  
to assist citizen oversight or understanding of the operation or 674  
activities of government, or nonprofit educational research. 675

(8) A public office or person responsible for public 676  
records is not required to permit a person who is incarcerated 677  
pursuant to a criminal conviction or a juvenile adjudication to 678  
inspect or to obtain a copy of any public record concerning a 679  
criminal investigation or prosecution or concerning what would 680  
be a criminal investigation or prosecution if the subject of the 681  
investigation or prosecution were an adult, unless the request 682  
to inspect or to obtain a copy of the record is for the purpose 683  
of acquiring information that is subject to release as a public 684  
record under this section and the judge who imposed the sentence 685



or made the adjudication with respect to the person, or the 686  
judge's successor in office, finds that the information sought 687  
in the public record is necessary to support what appears to be 688  
a justiciable claim of the person. 689

(9) (a) Upon written request made and signed by a 690  
journalist, a public office, or person responsible for public 691  
records, having custody of the records of the agency employing a 692  
specified designated public service worker shall disclose to the 693  
journalist the address of the actual personal residence of the 694  
designated public service worker and, if the designated public 695  
service worker's spouse, former spouse, or child is employed by 696  
a public office, the name and address of the employer of the 697  
designated public service worker's spouse, former spouse, or 698  
child. The request shall include the journalist's name and title 699  
and the name and address of the journalist's employer and shall 700  
state that disclosure of the information sought would be in the 701  
public interest. 702

(b) Division (B) (9) (a) of this section also applies to 703  
journalist requests for: 704

(i) Customer information maintained by a municipally owned 705  
or operated public utility, other than social security numbers 706  
and any private financial information such as credit reports, 707  
payment methods, credit card numbers, and bank account 708  
information; 709

(ii) Information about minors involved in a school vehicle 710  
accident as provided in division (A) (1) (gg) of this section, 711  
other than personal information as defined in section 149.45 of 712  
the Revised Code. 713

(c) As used in division (B) (9) of this section, 714

"journalist" means a person engaged in, connected with, or 715  
employed by any news medium, including a newspaper, magazine, 716  
press association, news agency, or wire service, a radio or 717  
television station, or a similar medium, for the purpose of 718  
gathering, processing, transmitting, compiling, editing, or 719  
disseminating information for the general public. 720

(10) Upon a request made by a victim, victim's attorney, 721  
or victim's representative, as that term is used in section 722  
2930.02 of the Revised Code, a public office or person 723  
responsible for public records shall transmit a copy of a 724  
depiction of the victim as described in division (A) (1) (ii) of 725  
this section to the victim, victim's attorney, or victim's 726  
representative. 727

(C) (1) If a person allegedly is aggrieved by the failure 728  
of a public office or the person responsible for public records 729  
to promptly prepare a public record and to make it available to 730  
the person for inspection in accordance with division (B) of 731  
this section or by any other failure of a public office or the 732  
person responsible for public records to comply with an 733  
obligation in accordance with division (B) of this section, the 734  
person allegedly aggrieved may do only one of the following, and 735  
not both: 736

(a) File a complaint with the clerk of the court of claims 737  
or the clerk of the court of common pleas under section 2743.75 738  
of the Revised Code; 739

(b) Commence a mandamus action to obtain a judgment that 740  
orders the public office or the person responsible for the 741  
public record to comply with division (B) of this section, that 742  
awards court costs and reasonable attorney's fees to the person 743  
that instituted the mandamus action, and, if applicable, that 744

includes an order fixing statutory damages under division (C) (2) 745  
of this section. The mandamus action may be commenced in the 746  
court of common pleas of the county in which division (B) of 747  
this section allegedly was not complied with, in the supreme 748  
court pursuant to its original jurisdiction under Section 2 of 749  
Article IV, Ohio Constitution, or in the court of appeals for 750  
the appellate district in which division (B) of this section 751  
allegedly was not complied with pursuant to its original 752  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 753

(2) If a requester transmits a written request by hand 754  
delivery, electronic submission, or certified mail to inspect or 755  
receive copies of any public record in a manner that fairly 756  
describes the public record or class of public records to the 757  
public office or person responsible for the requested public 758  
records, except as otherwise provided in this section, the 759  
requester shall be entitled to recover the amount of statutory 760  
damages set forth in this division if a court determines that 761  
the public office or the person responsible for public records 762  
failed to comply with an obligation in accordance with division 763  
(B) of this section. 764

The amount of statutory damages shall be fixed at one 765  
hundred dollars for each business day during which the public 766  
office or person responsible for the requested public records 767  
failed to comply with an obligation in accordance with division 768  
(B) of this section, beginning with the day on which the 769  
requester files a mandamus action to recover statutory damages, 770  
up to a maximum of one thousand dollars. The award of statutory 771  
damages shall not be construed as a penalty, but as compensation 772  
for injury arising from lost use of the requested information. 773  
The existence of this injury shall be conclusively presumed. The 774  
award of statutory damages shall be in addition to all other 775

remedies authorized by this section. 776

The court may reduce an award of statutory damages or not 777  
award statutory damages if the court determines both of the 778  
following: 779

(a) That, based on the ordinary application of statutory 780  
law and case law as it existed at the time of the conduct or 781  
threatened conduct of the public office or person responsible 782  
for the requested public records that allegedly constitutes a 783  
failure to comply with an obligation in accordance with division 784  
(B) of this section and that was the basis of the mandamus 785  
action, a well-informed public office or person responsible for 786  
the requested public records reasonably would believe that the 787  
conduct or threatened conduct of the public office or person 788  
responsible for the requested public records did not constitute 789  
a failure to comply with an obligation in accordance with 790  
division (B) of this section; 791

(b) That a well-informed public office or person 792  
responsible for the requested public records reasonably would 793  
believe that the conduct or threatened conduct of the public 794  
office or person responsible for the requested public records 795  
would serve the public policy that underlies the authority that 796  
is asserted as permitting that conduct or threatened conduct. 797

(3) In a mandamus action filed under division (C) (1) of 798  
this section, the following apply: 799

(a) (i) If the court orders the public office or the person 800  
responsible for the public record to comply with division (B) of 801  
this section, the court shall determine and award to the relator 802  
all court costs, which shall be construed as remedial and not 803  
punitive. 804

(ii) If the court makes a determination described in 805  
division (C) (3) (b) (iii) of this section, the court shall 806  
determine and award to the relator all court costs, which shall 807  
be construed as remedial and not punitive. 808

(b) If the court renders a judgment that orders the public 809  
office or the person responsible for the public record to comply 810  
with division (B) of this section or if the court determines any 811  
of the following, the court may award reasonable attorney's fees 812  
to the relator, subject to division (C) (4) of this section: 813

(i) The public office or the person responsible for the 814  
public records failed to respond affirmatively or negatively to 815  
the public records request in accordance with the time allowed 816  
under division (B) of this section. 817

(ii) The public office or the person responsible for the 818  
public records promised to permit the relator to inspect or 819  
receive copies of the public records requested within a 820  
specified period of time but failed to fulfill that promise 821  
within that specified period of time. 822

(iii) The public office or the person responsible for the 823  
public records acted in bad faith when the office or person 824  
voluntarily made the public records available to the relator for 825  
the first time after the relator commenced the mandamus action, 826  
but before the court issued any order concluding whether or not 827  
the public office or person was required to comply with division 828  
(B) of this section. No discovery may be conducted on the issue 829  
of the alleged bad faith of the public office or person 830  
responsible for the public records. This division shall not be 831  
construed as creating a presumption that the public office or 832  
the person responsible for the public records acted in bad faith 833  
when the office or person voluntarily made the public records 834

available to the relator for the first time after the relator 835  
commenced the mandamus action, but before the court issued any 836  
order described in this division. 837

(c) The court shall not award attorney's fees to the 838  
relator if the court determines both of the following: 839

(i) That, based on the ordinary application of statutory 840  
law and case law as it existed at the time of the conduct or 841  
threatened conduct of the public office or person responsible 842  
for the requested public records that allegedly constitutes a 843  
failure to comply with an obligation in accordance with division 844  
(B) of this section and that was the basis of the mandamus 845  
action, a well-informed public office or person responsible for 846  
the requested public records reasonably would believe that the 847  
conduct or threatened conduct of the public office or person 848  
responsible for the requested public records did not constitute 849  
a failure to comply with an obligation in accordance with 850  
division (B) of this section; 851

(ii) That a well-informed public office or person 852  
responsible for the requested public records reasonably would 853  
believe that the conduct or threatened conduct of the public 854  
office or person responsible for the requested public records 855  
would serve the public policy that underlies the authority that 856  
is asserted as permitting that conduct or threatened conduct. 857

(4) All of the following apply to any award of reasonable 858  
attorney's fees awarded under division (C) (3) (b) of this 859  
section: 860

(a) The fees shall be construed as remedial and not 861  
punitive. 862

(b) The fees awarded shall not exceed the total of the 863

reasonable attorney's fees incurred before the public record was 864  
made available to the relator and the fees described in division 865  
(C) (4) (c) of this section. 866

(c) Reasonable attorney's fees shall include reasonable 867  
fees incurred to produce proof of the reasonableness and amount 868  
of the fees and to otherwise litigate entitlement to the fees. 869

(d) The court may reduce the amount of fees awarded if the 870  
court determines that, given the factual circumstances involved 871  
with the specific public records request, an alternative means 872  
should have been pursued to more effectively and efficiently 873  
resolve the dispute that was subject to the mandamus action 874  
filed under division (C) (1) of this section. 875

(5) If the court does not issue a writ of mandamus under 876  
division (C) of this section and the court determines at that 877  
time that the bringing of the mandamus action was frivolous 878  
conduct as defined in division (A) of section 2323.51 of the 879  
Revised Code, the court may award to the public office all court 880  
costs, expenses, and reasonable attorney's fees, as determined 881  
by the court. 882

(D) Chapter 1347. of the Revised Code does not limit the 883  
provisions of this section. 884

(E) (1) To ensure that all employees of public offices are 885  
appropriately educated about a public office's obligations under 886  
division (B) of this section, all elected officials or their 887  
appropriate designees shall attend training approved by the 888  
attorney general as provided in section 109.43 of the Revised 889  
Code. A future official may satisfy the requirements of this 890  
division by attending the training before taking office, 891  
provided that the future official may not send a designee in the 892

future official's place. 893

(2) All public offices shall adopt a public records policy 894  
in compliance with this section for responding to public records 895  
requests. In adopting a public records policy under this 896  
division, a public office may obtain guidance from the model 897  
public records policy developed and provided to the public 898  
office by the attorney general under section 109.43 of the 899  
Revised Code. Except as otherwise provided in this section, the 900  
policy may not limit the number of public records that the 901  
public office will make available to a single person, may not 902  
limit the number of public records that it will make available 903  
during a fixed period of time, and may not establish a fixed 904  
period of time before it will respond to a request for 905  
inspection or copying of public records, unless that period is 906  
less than eight hours. 907

The public office shall distribute the public records 908  
policy adopted by the public office under this division to the 909  
employee of the public office who is the records custodian or 910  
records manager or otherwise has custody of the records of that 911  
office. The public office shall require that employee to 912  
acknowledge receipt of the copy of the public records policy. 913  
The public office shall create a poster that describes its 914  
public records policy and shall post the poster in a conspicuous 915  
place in the public office and in all locations where the public 916  
office has branch offices. The public office may post its public 917  
records policy on the internet web site of the public office if 918  
the public office maintains an internet web site. A public 919  
office that has established a manual or handbook of its general 920  
policies and procedures for all employees of the public office 921  
shall include the public records policy of the public office in 922  
the manual or handbook. 923



(F) (1) The bureau of motor vehicles may adopt rules 924  
pursuant to Chapter 119. of the Revised Code to reasonably limit 925  
the number of bulk commercial special extraction requests made 926  
by a person for the same records or for updated records during a 927  
calendar year. The rules may include provisions for charges to 928  
be made for bulk commercial special extraction requests for the 929  
actual cost of the bureau, plus special extraction costs, plus 930  
ten per cent. The bureau may charge for expenses for redacting 931  
information, the release of which is prohibited by law. 932

(2) As used in division (F) (1) of this section: 933

(a) "Actual cost" means the cost of depleted supplies, 934  
records storage media costs, actual mailing and alternative 935  
delivery costs, or other transmitting costs, and any direct 936  
equipment operating and maintenance costs, including actual 937  
costs paid to private contractors for copying services. 938

(b) "Bulk commercial special extraction request" means a 939  
request for copies of a record for information in a format other 940  
than the format already available, or information that cannot be 941  
extracted without examination of all items in a records series, 942  
class of records, or database by a person who intends to use or 943  
forward the copies for surveys, marketing, solicitation, or 944  
resale for commercial purposes. "Bulk commercial special 945  
extraction request" does not include a request by a person who 946  
gives assurance to the bureau that the person making the request 947  
does not intend to use or forward the requested copies for 948  
surveys, marketing, solicitation, or resale for commercial 949  
purposes. 950

(c) "Commercial" means profit-seeking production, buying, 951  
or selling of any good, service, or other product. 952

(d) "Special extraction costs" means the cost of the time 953  
spent by the lowest paid employee competent to perform the task, 954  
the actual amount paid to outside private contractors employed 955  
by the bureau, or the actual cost incurred to create computer 956  
programs to make the special extraction. "Special extraction 957  
costs" include any charges paid to a public agency for computer 958  
or records services. 959

(3) For purposes of divisions (F) (1) and (2) of this 960  
section, "surveys, marketing, solicitation, or resale for 961  
commercial purposes" shall be narrowly construed and does not 962  
include reporting or gathering news, reporting or gathering 963  
information to assist citizen oversight or understanding of the 964  
operation or activities of government, or nonprofit educational 965  
research. 966

(G) A request by a defendant, counsel of a defendant, or 967  
any agent of a defendant in a criminal action that public 968  
records related to that action be made available under this 969  
section shall be considered a demand for discovery pursuant to 970  
the Criminal Rules, except to the extent that the Criminal Rules 971  
plainly indicate a contrary intent. The defendant, counsel of 972  
the defendant, or agent of the defendant making a request under 973  
this division shall serve a copy of the request on the 974  
prosecuting attorney, director of law, or other chief legal 975  
officer responsible for prosecuting the action. 976

(H) (1) Any portion of a body-worn camera or dashboard 977  
camera recording described in divisions (A) (17) (b) to (h) of 978  
this section may be released by consent of the subject of the 979  
recording or a representative of that person, as specified in 980  
those divisions, only if either of the following applies: 981

(a) The recording will not be used in connection with any 982

probable or pending criminal proceedings; 983

(b) The recording has been used in connection with a 984  
criminal proceeding that was dismissed or for which a judgment 985  
has been entered pursuant to Rule 32 of the Rules of Criminal 986  
Procedure, and will not be used again in connection with any 987  
probable or pending criminal proceedings. 988

(2) If a public office denies a request to release a 989  
restricted portion of a body-worn camera or dashboard camera 990  
recording, as defined in division (A) (17) of this section, any 991  
person may file a mandamus action pursuant to this section or a 992  
complaint with the clerk of the court of claims pursuant to 993  
section 2743.75 of the Revised Code, requesting the court to 994  
order the release of all or portions of the recording. If the 995  
court considering the request determines that the filing 996  
articulates by clear and convincing evidence that the public 997  
interest in the recording substantially outweighs privacy 998  
interests and other interests asserted to deny release, the 999  
court shall order the public office to release the recording. 1000

**Sec. 2317.54.** No hospital, home health agency, ambulatory 1001  
surgical facility, or provider of a hospice care program ~~or, a~~ 1002  
pediatric respite care program, or pediatric transition care 1003  
program shall be held liable for a physician's failure to obtain 1004  
an informed consent from the physician's patient prior to a 1005  
surgical or medical procedure or course of procedures, unless 1006  
the physician is an employee of the hospital, home health 1007  
agency, ambulatory surgical facility, or provider of a hospice 1008  
care program ~~or, a~~ pediatric respite care program, or pediatric 1009  
transition care program. 1010

Written consent to a surgical or medical procedure or 1011  
course of procedures shall, to the extent that it fulfills all 1012

the requirements in divisions (A), (B), and (C) of this section, 1013  
be presumed to be valid and effective, in the absence of proof 1014  
by a preponderance of the evidence that the person who sought 1015  
such consent was not acting in good faith, or that the execution 1016  
of the consent was induced by fraudulent misrepresentation of 1017  
material facts, or that the person executing the consent was not 1018  
able to communicate effectively in spoken and written English or 1019  
any other language in which the consent is written. Except as 1020  
herein provided, no evidence shall be admissible to impeach, 1021  
modify, or limit the authorization for performance of the 1022  
procedure or procedures set forth in such written consent. 1023

(A) The consent sets forth in general terms the nature and 1024  
purpose of the procedure or procedures, and what the procedures 1025  
are expected to accomplish, together with the reasonably known 1026  
risks, and, except in emergency situations, sets forth the names 1027  
of the physicians who shall perform the intended surgical 1028  
procedures. 1029

(B) The person making the consent acknowledges that such 1030  
disclosure of information has been made and that all questions 1031  
asked about the procedure or procedures have been answered in a 1032  
satisfactory manner. 1033

(C) The consent is signed by the patient for whom the 1034  
procedure is to be performed, or, if the patient for any reason 1035  
including, but not limited to, competence, minority, or the fact 1036  
that, at the latest time that the consent is needed, the patient 1037  
is under the influence of alcohol, hallucinogens, or drugs, 1038  
lacks legal capacity to consent, by a person who has legal 1039  
authority to consent on behalf of such patient in such 1040  
circumstances, including either of the following: 1041

(1) The parent, whether the parent is an adult or a minor, 1042

of the parent's minor child; 1043

(2) An adult whom the parent of the minor child has given 1044  
written authorization to consent to a surgical or medical 1045  
procedure or course of procedures for the parent's minor child. 1046

Any use of a consent form that fulfills the requirements 1047  
stated in divisions (A), (B), and (C) of this section has no 1048  
effect on the common law rights and liabilities, including the 1049  
right of a physician to obtain the oral or implied consent of a 1050  
patient to a medical procedure, that may exist as between 1051  
physicians and patients on July 28, 1975. 1052

As used in this section the term "hospital" has the same 1053  
meaning as in section 2305.113 of the Revised Code; "ambulatory 1054  
surgical facility" has the same meaning as in section 3702.30 of 1055  
the Revised Code; "hospice care program," ~~and~~ "pediatric respite 1056  
care program," and "pediatric transition care program" have the 1057  
same meanings as in section 3712.01 of the Revised Code, and 1058  
"home health agency" has the same meaning as in section 3740.01 1059  
of the Revised Code. The provisions of this division apply to 1060  
hospitals, doctors of medicine, doctors of osteopathic medicine, 1061  
and doctors of podiatric medicine. 1062

**Sec. 3712.01.** As used in this chapter: 1063

(A) "Hospice care program" means a coordinated program of 1064  
home, outpatient, and inpatient care and services that is 1065  
operated by a person or public agency and that provides the 1066  
following care and services to hospice patients, including 1067  
services as indicated below to hospice patients' families, 1068  
through a medically directed interdisciplinary team, under 1069  
interdisciplinary plans of care established pursuant to section 1070  
3712.06 of the Revised Code, in order to meet the physical, 1071

psychological, social, spiritual, and other special needs that 1072  
are experienced during the final stages of illness, dying, and 1073  
bereavement: 1074

(1) Nursing care by or under the supervision of a 1075  
registered nurse; 1076

(2) Physical, occupational, or speech or language therapy, 1077  
unless waived by the department of health pursuant to rules 1078  
adopted under division (A) of section 3712.03 of the Revised 1079  
Code; 1080

(3) Medical social services by a social worker under the 1081  
direction of a physician; 1082

(4) Services of a home health aide; 1083

(5) Medical supplies, including drugs and biologicals, and 1084  
the use of medical appliances; 1085

(6) Physician's services; 1086

(7) Short-term inpatient care, including both palliative 1087  
and respite care and procedures; 1088

(8) Counseling for hospice patients and hospice patients' 1089  
families; 1090

(9) Services of volunteers under the direction of the 1091  
provider of the hospice care program; 1092

(10) Bereavement services for hospice patients' families. 1093

"Hospice care program" does not include a pediatric 1094  
respite care program or a pediatric transition care program. 1095

(B) "Hospice patient" means a patient, other than a 1096  
pediatric respite care patient, who has been diagnosed as 1097  
terminally ill, has an anticipated life expectancy of six months 1098

or less, and has voluntarily requested and is receiving care 1099  
from a person or public agency licensed under this chapter to 1100  
provide a hospice care program. 1101

(C) "Hospice patient's family" means a hospice patient's 1102  
immediate family members, including a spouse, brother, sister, 1103  
child, or parent, and any other relative or individual who has 1104  
significant personal ties to the patient and who is designated 1105  
as a member of the patient's family by mutual agreement of the 1106  
patient, the relative or individual, and the patient's 1107  
interdisciplinary team. 1108

(D) "Interdisciplinary team" means a working unit composed 1109  
of professional and lay persons that includes at least a 1110  
physician, a registered nurse, a social worker, a member of the 1111  
clergy or a counselor, and a volunteer. 1112

(E) "Palliative care" means specialized care for a patient 1113  
of any age who has been diagnosed with a serious or life- 1114  
threatening illness that is provided at any stage of the illness 1115  
by an interdisciplinary team working in consultation with other 1116  
health care professionals, including those who may be seeking to 1117  
cure the illness, and that aims to do all of the following: 1118

(1) Relieve the symptoms, stress, and suffering resulting 1119  
from the illness; 1120

(2) Improve the quality of life of the patient and the 1121  
patient's family; 1122

(3) Address the patient's physical, emotional, social, and 1123  
spiritual needs; 1124

(4) Facilitate patient autonomy, access to information, 1125  
and medical decision making. 1126

(F) "Physician" means a person authorized under Chapter 1127  
4731. of the Revised Code to practice medicine and surgery or 1128  
osteopathic medicine and surgery. 1129

(G) "Attending physician" means the physician identified 1130  
by the hospice patient, pediatric respite care patient, hospice 1131  
patient's family, or pediatric respite care patient's family as 1132  
having primary responsibility for the medical care of the 1133  
hospice patient or pediatric respite care patient. 1134

(H) "Registered nurse" means a person registered under 1135  
Chapter 4723. of the Revised Code to practice professional 1136  
nursing. 1137

(I) "Social worker" means a person licensed under Chapter 1138  
4757. of the Revised Code to practice as a social worker or 1139  
independent social worker. 1140

(J) "Pediatric respite care program" means a program 1141  
operated by a person or public agency that ~~does either of the~~ 1142  
~~following:~~ 1143

~~(1) Provides~~ provides inpatient respite care and related 1144  
services, including all of the following services, only to 1145  
pediatric respite care patients and, as indicated below, 1146  
pediatric respite care patients' families, in order to meet the 1147  
physical, psychological, social, spiritual, and other special 1148  
needs that are experienced during or leading up to the final 1149  
stages of illness, dying, and bereavement: 1150

~~(a)~~ (1) Short-term inpatient care, including both 1151  
palliative and respite care and procedures; 1152

~~(b)~~ (2) Nursing care by or under the supervision of a 1153  
registered nurse; 1154



<del>(e)</del> <u>(3)</u> Physician's services;	1155
<del>(d)</del> <u>(4)</u> Medical social services by a social worker under the direction of a physician;	1156 1157
<del>(e)</del> <u>(5)</u> Medical supplies, including drugs and biologicals, and the use of medical appliances;	1158 1159
<del>(f)</del> <u>(6)</u> Counseling for pediatric respite care patients and pediatric respite care patients' families;	1160 1161
<del>(g)</del> <u>(7)</u> Bereavement services for respite care patients' families.	1162 1163
<del>(2)</del> <u>Provides "Pediatric respite care program" does not include a pediatric transition care program or hospice care program.</u>	1164 1165 1166
<u>(K) "Pediatric transition care program" means a program operated by a person or public agency that arranges for the provision of health care and related services in a home-like private home setting inpatient respite care and related services, including all of the following services, only to pediatric respite transition care patients, who are not related by birth or adoption to the person that arranges for the provision of health care and related services, and, as indicated below, the parents and siblings of pediatric respite transition care patients, in order to meet the physical, psychological, social, spiritual, and other special needs of children who have been diagnosed with life-threatening diseases and conditions:</u>	1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178
<del>(a)</del> <u>(1)</u> Inpatient care, <del>including both palliative and respite care</del> and procedures;	1179 1180
<del>(b)</del> <u>(2)</u> Skilled nursing care;	1181
<del>(e)</del> <u>(3)</u> Nursing care by or under the supervision of a	1182

registered nurse; 1183

~~(d)~~ (4) Physician's services; 1184

~~(e)~~ (5) ~~Medical social services by a social worker under~~ 1185  
~~the direction of a physician;~~ 1186

~~(f)~~ Medical supplies, including drugs and biologicals, and 1187  
the use of medical appliances; 1188

~~(g)~~ (6) For a pediatric ~~respice~~ transition care patients' 1189  
parents ~~and siblings~~, counseling, education, and visitation, ~~and~~ 1190  
to promote reunification. 1191

"Pediatric ~~respice~~ transition care program" does not 1192  
include a hospice care program or a pediatric respice care 1193  
program. 1194

~~(K)~~ (L) "Pediatric respice care patient" means a patient, 1195  
other than a hospice patient, who is less than twenty-seven 1196  
years of age and to whom all of the following conditions apply: 1197

(1) The patient has been diagnosed with a disease or 1198  
condition that is life-threatening and is expected to shorten 1199  
the life expectancy that would have applied to the patient 1200  
absent the patient's diagnosis, regardless of whether the 1201  
patient is terminally ill. 1202

(2) The diagnosis described in division ~~(K)~~ (1) ~~(L)~~ (1) of 1203  
this section occurred while the patient was less than eighteen 1204  
years of age. 1205

(3) The patient, or the parent or guardian of the patient 1206  
if the patient is under eighteen years of age or under 1207  
guardianship, has voluntarily requested and is receiving care 1208  
from a person or public agency licensed under this chapter to 1209  
provide a pediatric respice care program. 1210

~~(I)~~-(M) "Pediatric transition care patient" means a 1211  
patient, other than a hospice patient, who is less than twenty- 1212  
seven years of age and to whom all of the following conditions 1213  
apply: 1214

(1) The patient has been diagnosed with a disease or 1215  
condition that is life-threatening and is expected to shorten 1216  
the life expectancy that would have applied to the patient 1217  
absent the patient's diagnosis, regardless of whether the 1218  
patient is terminally ill. 1219

(2) The diagnosis described in division (M)(1) of this 1220  
section occurred when the patient was less than eighteen years 1221  
of age. 1222

(3) The patient, or the parent or guardian of the patient 1223  
if the patient is under eighteen years of age or under 1224  
guardianship, has voluntarily requested and is receiving care 1225  
from a person or public agency registered under this chapter to 1226  
provide a pediatric transition care program. 1227

(N) "Pediatric respite care patient's family" means a 1228  
pediatric respite care patient's family members, including a 1229  
spouse, brother, sister, child, or parent, and any other 1230  
relative or individual who has significant personal ties to the 1231  
patient and who is designated as a member of the patient's 1232  
family by mutual agreement of the patient, the relative or 1233  
individual, and the patient's interdisciplinary team. 1234

~~(M)~~-(O) "Skilled nursing care" means procedures that 1235  
require technical skills and knowledge beyond those the 1236  
untrained person possesses and that are commonly employed in 1237  
providing for the physical, mental, and emotional needs of the 1238  
ill or otherwise incapacitated. "Skilled nursing care" includes 1239

the following:	1240
<del>(a)</del> <u>(1)</u> Irrigations, catheterizations, application of dressings, and supervision of special diets;	1241 1242
<del>(b)</del> <u>(2)</u> Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;	1243 1244 1245 1246
<del>(c)</del> <u>(3)</u> Special procedures contributing to rehabilitation;	1247
<del>(d)</del> <u>(4)</u> Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;	1248 1249 1250 1251
<del>(e)</del> <u>(5)</u> Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.	1252 1253 1254
<b>Sec. 3712.031.</b> (A) In accordance with Chapter 119. of the Revised Code, the director of health shall adopt, and may amend and rescind, rules:	1255 1256 1257
(1) Providing for the licensing of persons or public agencies providing pediatric respite care programs within this state by the department of health and for the suspension and revocation of licenses;	1258 1259 1260 1261
(2) Establishing a license fee and license renewal fee for pediatric respite care programs, neither of which shall, except as provided in division (B) of this section, exceed six hundred dollars. The fees shall cover the three-year period during which an existing license is valid as provided in division (B) of section 3712.041 of the Revised Code.	1262 1263 1264 1265 1266 1267

(3) Establishing an inspection fee not to exceed, except	1268
as provided in division (B) of this section, one thousand seven	1269
hundred fifty dollars;	1270
(4) Establishing requirements for pediatric respite care	1271
program facilities and services;	1272
(5) Providing for the granting of licenses to provide	1273
pediatric respite care programs to persons and public agencies	1274
that are accredited or certified to provide such programs by an	1275
entity whose standards for accreditation or certification equal	1276
or exceed those provided for licensure under this chapter and	1277
rules adopted under it;	1278
(6) Establishing interpretive guidelines for each rule	1279
adopted under this section.	1280
(B) Subject to the approval of the controlling board, the	1281
director of health may establish fees in excess of the maximum	1282
amounts specified in this section, provided that the fees do not	1283
exceed those amounts by greater than fifty per cent.	1284
(C) The department of health shall:	1285
(1) Grant, suspend, and revoke licenses for pediatric	1286
respite care programs in accordance with this chapter and rules	1287
adopted under it;	1288
(2) Make such inspections as are necessary to determine	1289
whether pediatric respite care program facilities and services	1290
meet the requirements of this chapter and rules adopted under	1291
it; and	1292
(3) Implement and enforce provisions of this chapter and	1293
rules adopted under it as such provisions apply to pediatric	1294
respite care programs.	1295

~~(D) Rules adopted under this section that relate to a~~ 1296  
~~pediatric respite care program described under division (J) (2)~~ 1297  
~~of section 3712.01 of the Revised Code are not subject to~~ 1298  
~~sections 121.95 to 121.953 of the Revised Code.~~ 1299

Sec. 3712.032. (A) In accordance with Chapter 119. of the 1300  
Revised Code, the director of health shall adopt, and may amend 1301  
and rescind, rules: 1302

(1) Providing for the registration of persons and public 1303  
agencies that provide pediatric transition care programs within 1304  
this state and for the suspension and revocation of 1305  
registrations; 1306

(2) Establishing fees for initial registration and 1307  
registration renewal for pediatric transition care programs, 1308  
neither of which shall, except as provided in division (B) of 1309  
this section, exceed six hundred dollars during a three-year 1310  
period that a registration is valid as provided in section 1311  
3712.042 of the Revised Code; 1312

(3) Establishing an inspection fee, which shall not, 1313  
except as provided in division (B) of this section, exceed one 1314  
thousand seven hundred fifty dollars; 1315

(4) Establishing emergency and safety requirements for 1316  
pediatric transition care programs; 1317

(5) Providing for pediatric transition care program 1318  
registration under this chapter of persons and public agencies 1319  
that are accredited or certified by an organization that the 1320  
director determines has standards for accreditation or 1321  
certification that are equal to or exceed those set forth in 1322  
this chapter and the rules adopted under it. 1323

(B) Subject to the approval of the controlling board, the 1324

director may establish fees in excess of the maximum amounts 1325  
specified in this section, provided that the fees do not exceed 1326  
those amounts by greater than fifty per cent. 1327

(C) The department of health shall: 1328

(1) Grant, suspend, and revoke registrations for pediatric 1329  
transition care programs in accordance with this chapter and 1330  
rules adopted under it; 1331

(2) Make such inspections as are necessary to determine 1332  
whether pediatric transition care program homes and services 1333  
meet the requirements of this chapter and rules adopted under 1334  
it; 1335

(3) Implement and enforce provisions of this chapter and 1336  
rules adopted under it as such provisions apply to pediatric 1337  
transition care programs. 1338

(D) Notwithstanding any provision of section 121.95 of the 1339  
Revised Code to the contrary, a regulatory restriction contained 1340  
in a rule adopted under this section is not subject to sections 1341  
121.95 to 121.953 of the Revised Code. 1342

(E) Rules adopted under section 3712.031 of the Revised 1343  
Code do not apply to pediatric transition care programs. 1344

**Sec. 3712.042.** (A) Every person or public agency that 1345  
proposes to provide a pediatric transition care program shall 1346  
register with the department of health. Registration shall be 1347  
made on forms prescribed and provided by the department and 1348  
shall include such information as the department requires. 1349

The department shall register a pediatric transition care 1350  
program if the program is in compliance with this chapter and 1351  
rules adopted under it. 1352

(B) A registration under this section shall be valid for 1353  
three years. Registration renewal shall be made at least ninety 1354  
days before the expiration of the registration in the same 1355  
manner as for an initial registration. The department shall 1356  
renew the registration if the pediatric transition care program 1357  
meets the requirements of this chapter and rules adopted under 1358  
it. 1359

(C) Subject to Chapter 119. of the Revised Code, the 1360  
department may suspend or revoke a registration if the 1361  
registration holder made any material misrepresentation related 1362  
to the registration or no longer meets the requirements of this 1363  
chapter or rules adopted under it. 1364

**Sec. 3712.061.** (A) Any person or public agency licensed 1365  
under section 3712.041 of the Revised Code to provide a 1366  
pediatric respite care program shall do all of the following: 1367

(1) Provide a planned and continuous pediatric respite 1368  
care program, the medical components of which shall be under the 1369  
direction of a physician; 1370

(2) Ensure that care commensurate with a pediatric respite 1371  
care patient's needs is available twenty-four hours a day and 1372  
seven days a week; 1373

(3) Establish an interdisciplinary plan of care for each 1374  
pediatric respite care patient and the patient's family that: 1375

(a) Is coordinated by one designated individual who shall 1376  
ensure that all components of the plan of care are addressed and 1377  
implemented; 1378

(b) Addresses maintenance of patient-family participation 1379  
in decision making related to the patient's health care and 1380  
well-being; and 1381



(c) Is reviewed by the patient's attending physician and 1382  
by the patient's interdisciplinary team immediately prior to or 1383  
on admission to each session of respite care. 1384

(4) Have an interdisciplinary team or teams that provide 1385  
or supervise the provision of pediatric respite care program 1386  
services and establish the policies governing the provision of 1387  
the services; 1388

(5) Maintain central clinical records on all pediatric 1389  
respite care patients under its care; 1390

~~(6) In the case of a pediatric respite care program that 1391  
is described in division (J) (2) of section 3712.01 of the 1392  
Revised Code, maintain birth certificates and certified 1393  
guardianship letters of authority for any patient who receives 1394  
care for longer than thirty days, unless this requirement is 1395  
waived by the director of health; 1396~~

~~(7) In the case of a pediatric respite care program that 1397  
is described in division (J) (2) of section 3712.01 of the 1398  
Revised Code, provide the services identified in that division 1399  
to not more than ten patients at any time, unless additional 1400  
patients are authorized by the director of health. 1401~~

(B) A provider of a pediatric respite care program may 1402  
include pharmacist services among the other services that are 1403  
made available to its pediatric respite care patients. 1404

(C) A provider of a pediatric respite care program may 1405  
arrange for another person or public agency to furnish a 1406  
component or components of the pediatric respite care program 1407  
pursuant to a written contract. When a provider of a pediatric 1408  
respite care program arranges for a home health agency to 1409  
furnish a component or components of the pediatric respite care 1410

program to its patient, the care shall be provided by a home 1411  
health agency pursuant to a written contract under which: 1412

(1) The provider of a pediatric respite care program 1413  
furnishes to the contractor a copy of the pediatric respite care 1414  
patient's interdisciplinary plan of care that is established 1415  
under division (A) (3) of this section and specifies the care 1416  
that is to be furnished by the contractor; 1417

(2) The regimen described in the established plan of care 1418  
is continued while the pediatric respite care patient receives 1419  
care from the contractor, subject to the patient's needs, and 1420  
with approval of the coordinator of the interdisciplinary team 1421  
designated pursuant to division (A) (3) (a) of this section; 1422

(3) All care, treatment, and services furnished by the 1423  
contractor are entered into the pediatric respite care patient's 1424  
medical record; 1425

(4) The designated coordinator of the interdisciplinary 1426  
team ensures conformance with the established plan of care; and 1427

(5) A copy of the contractor's medical record and 1428  
discharge summary is retained as part of the pediatric respite 1429  
care patient's medical record. 1430

Sec. 3712.063. All of the following apply to a person or 1431  
public agency registered under section 3712.042 of the Revised 1432  
Code to provide a pediatric transition care program: 1433

(A) The program shall ensure that the medical care 1434  
components of the program are under the direction of a 1435  
physician. 1436

(B) When a program arranges for a home health agency to 1437  
furnish a component or components of the program to a pediatric 1438

transition care patient, the care shall be provided by a home 1439  
health agency pursuant to a written contract that includes both 1440  
of the following conditions: 1441

(1) All care, treatment, and services furnished by the 1442  
contractor are entered into the patient's medical record. 1443

(2) The program ensures conformance with the patient's 1444  
established plan of care and physician orders. 1445

(C) Care commensurate with a pediatric transition care 1446  
patient's needs shall be available twenty-four hours a day and 1447  
seven days a week. 1448

(D) The program shall maintain in the home central 1449  
clinical records on all pediatric transition care patients. 1450

(E) The program shall maintain in the home birth 1451  
certificates, certified guardianship letters of authority, or 1452  
other documentation related to health care decision-making, as 1453  
applicable, for any pediatric transition care patient who 1454  
receives care for longer than thirty days, unless, on written 1455  
request by the program, this requirement is waived by the 1456  
director of health. 1457

(F) The program shall not provide pediatric transition 1458  
care services to more than fifteen pediatric transition care 1459  
patients at any time, unless, on written request by the program, 1460  
additional patients are authorized by the director of health. 1461

**Sec. 3715.50.** (A) As used in this section and in sections 1462  
3715.501 to 3715.505 of the Revised Code: 1463

(1) "Advanced practice registered nurse" means an 1464  
individual who holds a current, valid license issued under 1465  
Chapter 4723. of the Revised Code and is designated as a 1466

clinical nurse specialist, certified nurse-midwife, or certified 1467  
nurse practitioner. 1468

(2) "Overdose reversal drug" has the same meaning as in 1469  
section 4729.01 of the Revised Code. 1470

(3) "Pharmacist" means an individual licensed under 1471  
Chapter 4729. of the Revised Code to practice as a pharmacist. 1472

(4) "Pharmacy intern" means an individual licensed under 1473  
Chapter 4729. of the Revised Code to practice as a pharmacy 1474  
intern. 1475

(5) "Physician" means an individual authorized under 1476  
Chapter 4731. of the Revised Code to practice medicine and 1477  
surgery, osteopathic medicine and surgery, or podiatric medicine 1478  
and surgery. 1479

(6) "Physician assistant" means an individual who is 1480  
licensed under Chapter 4730. of the Revised Code, holds a valid 1481  
prescriber number issued by the state medical board, and has 1482  
been granted physician-delegated prescriptive authority. 1483

(B) Notwithstanding any conflicting provision of the 1484  
Revised Code, any person or government entity may purchase, 1485  
possess, distribute, dispense, personally furnish, sell, or 1486  
otherwise obtain or provide an overdose reversal drug, which 1487  
includes any instrument or device used to administer the drug, 1488  
if all of the following conditions are met: 1489

(1) The overdose reversal drug is in its original 1490  
manufacturer's packaging. 1491

(2) The overdose reversal drug's packaging contains the 1492  
manufacturer's instructions for use. 1493

(3) The overdose reversal drug is stored in accordance 1494

with the manufacturer's or distributor's instructions. 1495

(C) In addition to actions authorized by division (B) of 1496  
this section, any person or government entity may obtain and 1497  
maintain a supply of an overdose reversal drug for either or 1498  
both of the following purposes: for use in an emergency 1499  
situation and for distribution through an automated mechanism. 1500

(1) In the case of a supply of an overdose reversal drug 1501  
obtained and maintained for use in an emergency situation, a 1502  
person or government entity shall do all of the following: 1503

(a) Provide to any individual who accesses the supply 1504  
instructions regarding emergency administration of the drug, 1505  
including a specific instruction to summon emergency services as 1506  
necessary; 1507

(b) Establish a process for replacing within a reasonable 1508  
time period any overdose reversal drug that has been accessed; 1509

(c) Store the overdose reversal drug in accordance with 1510  
the manufacturer's or distributor's instructions. 1511

(2) In the case of a supply of an overdose reversal drug 1512  
obtained and maintained for distribution through an automated 1513  
mechanism, a person or government entity shall do all of the 1514  
following: 1515

(a) Ensure that the mechanism is securely fastened to a 1516  
permanent structure or is of an appropriate size and weight to 1517  
reasonably prevent it from being removed from its intended 1518  
location; 1519

(b) Provide to any individual who accesses the supply 1520  
instructions regarding emergency administration of the drug, 1521  
including a specific instruction to summon emergency services as 1522

<u>necessary;</u>	1523
<u>(c) Develop a process for monitoring and replenishing the supply maintained in the automated mechanism;</u>	1524
<u>(d) Store the overdose reversal drug in accordance with the manufacturer's or distributor's instructions.</u>	1526
<u>(D) If the authority granted by division (B) or (C) of this section is exercised in good faith, the following immunities apply:</u>	1528
<u>(1) The person or government entity exercising the authority is not subject to administrative action or criminal prosecution and is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from exercising that authority.</u>	1529
<u>(2) After an overdose reversal drug has been dispensed or personally furnished, the person or government entity is not liable for or subject to any of the following for any act or omission of the individual to whom the drug is dispensed or personally furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.</u>	1530
<u>(E) (1) This section does not affect any other authority to issue a prescription for, or personally furnish a supply of, an overdose reversal drug.</u>	1531
<u>(2) This section does not eliminate, limit, or reduce any other immunity or defense that a person or government entity may be entitled to under section 9.86, Chapter 2744., section 4765.49, or any other provision of the Revised Code or the common law of this state.</u>	1532
<u>Sec. 3715.501. (A) Notwithstanding any conflicting</u>	1533
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provision of the Revised Code or of any rule adopted by the 1551  
state board of pharmacy, state medical board, or board of 1552  
nursing, both of the following apply: 1553

(1) A physician, physician assistant, or advanced practice 1554  
registered nurse may issue a prescription for an overdose 1555  
reversal drug, or personally furnish a supply of the drug, 1556  
without having examined the individual to whom it may be 1557  
administered. The physician, physician assistant, or advanced 1558  
practice registered nurse exercising this authority shall 1559  
provide, to the individual receiving the prescription or supply, 1560  
instructions regarding the emergency administration of the drug, 1561  
including a specific instruction to summon emergency services as 1562  
necessary. 1563

(2) In the event that a prescription for an overdose 1564  
reversal drug does not include the name of the individual to 1565  
whom the drug may be administered, a pharmacist or pharmacy 1566  
intern may dispense the drug to the individual who received the 1567  
prescription. 1568

(B) (1) A physician, physician assistant, or advanced 1569  
practice registered nurse who in good faith exercises the 1570  
authority conferred by division (A) (1) of this section is not 1571  
liable for or subject to any of the following for any act or 1572  
omission of the individual to whom a prescription for an 1573  
overdose reversal drug is issued or the supply of such a drug is 1574  
furnished: damages in any civil action, prosecution in any 1575  
criminal proceeding, or professional disciplinary action. 1576

(2) A pharmacist or pharmacy intern who in good faith 1577  
exercises the authority conferred by division (A) (2) of this 1578  
section is not liable for or subject to any of the following: 1579  
damages in any civil action, prosecution in any criminal 1580

proceeding, or professional disciplinary action. 1581

~~Sec. 4729.44 3715.502.~~ (A) ~~As used in this section:~~ 1582

~~(1) "Board of health" means a board of health of a city or  
general health district or an authority having the duties of a  
board of health under section 3709.05 of the Revised Code.~~ 1583  
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~~(2) "Physician" means an individual authorized under  
Chapter 4731. of the Revised Code to practice medicine and  
surgery, osteopathic medicine and surgery, or podiatric medicine  
and surgery.~~ 1586  
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~~(B) A physician, physician assistant, or advanced practice  
registered nurse may authorize one or more pharmacists and any  
of the pharmacy interns supervised by the one or more  
pharmacists to use a protocol developed pursuant to rules  
adopted under this section for the purpose of dispensing  
overdose reversal drugs. If use of the protocol developed  
pursuant to rules adopted under division (G) of this section has  
been authorized under section 3707.56 or 4731.942 of the Revised  
Code, a pharmacist or pharmacy intern may dispense overdose  
reversal drugs without a prescription to either of the following  
in accordance with that protocol:~~ 1590  
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(1) An individual who there is reason to believe is 1601  
experiencing or at risk of experiencing an opioid-related 1602  
overdose; 1603

(2) A family member, friend, or other individual in a 1604  
position to assist an individual who there is reason to believe 1605  
is at risk of experiencing an opioid-related overdose. 1606

~~(C) (B) A pharmacist or pharmacy intern who dispenses  
overdose reversal drugs under this section shall instruct the  
individual to whom the drugs are dispensed to summon emergency~~ 1607  
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services as soon as practicable either before or after 1610  
administering the drugs. 1611

~~(D)~~ (C) A pharmacist may document on a prescription form 1612  
the dispensing of overdose reversal drugs by the pharmacist or a 1613  
pharmacy intern supervised by the pharmacist. The form may be 1614  
assigned a number for ~~record-keeping~~ recordkeeping purposes. 1615

~~(E)~~ (D) This section does not affect the authority of a 1616  
pharmacist or pharmacy intern to fill or refill a prescription 1617  
for overdose reversal drugs. 1618

~~(F)~~ A board of health that in good faith authorizes a 1619  
pharmacist or pharmacy intern to dispense overdose reversal 1620  
drugs without a prescription in accordance with a protocol 1621  
developed pursuant to rules adopted under division (G) of this 1622  
section is not liable for or subject to any of the following for 1623  
any action or omission of the individual to whom the drugs are 1624  
dispensed: damages in any civil action, prosecution in any 1625  
criminal proceeding, or professional disciplinary action. 1626

(E) A physician, physician assistant, or advanced practice 1627  
registered nurse who in good faith authorizes a pharmacist or 1628  
pharmacy intern to dispense overdose reversal drugs without a 1629  
prescription ~~in accordance with a protocol developed pursuant to~~ 1630  
~~rules adopted under division (G) of~~, as provided in this 1631  
section, is not liable for or subject to any of the following 1632  
for any ~~action~~ act or omission of the individual to whom the 1633  
drugs are dispensed: damages in any civil action, prosecution in 1634  
any criminal proceeding, or professional disciplinary action. 1635

A pharmacist or pharmacy intern authorized under this 1636  
section to dispense overdose reversal drugs without a 1637  
prescription who does so in good faith is not liable for or 1638

subject to any of the following for any ~~action~~ act or omission 1639  
of the individual to whom the drugs are dispensed: damages in 1640  
any civil action, prosecution in any criminal proceeding, or 1641  
professional disciplinary action. 1642

~~(G)~~ (F) The state board of pharmacy ~~shall~~, after 1643  
consulting with the ~~department of health and state medical board~~ 1644  
and board of nursing, shall adopt rules to implement this 1645  
section. The rules shall specify a protocol under which 1646  
pharmacists or pharmacy interns may dispense overdose reversal 1647  
drugs without a prescription. 1648

All rules adopted under this section shall be adopted in 1649  
accordance with Chapter 119. of the Revised Code. 1650

~~(H) (1)~~ (G) (1) The state board of pharmacy shall develop a 1651  
program to educate all of the following about the authority of a 1652  
pharmacist or pharmacy intern to dispense overdose reversal 1653  
drugs without a prescription: 1654

(a) Holders of licenses issued under ~~this chapter~~ Chapter 1655  
4729. of the Revised Code that engage in the sale or dispensing 1656  
of overdose reversal drugs pursuant to this section; 1657

(b) Registered pharmacy technicians, certified pharmacy 1658  
technicians, and pharmacy technician trainees registered under 1659  
~~this chapter~~ Chapter 4729. of the Revised Code who engage in the 1660  
sale of overdose reversal drugs pursuant to this section; 1661

(c) Individuals who are not licensed or registered under 1662  
~~this chapter~~ Chapter 4729. of the Revised Code but are employed 1663  
by license holders described in division ~~(H) (1) (a)~~ (G) (1) (a) of 1664  
this section. 1665

(2) As part of the program, the board also shall educate 1666  
the license holders, pharmacy technicians, and employees 1667

described in division ~~(H) (1)~~ (G) (1) of this section about 1668  
maintaining an adequate supply of overdose reversal drugs and 1669  
methods for determining a pharmacy's stock of such drugs. 1670

(3) The board may use its web site to share information 1671  
under the program. 1672

Sec. 3715.503. (A) In addition to the actions authorized 1673  
by section 3715.50 of the Revised Code and subject to division 1674  
(B) of this section, a physician, physician assistant, or 1675  
advanced practice registered nurse may elect to establish a 1676  
protocol authorizing any individual to personally furnish a 1677  
supply of an overdose reversal drug to another individual 1678  
pursuant to the protocol. A person authorized to personally 1679  
furnish an overdose reversal drug pursuant to the protocol may 1680  
do so without having examined the individual to whom the drug 1681  
may be administered. 1682

(B) A protocol established by a physician, physician 1683  
assistant, or advanced practice registered nurse for purposes of 1684  
this section shall include all of the following: 1685

(1) Any limitations to be applied concerning the 1686  
individuals to whom the overdose reversal drug may be personally 1687  
furnished; 1688

(2) The overdose reversal drug dosage that may be 1689  
personally furnished and any variation in the dosage based on 1690  
circumstances specified in the protocol; 1691

(3) Any labeling, storage, recordkeeping, and 1692  
administrative requirements; 1693

(4) Training requirements that must be met before a person 1694  
will be authorized to personally furnish overdose reversal 1695  
drugs; 1696

(5) Any instructions or training that the authorized person must provide to an individual to whom an overdose reversal drug is personally furnished. 1697  
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(C) A physician, physician assistant, or advanced practice registered nurse who in good faith authorizes an individual to personally furnish a supply of an overdose reversal drug in accordance with a protocol established under this section, and an individual who in good faith personally furnishes a supply under that authority, is not liable for or subject to any of the following for any act or omission of the individual to whom the overdose reversal drug is personally furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 1700  
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**Sec. 3715.504.** (A) In the case of an individual who is not otherwise authorized under the Revised Code to administer drugs, the individual may administer an overdose reversal drug under this section. This authority may be exercised by any individual who is in a position to assist another individual who is apparently experiencing an opioid-related overdose. 1710  
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(B) An individual who administers an overdose reversal drug under the authority conferred by division (A) of this section is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from administering the drug, and not subject to administrative action or criminal prosecution for an act or omission that arises from administering the drug, if the individual, acting in good faith, does all of the following: 1716  
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(1) Obtains the overdose reversal drug under section 3715.50, 3715.501, 3715.502, or 3715.503 or the Revised Code; 1724  
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(2) Administers the overdose reversal drug to an individual who is apparently experiencing an opioid-related overdose; 1726  
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(3) Attempts to summon emergency services as soon as practicable either before or after administering the overdose reversal drug, except that making such an attempt is not required if the individual administering the drug knows that emergency services already have been summoned or are present. 1729  
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**Sec. ~~4765.44~~ 3715.505.** (A) As used in this section, ~~"law:~~ 1734

(1) "Emergency medical service personnel," "firefighter," and "volunteer firefighter" have the same meanings as in section 4765.01 of the Revised Code. 1735  
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(2) "Law enforcement agency" and "overdose reversal drug" have the same meanings as in section 2925.61 of the Revised Code means a government entity that employs peace officers to perform law enforcement duties. 1738  
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(3) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code. 1742  
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(B) (1) Upon request of a law enforcement agency as described in division (B) (2) of this section, emergency medical service personnel and any firefighter or volunteer firefighter acting within the course of the firefighting profession shall disclose the name and address, if known, of an individual to whom the emergency medical service personnel, firefighter, or volunteer firefighter administered an overdose reversal drug due to an actual or suspected drug overdose, unless the emergency medical service personnel, firefighter, or volunteer firefighter reasonably believes that the law enforcement agency making the request does not have jurisdiction over the place where the 1744  
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overdose reversal drug was administered. 1755

(2) A law enforcement agency may request a name and 1756  
address of an individual under division (B)(1) of this section 1757  
for the purposes of investigation or treatment referral and may 1758  
use a name and address received under that division for either 1759  
or both of those purposes. 1760

**Sec. 3715.87.** (A) As used in this section and in sections 1761  
3715.871, 3715.872, and 3715.873 of the Revised Code: 1762

(1) "Controlled substance" has the same meaning as in 1763  
section 3719.01 of the Revised Code. 1764

(2) "Charitable pharmacy" has the same meaning as in 1765  
section 3719.811 of the Revised Code. 1766

(3) "Health care facility" has the same meaning as in 1767  
section 1337.11 of the Revised Code. 1768

~~(3)~~ (4) "Hospital" has the same meaning as in section 1769  
3727.01 of the Revised Code. 1770

~~(4)~~ (5) "Nonprofit clinic" means a charitable nonprofit 1771  
corporation organized and operated pursuant to Chapter 1702. of 1772  
the Revised Code, or any charitable organization not organized 1773  
and not operated for profit, that provides health care services 1774  
to indigent and uninsured persons, as defined in section 1775  
2305.234 of the Revised Code, or to underinsured persons, as 1776  
defined in rules adopted under section 3715.873 of the Revised 1777  
Code. "Nonprofit clinic" does not include a hospital as defined 1778  
in section 3727.01 of the Revised Code, a facility licensed 1779  
under Chapter 3721. of the Revised Code, or a facility that is 1780  
operated for profit. 1781

~~(5)~~ (6) "Prescription drug" means any drug to which the 1782

following applies: 1783

(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1784  
1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required 1785  
to bear a label containing the legend, "Caution: Federal law 1786  
prohibits dispensing without prescription" or "Caution: Federal 1787  
law restricts this drug to use by or on the order of a licensed 1788  
veterinarian" or any similar restrictive statement, or the drug 1789  
may be dispensed only upon a prescription. 1790

(b) Under Chapter 3715. or 3719. of the Revised Code, the 1791  
drug may be dispensed only upon a prescription. 1792

(B) The state board of pharmacy shall establish a drug 1793  
repository program to accept ~~and dispense~~ prescription drugs 1794  
donated or given for the purpose of being ~~dispensed~~ distributed 1795  
to individuals who are residents of this state and meet 1796  
eligibility standards established in rules adopted ~~by the board~~ 1797  
under section 3715.873 of the Revised Code. ~~Except~~ 1798

~~(C) as provided in division (C) of this section, all~~ All 1799  
of the following conditions shall apply to the drugs that are 1800  
accepted and distributed under the program: 1801

(1) ~~Only~~ Except as provided in division (D) of this 1802  
section: 1803

(a) Only drugs in their original sealed and tamper-evident 1804  
unit dose packaging may be accepted and ~~dispensed,~~ distributed. 1805

~~(2)~~ (b) The packaging must be unopened, except that drugs 1806  
packaged in single unit doses may be accepted and ~~dispensed~~ 1807  
distributed when the outside packaging is opened if the single 1808  
unit dose packaging is undisturbed. 1809

~~(3)~~ (2) A drug shall not be accepted or ~~dispensed~~ 1810

distributed if there either of the following is the case: 1811

(a) There is reason to believe that ~~it~~ the drug is 1812  
adulterated, as described in section 3715.63 of the Revised 1813  
Code. 1814

(b) The drug, as determined in accordance with rules 1815  
adopted under section 3715.873 of the Revised Code, is a drug 1816  
for which the United States food and drug administration 1817  
requires, as a risk evaluation and mitigation strategy, that the 1818  
patient be registered with the drug's manufacturer. 1819

~~(C)~~ (D) Drugs that are not in their original sealed and 1820  
tamper-evident unit dose packaging may be accepted and 1821  
distributed under the program, subject to rules adopted under 1822  
section 3715.873 of the Revised Code, if the drugs are included 1823  
in either of the following categories and are not controlled 1824  
substances: 1825

(1) Orally administered cancer drugs ~~that are not~~ 1826  
~~controlled substances and that do not require refrigeration,~~ 1827  
~~freezing, or storage at a special temperature may be accepted~~ 1828  
~~and dispensed even if not in original sealed and tamper-evident~~ 1829  
~~unit dose packaging, subject to rules adopted by the board~~ 1830  
~~pursuant to section 3715.873 of the Revised Code;~~ 1831

(2) Drugs that are accepted and distributed under the 1832  
program by a charitable pharmacy, hospital, or nonprofit clinic, 1833  
including any such drugs that are orally administered cancer 1834  
drugs or that may require storage at a special temperature. 1835

~~(D)~~ (E) Subject to the limitations specified in divisions 1836  
(B) and ~~(C)~~ to (D) of this section, unused drugs ~~dispensed for~~ 1837  
~~purposes of~~ for which the cost was covered by the medicaid 1838  
program may be accepted and ~~dispensed~~ distributed under the drug 1839



repository program. 1840

**Sec. 3715.871.** (A) Any ~~person, including a~~ pharmacy, drug 1841  
manufacturer, ~~or~~ health care facility, or ~~any other person or~~ 1842  
government entity may donate or give prescription drugs to the 1843  
drug repository program. Any person or government entity may 1844  
facilitate the donation or gift of drugs to the program. ~~The~~ 1845  
~~drugs must~~ Drugs may be donated or given only at a pharmacy, 1846  
hospital, or nonprofit clinic participating in the program. 1847

(B) Any pharmacy, hospital, or nonprofit clinic that 1848  
elects may elect to participate in the drug repository program 1849  
and if it meets eligibility criteria for participation in the 1850  
program, as established in rules adopted by the state board of 1851  
pharmacy under section 3715.873 of the Revised Code. 1852  
Participation in the program by pharmacies, hospitals, and 1853  
nonprofit clinics is voluntary. Nothing in this or any other 1854  
section of the Revised Code requires a pharmacy, hospital, or 1855  
nonprofit clinic to participate in the program. 1856

~~(B)-(C)~~ A pharmacy, hospital, or nonprofit clinic eligible 1857  
to participate participating in the program shall dispense 1858  
distribute the drugs donated or given under this section it 1859  
accepts under the program to individuals who are residents of 1860  
this state and meet the eligibility standards established in 1861  
rules adopted ~~by the board~~ under section 3715.873 of the Revised 1862  
Code ~~or~~ by using either of the following methods of 1863  
distribution: 1864

(1) Distributing the drugs to eligible individuals at the 1865  
pharmacy, hospital, or nonprofit clinic; 1866

(2) Distributing the drugs to other government entities 1867  
and nonprofit private entities, which then shall distribute the 1868

~~drugs to be dispensed to eligible individuals who meet the~~ 1869  
~~eligibility standards. A-~~ 1870

Regardless of which method of distribution is used, a drug 1871  
may be dispensed distributed to an eligible individual only by 1872  
being dispensed by a pharmacist pursuant to a prescription 1873  
issued by a licensed health professional authorized to prescribe 1874  
drugs, as defined in section 4729.01 of the Revised Code or by 1875  
being personally furnished by such a prescriber. A- 1876

(D) A pharmacy, hospital, or nonprofit clinic that accepts- 1877  
donated or given drugs participating in the program shall comply 1878  
with all applicable federal laws and laws of this state dealing 1879  
with storage and distribution of dangerous drugs and shall, in 1880  
accordance with rules adopted pursuant to under section 3715.873 1881  
of the Revised Code, inspect all drugs prior to dispensing- 1882  
distributing them to determine that they are not or appear not 1883  
to be adulterated. The- 1884

(E) A pharmacy, hospital, or nonprofit clinic 1885  
participating in the program may charge individuals receiving 1886  
donated or given drugs a nominal handling fee established in 1887  
accordance with rules adopted by the board under section 1888  
3715.873 of the Revised Code. Drugs-Except for occasional sales 1889  
at wholesale by charitable pharmacies, hospitals, and nonprofit 1890  
clinics, as authorized in rules adopted under section 3715.873 1891  
of the Revised Code, drugs that are donated or given to the 1892  
repository program may not be resold. 1893

**Sec. 3715.872.** (A) As used in this section, "health care 1894  
professional" means any of the following who provide medical, 1895  
dental, or other health-related diagnosis, care, or treatment: 1896

(1) Individuals authorized under Chapter 4731. of the 1897

Revised Code to practice medicine and surgery, osteopathic	1898
medicine and surgery, or podiatric medicine and surgery;	1899
(2) Registered nurses and licensed practical nurses	1900
licensed under Chapter 4723. of the Revised Code;	1901
(3) Physician assistants <del>authorized to practice</del> <u>licensed</u>	1902
under Chapter 4730. of the Revised Code;	1903
(4) Dentists and dental hygienists licensed under Chapter	1904
4715. of the Revised Code;	1905
(5) Optometrists licensed under Chapter 4725. of the	1906
Revised Code;	1907
(6) Pharmacists licensed under Chapter 4729. of the	1908
Revised Code.	1909
(B) For matters related to <del>donating, giving, accepting, or</del>	1910
<del>dispensing drugs</del> <u>activities conducted</u> under the drug repository	1911
program, all of the following apply:	1912
(1) <del>Any person, including a</del> <u>A pharmacy, drug manufacturer,</u>	1913
<del>or</del> health care facility, or <u>any other person or</u> government	1914
entity that donates or gives drugs to the <del>drug repository</del>	1915
<u>program, and any person or government entity that facilitates</u>	1916
<u>the donation or gift,</u> shall not be subject to liability in tort	1917
or other civil action for injury, death, or loss to person or	1918
property.	1919
(2) A pharmacy, hospital, or nonprofit clinic that accepts	1920
or <del>dispenses</del> <u>distributes</u> drugs under the program shall not be	1921
subject to liability in tort or other civil action for injury,	1922
death, or loss to person or property, unless an action or	1923
omission of the pharmacy, hospital, or nonprofit clinic	1924
constitutes willful and wanton misconduct.	1925

(3) A health care professional who accepts~~or,~~ dispenses,  
or personally furnishes drugs under the program on behalf of a  
pharmacy, hospital, or nonprofit clinic participating in the  
program, and the pharmacy, hospital, or nonprofit clinic that  
employs or otherwise uses the services of the health care  
professional, shall not be subject to liability in tort or other  
civil action for injury, death, or loss to person or property,  
unless an action or omission of the health care professional,  
pharmacy, hospital, or nonprofit clinic constitutes willful and  
wanton misconduct.

(4) The state board of pharmacy ~~and the director of health~~  
shall not be subject to liability in tort or other civil action  
for injury, death, or loss to person or property, unless an  
action or omission of the board ~~or director~~ constitutes willful  
and wanton misconduct.

~~(C)~~ (5) In addition to the civil immunity granted under  
division (B)(1) of this section, ~~any person, including a~~  
pharmacy, drug manufacturer, ~~or health care facility, and any or~~  
other person or government entity that donates or gives drugs to  
the program, and any person or government entity that  
facilitates the donation or gift, shall not be subject to  
criminal prosecution for ~~the donation, giving, acceptance, or~~  
~~dispensing of drugs matters related to activities that it~~  
conducts or another party conducts under the program, unless an  
action or omission of the ~~person or government entity party that~~  
donates, gives, or facilitates the donation or gift of the drugs  
does not comply with the provisions of this chapter or the rules  
adopted under it.

~~(D)~~ (6) In the case of a drug manufacturer, the immunities  
from civil liability and criminal prosecution granted to another

~~party~~ under divisions (B) (1) and ~~(C) (5)~~ of this section ~~apply~~ 1956  
~~with respect to extend to the manufacturer when any drug~~ 1957  
~~manufactured by the drug manufacturer that it manufactures is~~ 1958  
~~donated or given by any person or government entity the subject~~ 1959  
~~of an activity conducted under the program, including. This~~ 1960  
~~extension of immunities includes, but is not limited to,~~ 1961  
~~immunity from liability or prosecution for failure to transfer~~ 1962  
~~or communicate product or consumer information or the expiration~~ 1963  
~~date of the a drug that is donated or given.~~ 1964

**Sec. 3715.873.** ~~In consultation with the director of~~ 1965  
~~health, the~~ The state board of pharmacy shall adopt rules 1966  
governing the drug repository program that establish all of the 1967  
following: 1968

(A) Eligibility criteria for pharmacies, hospitals, and 1969  
nonprofit clinics to ~~receive and dispense drugs donated or given~~ 1970  
~~under participate in the program, including, in the case of~~ 1971  
~~nonprofit clinics, a definition of "underinsured person";~~ 1972

(B) Standards and procedures for accepting, safely 1973  
storing, and ~~dispensing distributing~~ drugs donated or given; 1974

(C) ~~With respect to drugs that are donated or given, other~~ 1975  
~~than orally administered cancer drugs described in division (C)~~ 1976  
~~of section 3715.87 of the Revised Code that are not in original~~ 1977  
~~sealed and tamper-evident unit dose packaging, standards~~ 1978  
Standards and procedures for inspecting the drugs described in 1979  
division (C) (1) of section 3715.87 of the Revised Code to 1980  
determine that the original unit dose packaging is sealed and 1981  
tamper-evident and that the drugs are unadulterated, safe, and 1982  
suitable for ~~dispensing distribution;~~ 1983

(D) With respect to ~~orally administered cancer drugs~~ 1984

described in division ~~(C)~~ (D) of section 3715.87 of the Revised Code ~~that are not in original sealed and tamper-evident unit-dose packaging,~~ standards and procedures to determine based on a basic visual inspection that the drugs appear to be unadulterated, safe, and suitable for ~~dispensing~~ distribution;

(E) Eligibility standards based on economic need for individuals to receive drugs under the program;

(F) A means, such as an identification card, by which an individual who is eligible to receive drugs under the program may demonstrate eligibility to ~~the~~ a pharmacy, hospital, or nonprofit clinic ~~dispensing the drugs~~ participating in the program;

(G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;

(H) A form that each individual who is donating or giving drugs to the program, or who represents the person or government entity that is donating or giving drugs to the program, must sign stating that the individual or the person or government entity being represented is the owner of the drugs and intends to voluntarily donate or give them to the program;

(I) A formula to determine the amount of a nominal handling fee that pharmacies, hospitals, and nonprofit clinics participating in the program may charge to drug recipients to cover restocking and ~~dispensing~~ distribution costs;

~~(I) In addition, for drugs donated or given to the program by individuals:~~

~~(1) (J) A list of drugs, arranged either by category or by individual drug, that the program will accept from individuals.~~

~~The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.~~ 2014  
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~~(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from individuals. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include or drug types, if applicable, that are ineligible to be donated or given under the program, including those described in division (C) (2) (b) of section 3715.87 of the Revised Code, and a statement as to why the ~~drug is~~ listed drugs or drug types are ineligible to be donated or given.~~ 2017  
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~~(3) A form each donor must sign stating that the donor is the owner of the drugs and intends to voluntarily donate them to the program.~~ 2027  
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~~(J) In addition, for drugs donated to the program by health care facilities:~~ 2030  
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~~(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from health care facilities. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.~~ 2032  
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~~(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from health care facilities. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.;~~ 2037  
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(K) The standards by which a charitable pharmacy, hospital, or nonprofit clinic participating in the program may make occasional sales at wholesale, pursuant to section 4729.51 of the Revised Code, of drugs that have been donated or given to the program; 2043  
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(L) Any other standards and procedures the board considers appropriate. 2048  
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The rules shall be adopted in accordance with Chapter 119. 2050  
of the Revised Code. 2051

**Sec. 3719.061.** (A) (1) As used in this section: 2052

(a) "Another adult authorized to consent to the minor's medical treatment" means an adult to whom a minor's parent or guardian has given written authorization to consent to the minor's medical treatment. 2053  
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(b) "Emergency facility" means a hospital emergency department or any other facility that provides emergency care. 2057  
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(c) "Medical emergency" means a situation that in a prescriber's good faith medical judgment creates an immediate threat of serious risk to the life or physical health of a minor. 2059  
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(d) "Minor" means an individual under eighteen years of age who is not emancipated. 2063  
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(2) For purposes of this section, an individual under eighteen years of age is emancipated only if the individual has married, has entered the armed services of the United States, has become employed and self-sustaining, or otherwise has become independent from the care and control of the individual's parent, guardian, or custodian. 2065  
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(B) Except as provided in division (C) of this section, 2071  
before issuing for a minor the first prescription in a single 2072  
course of treatment for an opioid analgesic, regardless of 2073  
whether the dosage is modified during that course of treatment, 2074  
a prescriber shall do all of the following: 2075

(1) As part of the prescriber's examination of the minor, 2076  
assess whether the minor has ever suffered, or is currently 2077  
suffering, from mental health or substance abuse disorders and 2078  
whether the minor has taken or is currently taking prescription 2079  
drugs for treatment of those disorders; 2080

(2) Discuss with the minor and the minor's parent, 2081  
guardian, or another adult authorized to consent to the minor's 2082  
medical treatment all of the following: 2083

(a) The risks of addiction and overdose associated with 2084  
opioid analgesics; 2085

(b) The increased risk of addiction to controlled 2086  
substances of individuals suffering from both mental health and 2087  
substance abuse disorders; 2088

(c) The dangers of taking opioid analgesics with 2089  
benzodiazepines, alcohol, or other central nervous system 2090  
depressants; 2091

(d) Any other information in the patient counseling 2092  
information section of the labeling for the opioid analgesic 2093  
required under 21 C.F.R. 201.57(c) (18). 2094

(3) Obtain written consent for the prescription from the 2095  
minor's parent, guardian, or, subject to division (E) of this 2096  
section, another adult authorized to consent to the minor's 2097  
medical treatment. 2098

The prescriber shall record the consent on a form, which 2099  
shall be known as the "Start Talking!" consent form. The form 2100  
shall be separate from any other document the prescriber uses to 2101  
obtain informed consent for other treatment provided to the 2102  
minor. The form shall contain all of the following: 2103

(a) The name and quantity of the opioid analgesic being 2104  
prescribed and the amount of the initial dose; 2105

(b) A statement indicating that a controlled substance is 2106  
a drug or other substance that the United States drug 2107  
enforcement administration has identified as having a potential 2108  
for abuse; 2109

(c) A statement certifying that the prescriber discussed 2110  
with the minor and the minor's parent, guardian, or another 2111  
adult authorized to consent to the minor's medical treatment the 2112  
matters described in division (B) (2) of this section; 2113

(d) The number of refills, if any, authorized by the 2114  
prescription; 2115

(e) The signature of the minor's parent, guardian, or 2116  
another adult authorized to consent to the minor's medical 2117  
treatment and the date of signing. 2118

(C) (1) The requirements of division (B) of this section do 2119  
not apply if the minor's treatment with an opioid analgesic 2120  
meets any of the following criteria: 2121

(a) The treatment is associated with or incident to a 2122  
medical emergency. 2123

(b) The treatment is associated with or incident to 2124  
surgery, regardless of whether the surgery is performed on an 2125  
inpatient or outpatient basis. 2126

(c) In the prescriber's professional judgment, fulfilling 2127  
the requirements of division (B) of this section with respect to 2128  
the minor's treatment would be a detriment to the minor's health 2129  
or safety. 2130

(d) Except as provided in division (D) of this section, 2131  
the treatment is rendered in a hospital, emergency facility, 2132  
ambulatory surgical facility, nursing home, pediatric respite 2133  
care program, pediatric transition care program, residential 2134  
care facility, freestanding rehabilitation facility, or similar 2135  
institutional facility. 2136

(2) The requirements of division (B) of this section do 2137  
not apply to a prescription for an opioid analgesic that a 2138  
prescriber issues to a minor at the time of discharge from a 2139  
facility or other location described in division (C) (1) (d) of 2140  
this section. 2141

(D) The exemption in division (C) (1) (d) of this section 2142  
does not apply to treatment rendered in a prescriber's office 2143  
that is located on the premises of or adjacent to a facility or 2144  
other location described in that division. 2145

(E) If the individual who signs the consent form required 2146  
by division (B) (3) of this section is another adult authorized 2147  
to consent to the minor's medical treatment, the prescriber 2148  
shall prescribe not more than a single, seventy-two-hour supply 2149  
and indicate on the prescription the quantity that is to be 2150  
dispensed pursuant to the prescription. 2151

(F) A signed "Start Talking!" consent form obtained under 2152  
this section shall be maintained in the minor's medical record. 2153

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 2154  
and 3721.99 of the Revised Code: 2155

(1) (a) "Home" means an institution, residence, or facility 2156  
that provides, for a period of more than twenty-four hours, 2157  
whether for a consideration or not, accommodations to three or 2158  
more unrelated individuals who are dependent upon the services 2159  
of others, including a nursing home, residential care facility, 2160  
home for the aging, and a veterans' home operated under Chapter 2161  
5907. of the Revised Code. 2162

(b) "Home" also means both of the following: 2163

(i) Any facility that a person, as defined in section 2164  
3702.51 of the Revised Code, proposes for certification as a 2165  
skilled nursing facility or nursing facility under Title XVIII 2166  
or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 2167  
U.S.C.A. 301, as amended, and for which a certificate of need, 2168  
other than a certificate to recategorize hospital beds as 2169  
described in section 3702.521 of the Revised Code or division 2170  
(R) (7) (d) of the version of section 3702.51 of the Revised Code 2171  
in effect immediately prior to April 20, 1995, has been granted 2172  
to the person under sections 3702.51 to 3702.62 of the Revised 2173  
Code after August 5, 1989; 2174

(ii) A county home or district home that is or has been 2175  
licensed as a residential care facility. 2176

(c) "Home" does not mean any of the following: 2177

(i) Except as provided in division (A) (1) (b) of this 2178  
section, a public hospital or hospital as defined in section 2179  
3701.01 or 5122.01 of the Revised Code; 2180

(ii) A residential facility as defined in section 5119.34 2181  
of the Revised Code; 2182

(iii) A residential facility as defined in section 5123.19 2183  
of the Revised Code; 2184

(iv) A community addiction services provider as defined in section 5119.01 of the Revised Code;	2185 2186
(v) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;	2187 2188
(vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	2189 2190 2191
(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	2192 2193 2194
(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for <u>the care of pediatric respite care patients or a location operated by a pediatric transition care program registered under section 3712.042 of the Revised Code that is used exclusively for the care of pediatric transition care patients;</u>	2195 2196 2197 2198 2199 2200 2201
(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program or the medicaid program if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	2202 2203 2204 2205 2206 2207 2208 2209
(x) A county home or district home that has never been licensed as a residential care facility.	2210 2211
(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or	2212 2213

operator as a parent, grandparent, child, grandchild, brother, 2214  
sister, niece, nephew, aunt, uncle, or as the child of an aunt 2215  
or uncle. 2216

(3) "Mental impairment" does not mean mental illness, as 2217  
defined in section 5122.01 of the Revised Code, or developmental 2218  
disability, as defined in section 5123.01 of the Revised Code. 2219

(4) "Skilled nursing care" means procedures that require 2220  
technical skills and knowledge beyond those the untrained person 2221  
possesses and that are commonly employed in providing for the 2222  
physical, mental, and emotional needs of the ill or otherwise 2223  
incapacitated. "Skilled nursing care" includes, but is not 2224  
limited to, the following: 2225

(a) Irrigations, catheterizations, application of 2226  
dressings, and supervision of special diets; 2227

(b) Objective observation of changes in the patient's 2228  
condition as a means of analyzing and determining the nursing 2229  
care required and the need for further medical diagnosis and 2230  
treatment; 2231

(c) Special procedures contributing to rehabilitation; 2232

(d) Administration of medication by any method ordered by 2233  
a physician, such as hypodermically, rectally, or orally, 2234  
including observation of the patient after receipt of the 2235  
medication; 2236

(e) Carrying out other treatments prescribed by the 2237  
physician that involve a similar level of complexity and skill 2238  
in administration. 2239

(5) (a) "Personal care services" means services including, 2240  
but not limited to, the following: 2241

(i) Assisting residents with activities of daily living;	2242
(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;	2243 2244 2245
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.	2246 2247 2248 2249
(b) "Personal care services" does not include "skilled nursing care" as defined in division (A) (4) of this section. A facility need not provide more than one of the services listed in division (A) (5) (a) of this section to be considered to be providing personal care services.	2250 2251 2252 2253 2254
(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.	2255 2256 2257 2258 2259 2260
(7) "Residential care facility" means a home that provides either of the following:	2261 2262
(a) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;	2263 2264 2265 2266
(b) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and,	2267 2268 2269 2270

to at least one of those individuals, any of the skilled nursing 2271  
care authorized by section 3721.011 of the Revised Code. 2272

(8) "Home for the aging" means a home that provides 2273  
services as a residential care facility and a nursing home, 2274  
except that the home provides its services only to individuals 2275  
who are dependent on the services of others by reason of both 2276  
age and physical or mental impairment. 2277

The part or unit of a home for the aging that provides 2278  
services only as a residential care facility is licensed as a 2279  
residential care facility. The part or unit that may provide 2280  
skilled nursing care beyond the extent authorized by section 2281  
3721.011 of the Revised Code is licensed as a nursing home. 2282

(9) "County home" and "district home" mean a county home 2283  
or district home operated under Chapter 5155. of the Revised 2284  
Code. 2285

(B) The director of health may further classify homes. For 2286  
the purposes of this chapter, any residence, institution, hotel, 2287  
congregate housing project, or similar facility that meets the 2288  
definition of a home under this section is such a home 2289  
regardless of how the facility holds itself out to the public. 2290

(C) For purposes of this chapter, personal care services 2291  
or skilled nursing care shall be considered to be provided by a 2292  
facility if they are provided by a person employed by or 2293  
associated with the facility or by another person pursuant to an 2294  
agreement to which neither the resident who receives the 2295  
services nor the resident's sponsor is a party. 2296

(D) Nothing in division (A) (4) of this section shall be 2297  
construed to permit skilled nursing care to be imposed on an 2298  
individual who does not require skilled nursing care. 2299



Nothing in division (A) (5) of this section shall be 2300  
construed to permit personal care services to be imposed on an 2301  
individual who is capable of performing the activity in question 2302  
without assistance. 2303

(E) Division (A) (1) (c) (ix) of this section does not 2304  
prohibit a facility, infirmary, or other entity described in 2305  
that division from seeking licensure under sections 3721.01 to 2306  
3721.09 of the Revised Code or certification under Title XVIII 2307  
or XIX of the "Social Security Act." However, such a facility, 2308  
infirmary, or entity that applies for licensure or certification 2309  
must meet the requirements of those sections or titles and the 2310  
rules adopted under them and obtain a certificate of need from 2311  
the director of health under section 3702.52 of the Revised 2312  
Code. 2313

(F) Nothing in this chapter, or rules adopted pursuant to 2314  
it, shall be construed as authorizing the supervision, 2315  
regulation, or control of the spiritual care or treatment of 2316  
residents or patients in any home who rely upon treatment by 2317  
prayer or spiritual means in accordance with the creed or tenets 2318  
of any recognized church or religious denomination. 2319

**Sec. 3722.02.** (A) It is the intent of the ~~General Assembly~~ 2320  
general assembly in enacting Chapter 3722. of the Revised Code 2321  
to require each hospital operating in this state to be licensed 2322  
by the director of health. Beginning on ~~the date that is three~~ 2323  
~~years after the effective date of this section~~ September 30, 2324  
2024, any reference to a hospital contained in the Revised Code 2325  
in a chapter other than Chapter 3722. of the Revised Code shall 2326  
be construed to mean a hospital licensed under Chapter 3722. of 2327  
the Revised Code. 2328

(B) Beginning on ~~the date that is three years after the~~ 2329

~~effective date of this section September 30, 2024, no person and~~ 2330  
no political subdivision, agency, or instrumentality of this 2331  
state shall operate a hospital without holding a license issued 2332  
by the director of health under section 3722.03 of the Revised 2333  
Code. 2334

(C) Division (A) of this section does not apply to any of 2335  
the following: 2336

(1) A hospital operated by the federal government; 2337

(2) An ambulatory surgical facility or other health care 2338  
facility licensed as described in section 3702.30 of the Revised 2339  
Code; 2340

(3) A nursing home or residential care facility licensed 2341  
under Chapter 3721. of the Revised Code; 2342

(4) A hospital or inpatient unit licensed under section 2343  
5119.33 of the Revised Code; 2344

(5) A residential facility as defined in section 5119.34 2345  
of the Revised Code; 2346

(6) A residential facility as defined in section 5123.19 2347  
of the Revised Code; 2348

(7) A community addiction services provider as defined in 2349  
section 5119.01 of the Revised Code; 2350

(8) A facility providing services under a contract with 2351  
the department of developmental disabilities under section 2352  
5123.18 of the Revised Code; 2353

(9) A facility operated by a hospice care program licensed 2354  
under section 3712.04 of the Revised Code and that is used 2355  
exclusively for the care of hospice patients; 2356

(10) A facility operated by a pediatric respite care 2357  
program licensed under section 3712.041 of the Revised Code and 2358  
that is used exclusively for the care of pediatric respite care 2359  
patients or a location operated by a pediatric transition care 2360  
program registered under section 3712.042 of the Revised Code 2361  
that is used exclusively for the care of pediatric transition 2362  
care patients; 2363

(11) The site where a health care practice is operated, 2364  
regardless of whether the practice is organized as an individual 2365  
or group practice; 2366

(12) A clinic providing ambulatory patient services where 2367  
patients are not regularly admitted as inpatients; 2368

(13) An institution for the sick that is operated 2369  
exclusively for patients who use spiritual means for healing and 2370  
for whom the acceptance of medical care is inconsistent with 2371  
their religious beliefs, accredited by a national accrediting 2372  
organization, exempt from federal income taxation under section 2373  
501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and 2374  
providing twenty-four-hour nursing care pursuant to the 2375  
exemption from the licensing requirements of Chapter 4723. of 2376  
the Revised Code described in division (E) of section 4723.32 of 2377  
the Revised Code. 2378

(D) (1) If the director of health determines that a 2379  
hospital is operating without a license in violation of this 2380  
section, the director shall do any of the following: 2381

(a) Notify the hospital that it is operating without a 2382  
license and provide it with an opportunity to apply for 2383  
licensure, but only within the thirty-day period beginning on 2384  
the date the hospital received the director's notice; 2385

(b) Direct the hospital to cease operations;	2386
(c) Impose a civil penalty of not more than two hundred fifty thousand dollars;	2387 2388
(d) In addition to the penalty described in division (D) (1) (c) of this section, impose a penalty of not less than one thousand dollars and not more than ten thousand dollars for each day the hospital operates without a license.	2389 2390 2391 2392
(2) If the hospital described in division (D) (1) of this section continues to operate without a license, the director may petition the court of common pleas of the county in which the hospital is located for an order enjoining the hospital from operating.	2393 2394 2395 2396 2397
<b>Sec. 3740.01.</b> As used in this chapter:	2398
(A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.	2399 2400
(B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.	2401 2402
(C) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	2403 2404
(D) "Direct care" means any of the following:	2405
(1) Any service identified in divisions (G) (1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;	2406 2407 2408
(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;	2409 2410 2411 2412

(3) For each home health agency individually, any other 2413  
routine service or activity that the chief administrator of the 2414  
home health agency designates as direct care. 2415

(E) "Disqualifying offense" means any of the offenses 2416  
listed or described in divisions (A) (3) (a) to (e) of section 2417  
109.572 of the Revised Code. 2418

(F) "Employee" means a person employed by a home health 2419  
agency in a full-time, part-time, or temporary position that 2420  
involves providing direct care to an individual and a person who 2421  
works in such a position due to being referred to a home health 2422  
agency by an employment service. 2423

(G) "Home health agency" means a person or government 2424  
entity, other than a nursing home, residential care facility, 2425  
hospice care program, pediatric respite care program, pediatric 2426  
transition care program, informal respite care provider, 2427  
provider certified by the department of developmental 2428  
disabilities under Chapter 5123. of the Revised Code, 2429  
residential facility, shared living provider, or immediate 2430  
family member, that has the primary function of providing any of 2431  
the following services to a patient at a place of residence used 2432  
as the patient's home: 2433

(1) Skilled nursing care; 2434

(2) Physical therapy; 2435

(3) Occupational therapy; 2436

(4) Speech-language pathology; 2437

(5) Medical social services; 2438

(6) Home health aide services. 2439

(H) "Home health aide services" means any of the following	2440
services provided by an employee of a home health agency:	2441
(1) Hands-on bathing or assistance with a tub bath or	2442
shower;	2443
(2) Assistance with dressing, ambulation, and toileting;	2444
(3) Catheter care but not insertion;	2445
(4) Meal preparation and feeding.	2446
(I) "Hospice care program," <del>and</del> "pediatric respite care	2447
program," <u>and "pediatric transition care program"</u> have the same	2448
meanings as in section 3712.01 of the Revised Code.	2449
(J) "Immediate family member" means a parent, stepparent,	2450
grandparent, legal guardian, grandchild, brother, sister,	2451
stepsibling, spouse, son, daughter, stepchild, aunt, uncle,	2452
mother-in-law, father-in-law, brother-in-law, sister-in-law,	2453
son-in-law, and daughter-in-law.	2454
(K) "Medical social services" means services provided by a	2455
social worker under the direction of a patient's attending	2456
physician.	2457
(L) "Minor drug possession offense" has the same meaning	2458
as in section 2925.01 of the Revised Code.	2459
(M) "Nonagency provider" means a person who provides	2460
direct care to an individual on a self-employed basis and does	2461
not employ, directly or through contract, another person to	2462
provide the services. "Nonagency provider" does not include any	2463
of the following:	2464
(1) A caregiver who is an immediate family member of the	2465
individual receiving direct care;	2466

(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;	2467 2468 2469
(3) A volunteer;	2470
(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;	2471 2472 2473
(5) A person who provides privately funded child care;	2474
(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.	2475 2476 2477
(N) "Nonmedical home health services" means any of the following:	2478 2479
(1) Any service identified in divisions (H)(1) to (4) of this section;	2480 2481
(2) Personal care services;	2482
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.	2483 2484 2485
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	2486 2487 2488
(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	2489 2490
(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:	2491 2492
(1) Hands-on assistance with activities of daily living	2493

and instrumental activities of daily living, when incidental to	2494
assistance with activities of daily living;	2495
(2) Assistance managing the individual's home and handling	2496
personal affairs;	2497
(3) Assistance with self-administration of medications;	2498
(4) Homemaker services when incidental to any of the	2499
services identified in divisions (Q) (1) to (3) of this section	2500
or when essential to the health and welfare of the individual	2501
specifically, not the individual's family;	2502
(5) Respite services for the individual's caregiver;	2503
(6) Errands completed outside of the presence of the	2504
individual if needed to maintain the individual's health and	2505
safety, including picking up prescriptions and groceries.	2506
(R) "Physical therapy" has the same meaning as in section	2507
4755.40 of the Revised Code.	2508
(S) "Residential facility" has the same meaning as in	2509
section 5123.19 of the Revised Code.	2510
(T) "Skilled home health services" means any of the	2511
following:	2512
(1) Any service identified in divisions (G) (1) to (5) of	2513
this section;	2514
(2) Any other service the director of health designates as	2515
a skilled home health service in rules adopted under section	2516
3740.10 of the Revised Code.	2517
(U) "Social worker" means a person licensed under Chapter	2518
4757. of the Revised Code to practice as a social worker or	2519
independent social worker.	2520



(V) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	2521 2522
(W) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	2523 2524
<b>Sec. 4729.01.</b> As used in this chapter:	2525
(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.	2526 2527 2528 2529
(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:	2530 2531 2532 2533 2534
(1) Interpreting prescriptions;	2535
(2) Dispensing drugs and drug therapy related devices;	2536
(3) Compounding drugs;	2537
(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;	2538 2539 2540 2541 2542
(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;	2543 2544 2545
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the	2546 2547

pharmacist determines that an individual with a prescription has 2548  
a drug regimen that warrants additional discussion with the 2549  
prescriber; 2550

(7) Advising an individual and the health care 2551  
professionals treating an individual with regard to the 2552  
individual's drug therapy; 2553

(8) Acting pursuant to a consult agreement, if an 2554  
agreement has been established; 2555

(9) Engaging in the administration of immunizations to the 2556  
extent authorized by section 4729.41 of the Revised Code; 2557

(10) Engaging in the administration of drugs to the extent 2558  
authorized by section 4729.45 of the Revised Code. 2559

(C) "Compounding" means the preparation, mixing, 2560  
assembling, packaging, and labeling of one or more drugs in any 2561  
of the following circumstances: 2562

(1) Pursuant to a prescription issued by a licensed health 2563  
professional authorized to prescribe drugs; 2564

(2) Pursuant to the modification of a prescription made in 2565  
accordance with a consult agreement; 2566

(3) As an incident to research, teaching activities, or 2567  
chemical analysis; 2568

(4) In anticipation of orders for drugs pursuant to 2569  
prescriptions, based on routine, regularly observed dispensing 2570  
patterns; 2571

(5) Pursuant to a request made by a licensed health 2572  
professional authorized to prescribe drugs for a drug that is to 2573  
be used by the professional for the purpose of direct 2574

administration to patients in the course of the professional's 2575  
practice, if all of the following apply: 2576

(a) At the time the request is made, the drug is not 2577  
commercially available regardless of the reason that the drug is 2578  
not available, including the absence of a manufacturer for the 2579  
drug or the lack of a readily available supply of the drug from 2580  
a manufacturer. 2581

(b) A limited quantity of the drug is compounded and 2582  
provided to the professional. 2583

(c) The drug is compounded and provided to the 2584  
professional as an occasional exception to the normal practice 2585  
of dispensing drugs pursuant to patient-specific prescriptions. 2586

(D) "Consult agreement" means an agreement that has been 2587  
entered into under section 4729.39 of the Revised Code. 2588

(E) "Drug" means: 2589

(1) Any article recognized in the United States 2590  
pharmacopoeia and national formulary, or any supplement to them, 2591  
intended for use in the diagnosis, cure, mitigation, treatment, 2592  
or prevention of disease in humans or animals; 2593

(2) Any other article intended for use in the diagnosis, 2594  
cure, mitigation, treatment, or prevention of disease in humans 2595  
or animals; 2596

(3) Any article, other than food, intended to affect the 2597  
structure or any function of the body of humans or animals; 2598

(4) Any article intended for use as a component of any 2599  
article specified in division (E) (1), (2), or (3) of this 2600  
section; but does not include devices or their components, 2601  
parts, or accessories. 2602

"Drug" does not include "hemp" or a "hemp product" as	2603
those terms are defined in section 928.01 of the Revised Code.	2604
(F) "Dangerous drug" means any of the following:	2605
(1) Any drug to which either of the following applies:	2606
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	2607
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	2608
required to bear a label containing the legend "Caution: Federal	2609
law prohibits dispensing without prescription" or "Caution:	2610
Federal law restricts this drug to use by or on the order of a	2611
licensed veterinarian" or any similar restrictive statement, or	2612
the drug may be dispensed only upon a prescription;	2613
(b) Under Chapter 3715. or 3719. of the Revised Code, the	2614
drug may be dispensed only upon a prescription.	2615
(2) Any drug that contains a schedule V controlled	2616
substance and that is exempt from Chapter 3719. of the Revised	2617
Code or to which that chapter does not apply;	2618
(3) Any drug intended for administration by injection into	2619
the human body other than through a natural orifice of the human	2620
body;	2621
(4) Any drug that is a biological product, as defined in	2622
section 3715.01 of the Revised Code.	2623
(G) "Federal drug abuse control laws" has the same meaning	2624
as in section 3719.01 of the Revised Code.	2625
(H) "Prescription" means all of the following:	2626
(1) A written, electronic, or oral order for drugs or	2627
combinations or mixtures of drugs to be used by a particular	2628
individual or for treating a particular animal, issued by a	2629

licensed health professional authorized to prescribe drugs; 2630

~~(2) For purposes of sections 2925.61, 4723.484, 4730.434, and 4731.94 of the Revised Code, a written, electronic, or oral order for an overdose reversal drug 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.~~ 2631  
2632  
2633  
2634  
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2636

~~(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for an overdose reversal drug issued to and in the name of either of the following:~~ 2637  
2638  
2639

~~(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;~~ 2640  
2641

~~(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.~~ 2642  
2643  
2644

~~(4) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user;~~ 2645  
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2647  
2648  
2649  
2650

~~(5) (3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;~~ 2651  
2652  
2653  
2654  
2655

~~(6) (4) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine~~ 2656  
2657  
2658

autoinjector issued to and in the name of a qualified entity, as 2659  
defined in section 3728.01 of the Revised Code; 2660

~~(7)~~ (5) For purposes of sections 3313.7115, 3313.7116, 2661  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 2662  
5101.78 of the Revised Code, a written, electronic, or oral 2663  
order for injectable or nasally administered glucagon in the 2664  
name of a school, school district, or camp. 2665

(I) "Licensed health professional authorized to prescribe 2666  
drugs" or "prescriber" means an individual who is authorized by 2667  
law to prescribe drugs or dangerous drugs or drug therapy 2668  
related devices in the course of the individual's professional 2669  
practice, including only the following: 2670

(1) A dentist licensed under Chapter 4715. of the Revised 2671  
Code; 2672

(2) A clinical nurse specialist, certified nurse-midwife, 2673  
or certified nurse practitioner who holds a current, valid 2674  
license issued under Chapter 4723. of the Revised Code to 2675  
practice nursing as an advanced practice registered nurse; 2676

(3) A certified registered nurse anesthetist who holds a 2677  
current, valid license issued under Chapter 4723. of the Revised 2678  
Code to practice nursing as an advanced practice registered 2679  
nurse, but only to the extent of the nurse's authority under 2680  
sections 4723.43 and 4723.434 of the Revised Code; 2681

(4) An optometrist licensed under Chapter 4725. of the 2682  
Revised Code to practice optometry under a therapeutic 2683  
pharmaceutical agents certificate; 2684

(5) A physician authorized under Chapter 4731. of the 2685  
Revised Code to practice medicine and surgery, osteopathic 2686  
medicine and surgery, or podiatric medicine and surgery; 2687

(6) A physician assistant who holds a license to practice 2688  
as a physician assistant issued under Chapter 4730. of the 2689  
Revised Code, holds a valid prescriber number issued by the 2690  
state medical board, and has been granted physician-delegated 2691  
prescriptive authority; 2692

(7) A veterinarian licensed under Chapter 4741. of the 2693  
Revised Code. 2694

(J) "Sale" or "sell" includes any transaction made by any 2695  
person, whether as principal proprietor, agent, or employee, to 2696  
do or offer to do any of the following: deliver, distribute, 2697  
broker, exchange, gift or otherwise give away, or transfer, 2698  
whether the transfer is by passage of title, physical movement, 2699  
or both. 2700

(K) "Wholesale sale" and "sale at wholesale" mean any sale 2701  
in which the purpose of the purchaser is to resell the article 2702  
purchased or received by the purchaser. 2703

(L) "Retail sale" and "sale at retail" mean any sale other 2704  
than a wholesale sale or sale at wholesale. 2705

(M) "Retail seller" means any person that sells any 2706  
dangerous drug to consumers without assuming control over and 2707  
responsibility for its administration. Mere advice or 2708  
instructions regarding administration do not constitute control 2709  
or establish responsibility. 2710

(N) "Price information" means the price charged for a 2711  
prescription for a particular drug product and, in an easily 2712  
understandable manner, all of the following: 2713

(1) The proprietary name of the drug product; 2714

(2) The established (generic) name of the drug product; 2715

(3) The strength of the drug product if the product 2716  
contains a single active ingredient or if the drug product 2717  
contains more than one active ingredient and a relevant strength 2718  
can be associated with the product without indicating each 2719  
active ingredient. The established name and quantity of each 2720  
active ingredient are required if such a relevant strength 2721  
cannot be so associated with a drug product containing more than 2722  
one ingredient. 2723

(4) The dosage form; 2724

(5) The price charged for a specific quantity of the drug 2725  
product. The stated price shall include all charges to the 2726  
consumer, including, but not limited to, the cost of the drug 2727  
product, professional fees, handling fees, if any, and a 2728  
statement identifying professional services routinely furnished 2729  
by the pharmacy. Any mailing fees and delivery fees may be 2730  
stated separately without repetition. The information shall not 2731  
be false or misleading. 2732

(O) "Wholesale distributor of dangerous drugs" or 2733  
"wholesale distributor" means a person engaged in the sale of 2734  
dangerous drugs at wholesale and includes any agent or employee 2735  
of such a person authorized by the person to engage in the sale 2736  
of dangerous drugs at wholesale. 2737

(P) "Manufacturer of dangerous drugs" or "manufacturer" 2738  
means a person, other than a pharmacist or prescriber, who 2739  
manufactures dangerous drugs and who is engaged in the sale of 2740  
those dangerous drugs. 2741

(Q) "Terminal distributor of dangerous drugs" or "terminal 2742  
distributor" means a person who is engaged in the sale of 2743  
dangerous drugs at retail, or any person, other than a 2744



manufacturer, repackager, outsourcing facility, third-party 2745  
logistics provider, wholesale distributor, or pharmacist, who 2746  
has possession, custody, or control of dangerous drugs for any 2747  
purpose other than for that person's own use and consumption. 2748  
"Terminal distributor" includes pharmacies, hospitals, nursing 2749  
homes, and laboratories and all other persons who procure 2750  
dangerous drugs for sale or other distribution by or under the 2751  
supervision of a pharmacist, licensed health professional 2752  
authorized to prescribe drugs, or other person authorized by the 2753  
state board of pharmacy. 2754

(R) "Promote to the public" means disseminating a 2755  
representation to the public in any manner or by any means, 2756  
other than by labeling, for the purpose of inducing, or that is 2757  
likely to induce, directly or indirectly, the purchase of a 2758  
dangerous drug at retail. 2759

(S) "Person" includes any individual, partnership, 2760  
association, limited liability company, or corporation, the 2761  
state, any political subdivision of the state, and any district, 2762  
department, or agency of the state or its political 2763  
subdivisions. 2764

(T) (1) "Animal shelter" means a facility operated by a 2765  
humane society or any society organized under Chapter 1717. of 2766  
the Revised Code or a dog pound operated pursuant to Chapter 2767  
955. of the Revised Code. 2768

(2) "County dog warden" means a dog warden or deputy dog 2769  
warden appointed or employed under section 955.12 of the Revised 2770  
Code. 2771

(U) "Food" has the same meaning as in section 3715.01 of 2772  
the Revised Code. 2773

(V) "Pain management clinic" has the same meaning as in 2774  
section 4731.054 of the Revised Code. 2775

(W) "Investigational drug or product" means a drug or 2776  
product that has successfully completed phase one of the United 2777  
States food and drug administration clinical trials and remains 2778  
under clinical trial, but has not been approved for general use 2779  
by the United States food and drug administration. 2780  
"Investigational drug or product" does not include controlled 2781  
substances in schedule I, as defined in section 3719.01 of the 2782  
Revised Code. 2783

(X) "Product," when used in reference to an 2784  
investigational drug or product, means a biological product, 2785  
other than a drug, that is made from a natural human, animal, or 2786  
microorganism source and is intended to treat a disease or 2787  
medical condition. 2788

(Y) "Third-party logistics provider" means a person that 2789  
provides or coordinates warehousing or other logistics services 2790  
pertaining to dangerous drugs including distribution, on behalf 2791  
of a manufacturer, wholesale distributor, or terminal 2792  
distributor of dangerous drugs, but does not take ownership of 2793  
the drugs or have responsibility to direct the sale or 2794  
disposition of the drugs. 2795

(Z) "Repackager of dangerous drugs" or "repackager" means 2796  
a person that repacks and relabels dangerous drugs for sale or 2797  
distribution. 2798

(AA) "Outsourcing facility" means a facility that is 2799  
engaged in the compounding and sale of sterile drugs and is 2800  
registered as an outsourcing facility with the United States 2801  
food and drug administration. 2802

(BB) "Laboratory" means a laboratory licensed under this 2803  
chapter as a terminal distributor of dangerous drugs and 2804  
entrusted to have custody of any of the following drugs and to 2805  
use the drugs for scientific and clinical purposes and for 2806  
purposes of instruction: dangerous drugs that are not controlled 2807  
substances, as defined in section 3719.01 of the Revised Code; 2808  
dangerous drugs that are controlled substances, as defined in 2809  
that section; and controlled substances in schedule I, as 2810  
defined in that section. 2811

(CC) "Overdose reversal drug" means both of the following: 2812

(1) Naloxone; 2813

(2) Any other drug that the state board of pharmacy, 2814  
through rules adopted in accordance with Chapter 119. of the 2815  
Revised Code, designates as a drug that is approved by the 2816  
federal food and drug administration for the reversal of a known 2817  
or suspected opioid-related overdose. 2818

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 2819  
notice and hearing in accordance with Chapter 119. of the 2820  
Revised Code, may impose any one or more of the following 2821  
sanctions on a pharmacist or pharmacy intern if the board finds 2822  
the individual engaged in any of the conduct set forth in 2823  
division (A) (2) of this section: 2824

(a) Revoke, suspend, restrict, limit, or refuse to grant 2825  
or renew a license; 2826

(b) Reprimand or place the license holder on probation; 2827

(c) Impose a monetary penalty or forfeiture not to exceed 2828  
in severity any fine designated under the Revised Code for a 2829  
similar offense, or in the case of a violation of a section of 2830  
the Revised Code that does not bear a penalty, a monetary 2831

penalty or forfeiture of not more than five hundred dollars.	2832
(2) Except as provided in division (I) of this section,	2833
the board may impose the sanctions listed in division (A) (1) of	2834
this section if the board finds a pharmacist or pharmacy intern:	2835
(a) Has been convicted of a felony, or a crime of moral	2836
turpitude, as defined in section 4776.10 of the Revised Code;	2837
(b) Engaged in dishonesty or unprofessional conduct in the	2838
practice of pharmacy;	2839
(c) Is addicted to or abusing alcohol or drugs or is	2840
impaired physically or mentally to such a degree as to render	2841
the pharmacist or pharmacy intern unfit to practice pharmacy;	2842
(d) Has been convicted of a misdemeanor related to, or	2843
committed in, the practice of pharmacy;	2844
(e) Violated, conspired to violate, attempted to violate,	2845
or aided and abetted the violation of any of the provisions of	2846
this chapter, sections 3715.52 to 3715.72 of the Revised Code,	2847
Chapter 2925. or 3719. of the Revised Code, or any rule adopted	2848
by the board under those provisions;	2849
(f) Permitted someone other than a pharmacist or pharmacy	2850
intern to practice pharmacy;	2851
(g) Knowingly lent the pharmacist's or pharmacy intern's	2852
name to an illegal practitioner of pharmacy or had a	2853
professional connection with an illegal practitioner of	2854
pharmacy;	2855
(h) Divided or agreed to divide remuneration made in the	2856
practice of pharmacy with any other individual, including, but	2857
not limited to, any licensed health professional authorized to	2858
prescribe drugs or any owner, manager, or employee of a health	2859

care facility, residential care facility, or nursing home;	2860
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	2861 2862
(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 Code;	2863 2864 2865 2866
(k) Failed to comply with an order of the board or a settlement agreement;	2867 2868
(l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.	2869 2870 2871
(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	2872 2873 2874 2875
(C) As used in this section:	2876
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	2877 2878
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	2879 2880
(2) Except as provided in section <u>3715.50, 3715.502,</u> 4729.281, <del>4729.44,</del> or 4729.47 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;	2881 2882 2883 2884
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	2885 2886

(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	2887 2888 2889 2890
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	2891 2892
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	2893 2894 2895 2896
(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.	2897 2898 2899
(D) The board may suspend a license under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	2900 2901 2902
(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.	2903 2904 2905 2906 2907 2908 2909 2910 2911 2912
If the board has reasonable cause to believe that an individual who is a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the individual to	2913 2914 2915

submit to a physical or mental examination, or both. The expense 2916  
of the examination is the responsibility of the individual 2917  
required to be examined. 2918

Failure of an individual who is a pharmacist or pharmacy 2919  
intern to submit to a physical or mental examination ordered by 2920  
the board, unless the failure is due to circumstances beyond the 2921  
individual's control, constitutes an admission of the 2922  
allegations and a suspension order shall be entered without the 2923  
taking of testimony or presentation of evidence. Any subsequent 2924  
adjudication hearing under Chapter 119. of the Revised Code 2925  
concerning failure to submit to an examination is limited to 2926  
consideration of whether the failure was beyond the individual's 2927  
control. 2928

If, based on the results of an examination ordered under 2929  
this division, the board determines that the individual's 2930  
ability to practice is impaired, the board shall suspend the 2931  
individual's license or deny the individual's application and 2932  
shall require the individual, as a condition for an initial, 2933  
continued, reinstated, or renewed license to practice, to submit 2934  
to a physical or mental examination and treatment. 2935

An order of suspension issued under this division shall 2936  
not be subject to suspension by a court during pendency of any 2937  
appeal filed under section 119.12 of the Revised Code. 2938

(F) If the board is required under Chapter 119. of the 2939  
Revised Code to give notice of an opportunity for a hearing and 2940  
the applicant or licensee does not make a timely request for a 2941  
hearing in accordance with section 119.07 of the Revised Code, 2942  
the board is not required to hold a hearing, but may adopt a 2943  
final order that contains the board's findings. In the final 2944  
order, the board may impose any of the sanctions listed in 2945

division (A) of this section. 2946

(G) Notwithstanding the provision of division (C) (2) of 2947  
section 2953.32 of the Revised Code specifying that if records 2948  
pertaining to a criminal case are sealed under that section the 2949  
proceedings in the case must be deemed not to have occurred, 2950  
sealing of the following records on which the board has based an 2951  
action under this section shall have no effect on the board's 2952  
action or any sanction imposed by the board under this section: 2953  
records of any conviction, guilty plea, judicial finding of 2954  
guilt resulting from a plea of no contest, or a judicial finding 2955  
of eligibility for a pretrial diversion program or intervention 2956  
in lieu of conviction. The board shall not be required to seal, 2957  
destroy, redact, or otherwise modify its records to reflect the 2958  
court's sealing of conviction records. 2959

(H) No pharmacist or pharmacy intern shall knowingly 2960  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 2961  
(e) to (l) of this section. 2962

(I) The board shall not refuse to issue a license to an 2963  
applicant for a conviction of an offense unless the refusal is 2964  
in accordance with section 9.79 of the Revised Code. 2965

**Sec. 4729.28.** (A) As used in this section, "dispense" has 2966  
the meaning specified by the state board of pharmacy in rules 2967  
adopted under section 4729.26 of the Revised Code. 2968

(B) (1) Except as provided in division (B) (2) of this 2969  
section, no person who is not a pharmacist or a pharmacy intern 2970  
under the personal supervision of a pharmacist shall compound or 2971  
sell dangerous drugs or otherwise engage in the practice of 2972  
pharmacy. 2973

(2) Except as provided in ~~sections~~ section 3701.048 of the 2974



Revised Code with respect to other health care professionals, 2975  
4729.44, in sections 3715.512 and 4729.47 of the Revised Code 2976  
with respect to pharmacy interns, or in rules adopted by the 2977  
board under section 4729.26 of the Revised Code, no person who 2978  
is not a pharmacist shall dispense dangerous drugs. 2979

**Sec. 4729.29.** Divisions (A) and (B) of section 4729.01 and 2980  
section 4729.28 of the Revised Code do not do any of the 2981  
following: 2982

(A) Apply to a licensed health professional authorized to 2983  
prescribe drugs who is acting within the prescriber's scope of 2984  
professional practice; 2985

(B) Prevent a prescriber from personally furnishing the 2986  
prescriber's patients with drugs, within the prescriber's scope 2987  
of professional practice, that seem proper to the prescriber, as 2988  
long as the drugs are furnished in accordance with section 2989  
4729.291 of the Revised Code; 2990

(C) Apply to an individual who personally furnishes a 2991  
supply of overdose reversal drugs under the authority conferred 2992  
under by section 4723.485, 4730.435, or 4731.941-3715.50 of the 2993  
Revised Code or prevent ~~that an~~ individual from personally 2994  
furnishing ~~the a~~ supply of overdose reversal drugs in accordance 2995  
with a protocol established under section ~~4723.485, 4730.435, or~~ 2996  
~~4731.941-3715.503~~ of the Revised Code; 2997

(D) Apply to the sale of oxygen, the sale of peritoneal 2998  
dialysis solutions, or the sale of drugs that are not dangerous 2999  
drugs by a retail dealer, in original packages when labeled as 3000  
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 3001  
1040 (1938), 21 U.S.C.A. 301, as amended. 3002

**Sec. 4729.391.** (A) A pharmacist may modify a drug's 3003

prescription to also include a drug delivery device, if the 3004  
pharmacist determines that the device is necessary for the 3005  
drug's administration. 3006

(B) The state board of pharmacy may adopt rules to 3007  
implement this section. The rules shall be adopted in accordance 3008  
with Chapter 119. of the Revised Code. 3009

(C) For purposes of reimbursement under the terms of a 3010  
health benefit plan by a health care insurer, government health 3011  
care program, pharmacy benefit manager, or other entity that 3012  
offers health benefit plans, a prescription modified as 3013  
described in this section, and in accordance with any rules 3014  
adopted under it, shall be deemed a valid prescription for the 3015  
drug delivery device. 3016

**Sec. 4729.51.** (A) No person other than a licensed 3017  
manufacturer of dangerous drugs, outsourcing facility, third- 3018  
party logistics provider, repackager of dangerous drugs, or 3019  
wholesale distributor of dangerous drugs shall possess for sale, 3020  
sell, distribute, or deliver, at wholesale, dangerous drugs or 3021  
investigational drugs or products, except as follows: 3022

(1) A licensed terminal distributor of dangerous drugs 3023  
that is a pharmacy may make occasional sales of dangerous drugs 3024  
or investigational drugs or products at wholesale. 3025

(2) A licensed terminal distributor of dangerous drugs 3026  
having more than one licensed location may transfer or deliver 3027  
dangerous drugs from one licensed location to another licensed 3028  
location owned by the terminal distributor if the license issued 3029  
for each location is in effect at the time of the transfer or 3030  
delivery. 3031

(3) A licensed terminal distributor of dangerous drugs 3032

that is not a pharmacy may make occasional sales of the 3033  
following at wholesale: 3034

(a) Overdose reversal drugs; 3035

(b) Dangerous drugs if the drugs being sold are in 3036  
shortage, as defined in rules adopted under section 4729.26 of 3037  
the Revised Code; 3038

(c) Dangerous drugs other than those described in 3039  
divisions (A) (3) (a) and (b) of this section or investigational 3040  
drugs or products if authorized by rules adopted under section 3041  
4729.26 of the Revised Code. 3042

(B) No licensed manufacturer, outsourcing facility, third- 3043  
party logistics provider, repackager, or wholesale distributor 3044  
shall possess for sale, sell, or distribute, at wholesale, 3045  
dangerous drugs or investigational drugs or products to any 3046  
person other than the following: 3047

(1) Subject to division (D) of this section, a licensed 3048  
terminal distributor of dangerous drugs; 3049

(2) Subject to division (C) of this section, any person 3050  
exempt from licensure as a terminal distributor of dangerous 3051  
drugs under section 4729.541 of the Revised Code; 3052

(3) A licensed manufacturer, outsourcing facility, third- 3053  
party logistics provider, repackager, or wholesale distributor; 3054

(4) A terminal distributor, manufacturer, outsourcing 3055  
facility, third-party logistics provider, repackager, or 3056  
wholesale distributor that is located in another state, is not 3057  
engaged in the sale of dangerous drugs within this state, and is 3058  
actively licensed to engage in the sale of dangerous drugs by 3059  
the state in which the distributor conducts business. 3060

(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:

(1) A prescriber who is employed by either of the following:

(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following:

(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No licensed manufacturer, outsourcing facility, third-

party logistics provider, repackager, or wholesale distributor 3090  
shall possess dangerous drugs or investigational drugs or 3091  
products for sale at wholesale, or sell or distribute such drugs 3092  
at wholesale, to a licensed terminal distributor of dangerous 3093  
drugs, except as follows: 3094

(1) In the case of a terminal distributor with a category 3095  
II license, only dangerous drugs in category II, as defined in 3096  
division (A) (1) of section 4729.54 of the Revised Code; 3097

(2) In the case of a terminal distributor with a category 3098  
III license, dangerous drugs in category II and category III, as 3099  
defined in divisions (A) (1) and (2) of section 4729.54 of the 3100  
Revised Code; 3101

(3) In the case of a terminal distributor with a limited 3102  
category II or III license, only the dangerous drugs specified 3103  
in the license. 3104

(E) (1) Except as provided in division (E) (2) of this 3105  
section, no person shall do any of the following: 3106

(a) Sell or distribute, at retail, dangerous drugs; 3107

(b) Possess for sale, at retail, dangerous drugs; 3108

(c) Possess dangerous drugs. 3109

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 3110  
do not apply to any of the following: 3111

(i) A licensed terminal distributor of dangerous drugs; 3112

(ii) A person who possesses, or possesses for sale or 3113  
sells, at retail, a dangerous drug in accordance with Chapters 3114  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3115  
the Revised Code; 3116

(iii) Any of the persons identified in divisions (A) (1) to (5) and <del>(13)</del> -(15) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	3117 3118 3119
(b) Division (E) (1) (c) of this section does not apply to any of the following:	3120 3121
(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;	3122 3123
(ii) Any of the persons identified in divisions (A) (6) to <del>(12)</del> -(14) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	3124 3125 3126
(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:	3127 3128 3129 3130 3131 3132 3133
(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section.	3134 3135 3136 3137 3138
(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.	3139 3140 3141 3142 3143 3144
(G) No licensed terminal distributor of dangerous drugs	3145

shall engage in the retail sale or other distribution of 3146  
dangerous drugs or investigational drugs or products or maintain 3147  
possession, custody, or control of dangerous drugs or 3148  
investigational drugs or products for any purpose other than the 3149  
distributor's personal use or consumption, at any establishment 3150  
or place other than that or those described in the license 3151  
issued by the state board of pharmacy to such terminal 3152  
distributor. 3153

(H) Nothing in this section shall be construed to 3154  
interfere with the performance of official duties by any law 3155  
enforcement official authorized by municipal, county, state, or 3156  
federal law to collect samples of any drug, regardless of its 3157  
nature or in whose possession it may be. 3158

(I) Notwithstanding anything to the contrary in this 3159  
section, the board of education of a city, local, exempted 3160  
village, or joint vocational school district may distribute 3161  
epinephrine autoinjectors for use in accordance with section 3162  
3313.7110 of the Revised Code, may distribute inhalers for use 3163  
in accordance with section 3313.7113 of the Revised Code, and 3164  
may distribute injectable or nasally administered glucagon for 3165  
use in accordance with section 3313.7115 of the Revised Code. 3166

**Sec. 4729.54.** (A) As used in this section: 3167

(1) "Category II" means any dangerous drug that is not 3168  
included in category III. 3169

(2) "Category III" means any controlled substance that is 3170  
contained in schedule I, II, III, IV, or V. 3171

(3) "Emergency medical service organization" has the same 3172  
meaning as in section 4765.01 of the Revised Code. 3173

(4) "Emergency medical service organization satellite" 3174

means a location where dangerous drugs are stored that is 3175  
separate from, but associated with, the headquarters of an 3176  
emergency medical service organization. "Emergency medical 3177  
service organization satellite" does not include the units under 3178  
the control of the emergency medical service organization. 3179

(5) "Person" includes an emergency medical service 3180  
organization or an emergency medical service organization 3181  
satellite. 3182

(6) "Schedule I," "schedule II," "schedule III," "schedule 3183  
IV," and "schedule V" have the same meanings as in section 3184  
3719.01 of the Revised Code. 3185

(B) (1) A person seeking to be licensed as a terminal 3186  
distributor of dangerous drugs shall file with the executive 3187  
director of the state board of pharmacy a verified application. 3188  
After it is filed, the application may not be withdrawn without 3189  
approval of the board. 3190

(2) An application shall contain all the following that 3191  
apply in the applicant's case: 3192

(a) Information that the board requires relative to the 3193  
qualifications of a terminal distributor of dangerous drugs set 3194  
forth in section 4729.55 of the Revised Code; 3195

(b) A statement as to whether the person is seeking to be 3196  
licensed as a category II, category III, limited category II, or 3197  
limited category III terminal distributor of dangerous drugs; 3198

(c) If the person is seeking to be licensed as a limited 3199  
category II or limited category III terminal distributor of 3200  
dangerous drugs, a list of the dangerous drugs that the person 3201  
is seeking to possess, have custody or control of, and 3202  
distribute, which list shall also specify the purpose for which 3203



those drugs will be used and their source; 3204

(d) If the person is an emergency medical service 3205  
organization, the information that is specified in divisions (C) 3206  
(1) and (2) of this section, and if the person is an emergency 3207  
medical service organization satellite, the information required 3208  
under division (D) of this section; 3209

(e) Except with respect to the units under the control of 3210  
an emergency medical service organization, the identity of the 3211  
one establishment or place at which the person intends to engage 3212  
in the sale or other distribution of dangerous drugs at retail, 3213  
and maintain possession, custody, or control of dangerous drugs 3214  
for purposes other than the person's own use or consumption; 3215

(f) If the application pertains to a pain management 3216  
clinic, information that demonstrates, to the satisfaction of 3217  
the board, compliance with division (A) of section 4729.552 of 3218  
the Revised Code; 3219

(g) If the application pertains to a facility, clinic, or 3220  
other location described in division (B) of section 4729.553 of 3221  
the Revised Code that must hold a category III terminal 3222  
distributor of dangerous drugs license with an office-based 3223  
opioid treatment classification, information that demonstrates, 3224  
to the satisfaction of the board, compliance with division (C) 3225  
of that section. 3226

(C) (1) Each emergency medical service organization that 3227  
applies for a terminal distributor of dangerous drugs license 3228  
shall submit with its application all of the following: 3229

(a) A copy of its standing orders or protocol, which 3230  
orders or protocol shall be signed by a physician; 3231

(b) A list of the dangerous drugs that the units under its 3232

control may carry, expressed in standard dose units, which shall 3233  
be signed by a physician; 3234

(c) A list of the personnel employed or used by the 3235  
organization to provide emergency medical services in accordance 3236  
with Chapter 4765. of the Revised Code. 3237

In accordance with Chapter 119. of the Revised Code, the 3238  
board shall adopt rules specifying when an emergency medical 3239  
service organization that is licensed as a terminal distributor 3240  
must notify the board of any changes in its documentation 3241  
submitted pursuant to division (C)(1) of this section. 3242

(2) An emergency medical service organization seeking to 3243  
be licensed as a terminal distributor of dangerous drugs shall 3244  
list in its application for licensure the following additional 3245  
information: 3246

(a) The units under its control that the organization 3247  
determines will possess dangerous drugs for the purpose of 3248  
administering emergency medical services in accordance with 3249  
Chapter 4765. of the Revised Code; 3250

(b) With respect to each such unit, whether the dangerous 3251  
drugs that the organization determines the unit will possess are 3252  
in category II or III. 3253

(3) An emergency medical service organization that is 3254  
licensed as a terminal distributor of dangerous drugs shall file 3255  
a new application for such licensure if there is any change in 3256  
the number or location of any of its units or if there is any 3257  
change in the category of the dangerous drugs that any unit will 3258  
possess. 3259

(4) A unit listed in an application for licensure pursuant 3260  
to division (C)(2) of this section may obtain the dangerous 3261

drugs it is authorized to possess from its emergency medical 3262  
service organization or, on a replacement basis, from a hospital 3263  
pharmacy. If units will obtain dangerous drugs from a hospital 3264  
pharmacy, the organization shall file, and maintain in current 3265  
form, the following items with the pharmacist who is responsible 3266  
for the hospital's terminal distributor of dangerous drugs 3267  
license: 3268

(a) A copy of its standing orders or protocol; 3269

(b) A list of the personnel employed or used by the 3270  
organization to provide emergency medical services in accordance 3271  
with Chapter 4765. of the Revised Code, who are authorized to 3272  
possess the drugs, which list also shall indicate the personnel 3273  
who are authorized to administer the drugs. 3274

(D) Each emergency medical service organization satellite 3275  
that applies for a terminal distributor of dangerous drugs 3276  
license shall submit with its application all of the information 3277  
that the board requires to be submitted with the application, as 3278  
specified in rules the board shall adopt in accordance with 3279  
Chapter 119. of the Revised Code. 3280

(E) There shall be four categories of terminal distributor 3281  
of dangerous drugs licenses. The categories are as follows: 3282

(1) Category II license. A person who obtains this license 3283  
may possess, have custody or control of, and distribute only the 3284  
dangerous drugs described in category II. 3285

(2) Limited category II license. A person who obtains this 3286  
license may possess, have custody or control of, and distribute 3287  
only the dangerous drugs described in category II that were 3288  
listed in the application for licensure. 3289

(3) Category III license, which may include a pain 3290

management clinic classification issued under section 4729.552 3291  
of the Revised Code. A person who obtains this license may 3292  
possess, have custody or control of, and distribute the 3293  
dangerous drugs described in category II and category III. If 3294  
the license includes a pain management clinic classification, 3295  
the person may operate a pain management clinic. 3296

(4) Limited category III license. A person who obtains 3297  
this license may possess, have custody or control of, and 3298  
distribute only the dangerous drugs described in category II or 3299  
category III that were listed in the application for licensure. 3300

(F) Except for an application made by a county dog warden 3301  
or on behalf of an animal shelter, if an applicant for a limited 3302  
category II license or limited category III license intends to 3303  
administer dangerous drugs to a person or animal, the applicant 3304  
shall submit, with the application, a copy of its protocol or 3305  
standing orders. The protocol or orders shall be signed by a 3306  
licensed health professional authorized to prescribe drugs, 3307  
specify the dangerous drugs to be administered, and list 3308  
personnel who are authorized to administer the dangerous drugs 3309  
in accordance with federal law or the law of this state. 3310

An application made by a county dog warden or on behalf of 3311  
an animal shelter shall include a list of the dangerous drugs to 3312  
be administered to animals and the personnel who are authorized 3313  
to administer the drugs to animals in accordance with section 3314  
4729.532 of the Revised Code. 3315

In accordance with Chapter 119. of the Revised Code, the 3316  
board shall adopt rules specifying when a licensee must notify 3317  
the board of any changes in its documentation submitted pursuant 3318  
to this division. 3319

(G) (1) ~~Each~~ Except as provided in division (G) (3) of this 3320  
section, each applicant for licensure as a terminal distributor 3321  
of dangerous drugs shall submit, with the application, a license 3322  
fee. The amount assessed shall not be returned to the applicant 3323  
if the applicant fails to qualify for the license. 3324

(2) The following fees apply under division (G) (1) of this 3325  
section: 3326

(a) Except as provided in division (G) (2) (b) of this 3327  
section: 3328

(i) Three hundred twenty dollars for a category II or 3329  
limited category II license; 3330

(ii) Four hundred forty dollars for a category III 3331  
license, including a license with a pain management clinic 3332  
classification issued under section 4729.552 of the Revised 3333  
Code, or a limited category III license. 3334

(b) One hundred twenty dollars for all of the following: 3335

(i) A person who is required to hold a license as a 3336  
terminal distributor of dangerous drugs pursuant to division (D) 3337  
of section 4729.541 of the Revised Code; 3338

(ii) A professional association, corporation, partnership, 3339  
or limited liability company organized for the purpose of 3340  
practicing veterinary medicine that is not included in division 3341  
(G) (2) (b) (i) of this section; 3342

(iii) An emergency medical service organization satellite. 3343

(3) No fee applies for a license issued to a charitable 3344  
pharmacy, as defined in section 3719.811 of the Revised Code, if 3345  
the charitable pharmacy is participating in the drug repository 3346  
program established under section 3715.87 of the Revised Code. 3347

(H) (1) The board shall issue a terminal distributor of 3348  
dangerous drugs license to each person who submits an 3349  
application for such licensure in accordance with this section, 3350  
pays the required license fee, is determined by the board to 3351  
meet the requirements set forth in section 4729.55 of the 3352  
Revised Code, and satisfies any other applicable requirements of 3353  
this section. 3354

(2) Except for the license of a county dog warden, the 3355  
license shall describe the one establishment or place at which 3356  
the licensee may engage in the sale or other distribution of 3357  
dangerous drugs at retail and maintain possession, custody, or 3358  
control of dangerous drugs for purposes other than the 3359  
licensee's own use or consumption. The one establishment or 3360  
place shall be that which is identified in the application for 3361  
licensure. 3362

No such license shall authorize or permit the terminal 3363  
distributor of dangerous drugs named in it to engage in the sale 3364  
or other distribution of dangerous drugs at retail or to 3365  
maintain possession, custody, or control of dangerous drugs for 3366  
any purpose other than the distributor's own use or consumption, 3367  
at any establishment or place other than that described in the 3368  
license, except that an agent or employee of an animal shelter 3369  
or county dog warden may possess and use dangerous drugs in the 3370  
course of business as provided in section 4729.532 of the 3371  
Revised Code. 3372

(3) The license of an emergency medical service 3373  
organization shall cover the organization's headquarters and, in 3374  
addition, shall cover and describe all the units of the 3375  
organization listed in its application for licensure. 3376

(I) (1) All licenses issued or renewed pursuant to this 3377

section shall be effective for a period specified by the board 3378  
in rules adopted under section 4729.26 of the Revised Code. The 3379  
effective period for an initial or renewed license shall not 3380  
exceed twenty-four months unless the board extends the period in 3381  
rules to adjust license renewal schedules. A license shall be 3382  
renewed by the board according to the provisions of this 3383  
section, the standard renewal procedure of Chapter 4745. of the 3384  
Revised Code, and rules adopted by the board under section 3385  
4729.26 of the Revised Code. A person seeking to renew a license 3386  
shall submit an application for renewal and pay the required fee 3387  
on or before the date specified in the rules adopted by the 3388  
board. The fee required for the renewal of a license shall be 3389  
the same as the license fee ~~paid~~ that applies under division ~~(G)~~ 3390  
(G) (2) of this section. 3391

(2) (a) Subject to division (I) (2) (b) of this section, a 3392  
license that has not been renewed by the date specified in rules 3393  
adopted by the board may be reinstated only upon payment of the 3394  
required renewal fee and a penalty fee of one hundred ten 3395  
dollars. 3396

(b) If an application for renewal has not been submitted 3397  
by the sixty-first day after the renewal date specified in rules 3398  
adopted by the board, the license is considered void and cannot 3399  
be renewed, but the license holder may reapply for licensure. 3400

(3) A terminal distributor of dangerous drugs that fails 3401  
to renew licensure in accordance with this section and rules 3402  
adopted by the board is prohibited from engaging in the retail 3403  
sale, possession, or distribution of dangerous drugs until a 3404  
valid license is issued by the board. 3405

(J) (1) No emergency medical service organization that is 3406  
licensed as a terminal distributor of dangerous drugs shall fail 3407

to comply with division (C) (1), (3), or (4) of this section. 3408

(2) No licensed terminal distributor of dangerous drugs 3409  
shall possess, have custody or control of, or distribute 3410  
dangerous drugs that the terminal distributor is not entitled to 3411  
possess, have custody or control of, or distribute by virtue of 3412  
its category of licensure. 3413

(3) No licensee that is required by division (F) of this 3414  
section to notify the board of changes in its protocol or 3415  
standing orders, or in personnel, shall fail to comply with that 3416  
division. 3417

(K) The board may enter into agreements with other states, 3418  
federal agencies, and other entities to exchange information 3419  
concerning licensing and inspection of terminal distributors of 3420  
dangerous drugs located within or outside this state and to 3421  
investigate alleged violations of the laws and rules governing 3422  
distribution of drugs by terminal distributors. Any information 3423  
received pursuant to such an agreement is subject to the same 3424  
confidentiality requirements applicable to the agency or entity 3425  
from which it was received and shall not be released without 3426  
prior authorization from that agency or entity. 3427

**Sec. 4729.541.** (A) Except as provided in divisions (B) to 3428  
(D) of this section, all of the following are exempt from 3429  
licensure as a terminal distributor of dangerous drugs: 3430

(1) A licensed health professional authorized to prescribe 3431  
drugs; 3432

(2) A business entity that is a corporation formed under 3433  
division (B) of section 1701.03 of the Revised Code, a limited 3434  
liability company formed under former Chapter 1705. of the 3435  
Revised Code as that chapter existed prior to February 11, 2022, 3436



or Chapter 1706. of the Revised Code, or a professional 3437  
association formed under Chapter 1785. of the Revised Code if 3438  
the entity has a sole shareholder who is a prescriber and is 3439  
authorized to provide the professional services being offered by 3440  
the entity; 3441

(3) A business entity that is a corporation formed under 3442  
division (B) of section 1701.03 of the Revised Code, a limited 3443  
liability company formed under former Chapter 1705. of the 3444  
Revised Code as that chapter existed prior to February 11, 2022, 3445  
or Chapter 1706. of the Revised Code, a partnership or a limited 3446  
liability partnership formed under Chapter 1775. of the Revised 3447  
Code, or a professional association formed under Chapter 1785. 3448  
of the Revised Code, if, to be a shareholder, member, or 3449  
partner, an individual is required to be licensed, certified, or 3450  
otherwise legally authorized under Title XLVII of the Revised 3451  
Code to perform the professional service provided by the entity 3452  
and each such individual is a prescriber; 3453

(4) An individual who holds a current license, 3454  
certificate, or registration issued under Title XLVII of the 3455  
Revised Code and has been certified to conduct diabetes 3456  
education by a national certifying body specified in rules 3457  
adopted by the state board of pharmacy under section 4729.68 of 3458  
the Revised Code, but only with respect to insulin that will be 3459  
used for the purpose of diabetes education and only if diabetes 3460  
education is within the individual's scope of practice under 3461  
statutes and rules regulating the individual's profession; 3462

(5) An individual who holds a valid certificate issued by 3463  
a nationally recognized S.C.U.B.A. diving certifying 3464  
organization approved by the state board of pharmacy under rules 3465  
adopted by the board, but only with respect to medical oxygen 3466

that will be used for the purpose of emergency care or treatment 3467  
at the scene of a diving emergency; 3468

(6) With respect to epinephrine autoinjectors that may be 3469  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 3470  
or 3328.29 of the Revised Code, any of the following: the board 3471  
of education of a city, local, exempted village, or joint 3472  
vocational school district; a chartered or nonchartered 3473  
nonpublic school; a community school established under Chapter 3474  
3314. of the Revised Code; a STEM school established under 3475  
Chapter 3326. of the Revised Code; or a college-preparatory 3476  
boarding school established under Chapter 3328. of the Revised 3477  
Code; 3478

(7) With respect to epinephrine autoinjectors that may be 3479  
possessed under section 5101.76 of the Revised Code, any of the 3480  
following: a residential camp, as defined in section 2151.011 of 3481  
the Revised Code; a child day camp, as defined in section 3482  
5104.01 of the Revised Code; or a child day camp operated by any 3483  
county, township, municipal corporation, township park district 3484  
created under section 511.18 of the Revised Code, park district 3485  
created under section 1545.04 of the Revised Code, or joint 3486  
recreation district established under section 755.14 of the 3487  
Revised Code; 3488

(8) With respect to epinephrine autoinjectors that may be 3489  
possessed under Chapter 3728. of the Revised Code, a qualified 3490  
entity, as defined in section 3728.01 of the Revised Code; 3491

(9) With respect to inhalers that may be possessed under 3492  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 3493  
the Revised Code, any of the following: the board of education 3494  
of a city, local, exempted village, or joint vocational school 3495  
district; a chartered or nonchartered nonpublic school; a 3496

community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(10) With respect to inhalers that may be possessed under section 5101.77 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(11) With respect to overdose reversal drugs that may be possessed ~~under for the purposes described in section 2925.61-3715.50~~ of the Revised Code, ~~a law enforcement agency and its peace officers~~ any person or government entity exercising the authority conferred by that section;

(12) With respect to overdose reversal drugs that may be possessed for use in personally furnishing supplies of the drug pursuant to a protocol established under section ~~4729.514-3715.503~~ of the Revised Code ~~for use in emergency situations or for personally furnishing supplies of overdose reversal drugs, a service entity, as defined in any individual exercising the authority conferred by that section;~~

(13) ~~A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency;~~

~~(14)~~ With respect to injectable or nasally administered

glucagon that may be possessed under sections 3313.7115, 3526  
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 3527  
any of the following: the board of education of a city, local, 3528  
exempted village, or joint vocational school district; a 3529  
chartered or nonchartered nonpublic school; a community school 3530  
established under Chapter 3314. of the Revised Code; a STEM 3531  
school established under Chapter 3326. of the Revised Code; or a 3532  
college-preparatory boarding school established under Chapter 3533  
3328. of the Revised Code; 3534

~~(15)~~ (14) With respect to injectable or nasally 3535  
administered glucagon that may be possessed under section 3536  
5101.78 of the Revised Code, any of the following: a residential 3537  
camp, as defined in section 2151.011 of the Revised Code; a 3538  
child day camp, as defined in section 5104.01 of the Revised 3539  
Code; or a child day camp operated by any county, township, 3540  
municipal corporation, township park district created under 3541  
section 511.18 of the Revised Code, park district created under 3542  
section 1545.04 of the Revised Code, or joint recreation 3543  
district established under section 755.14 of the Revised Code; 3544

(15) A facility that is owned and operated by the United 3545  
States department of defense, the United States department of 3546  
veterans affairs, or any other federal agency. 3547

(B) If a person described in division (A) of this section 3548  
is a pain management clinic or is operating a pain management 3549  
clinic, the person shall hold a license as a terminal 3550  
distributor of dangerous drugs with a pain management clinic 3551  
classification issued under section 4729.552 of the Revised 3552  
Code. 3553

(C) If a person described in division (A) of this section 3554  
is operating a facility, clinic, or other location described in 3555

division (B) of section 4729.553 of the Revised Code that must 3556  
hold a category III terminal distributor of dangerous drugs 3557  
license with an office-based opioid treatment classification, 3558  
the person shall hold a license with that classification. 3559

(D) Any of the persons described in divisions (A) (1) to 3560  
~~(12)~~ (14) of this section shall hold a license as a terminal 3561  
distributor of dangerous drugs in order to possess, have custody 3562  
or control of, and distribute any of the following: 3563

(1) Dangerous drugs that are compounded or used for the 3564  
purpose of compounding; 3565

(2) A schedule I, II, III, IV, or V controlled substance, 3566  
as defined in section 3719.01 of the Revised Code. 3567

**Sec. 4729.60.** (A) (1) Before a licensee identified in 3568  
division (B) (1) (a) of section 4729.52 of the Revised Code may 3569  
sell or distribute dangerous drugs at wholesale to any person, 3570  
except as provided in division (A) (2) of this section, the 3571  
licensee shall query the roster established pursuant to section 3572  
4729.59 of the Revised Code to determine whether the purchaser 3573  
is a licensed terminal distributor of dangerous drugs. 3574

If no documented query is conducted before a sale is made, 3575  
it shall be presumed that the sale of dangerous drugs by the 3576  
licensee is in violation of division (B) of section 4729.51 of 3577  
the Revised Code and the purchase of dangerous drugs by the 3578  
purchaser is in violation of division (E) of section 4729.51 of 3579  
the Revised Code. If a licensee conducts a documented query and 3580  
relies on the results of the query in selling or distributing 3581  
dangerous drugs at wholesale to the terminal distributor of 3582  
dangerous drugs, the licensee shall be deemed not to have 3583  
violated division (B) of section 4729.51 of the Revised Code in 3584

making the sale. 3585

(2) Division (A) (1) of this section does not apply when a 3586  
licensee identified in division (B) (1) (a) of section 4729.52 of 3587  
the Revised Code sells or distributes dangerous drugs at 3588  
wholesale to any of the following: 3589

(a) A person specified in division (B) (4) of section 3590  
4729.51 of the Revised Code; 3591

(b) Any of the persons described in ~~divisions (A) (1) to~~ 3592  
~~(15)~~ division (A) of section 4729.541 of the Revised Code, but 3593  
only if the purchaser is not required to obtain licensure as 3594  
provided in divisions (B) to (D) of that section. 3595

(B) Before a licensed terminal distributor of dangerous 3596  
drugs may purchase dangerous drugs at wholesale, the terminal 3597  
distributor shall query the roster established pursuant to 3598  
section 4729.59 of the Revised Code to confirm the seller is 3599  
licensed to engage in the sale or distribution of dangerous 3600  
drugs at wholesale. 3601

If no documented query is conducted before a purchase is 3602  
made, it shall be presumed that the purchase of dangerous drugs 3603  
by the terminal distributor is in violation of division (F) of 3604  
section 4729.51 of the Revised Code and the sale of dangerous 3605  
drugs by the seller is in violation of division (A) of section 3606  
4729.51 of the Revised Code. If a licensed terminal distributor 3607  
of dangerous drugs conducts a documented query at least annually 3608  
and relies on the results of the query in purchasing dangerous 3609  
drugs at wholesale, the terminal distributor shall be deemed not 3610  
to have violated division (F) of section 4729.51 of the Revised 3611  
Code in making the purchase. 3612

**Sec. 4752.02.** (A) Except as provided in division (B) of 3613

this section, no person shall provide home medical equipment 3614  
services or claim to the public to be a home medical equipment 3615  
services provider unless either of the following is the case: 3616

(1) The person holds a valid license issued under this 3617  
chapter; 3618

(2) The person holds a valid certificate of registration 3619  
issued under this chapter. 3620

(B) Division (A) of this section does not apply to any of 3621  
the following: 3622

(1) A health care practitioner, as defined in section 3623  
4769.01 of the Revised Code, who does not sell or rent home 3624  
medical equipment; 3625

(2) A hospital that provides home medical equipment 3626  
services only as an integral part of patient care and does not 3627  
provide the services through a separate entity that has its own 3628  
medicare or medicaid provider number; 3629

(3) A manufacturer or wholesale distributor of home 3630  
medical equipment that does not sell directly to the public; 3631

(4) A hospice care program ~~or~~, pediatric respite care 3632  
program, or pediatric transition care program, as defined by 3633  
section 3712.01 of the Revised Code, that does not sell or rent 3634  
home medical equipment; 3635

(5) A home, as defined by section 3721.01 of the Revised 3636  
Code; 3637

(6) A home health agency that is certified under Title 3638  
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 3639  
U.S.C. 1395, as a provider of home health services and does not 3640  
sell or rent home medical equipment; 3641

(7) An individual who holds a current, valid license 3642  
issued under Chapter 4741. of the Revised Code to practice 3643  
veterinary medicine; 3644

(8) An individual who holds a current, valid license 3645  
issued under Chapter 4779. of the Revised Code to practice 3646  
orthotics, prosthetics, or pedorthics; 3647

(9) A pharmacy licensed under Chapter 4729. of the Revised 3648  
Code that either does not sell or rent home medical equipment or 3649  
receives total payments of less than ten thousand dollars per 3650  
year from selling or renting home medical equipment; 3651

(10) A home dialysis equipment provider regulated by 3652  
federal law. 3653

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 3654  
of the Revised Code: 3655

(1) "Independent living arrangement" means an arrangement 3656  
in which an individual with a developmental disability resides 3657  
in an individualized setting chosen by the individual or the 3658  
individual's guardian, which is not dedicated principally to the 3659  
provision of residential services for individuals with 3660  
developmental disabilities, and for which no financial support 3661  
is received for rendering such service from any governmental 3662  
agency by a provider of residential services. 3663

(2) "Licensee" means the person or government agency that 3664  
has applied for a license to operate a residential facility and 3665  
to which the license was issued under this section. 3666

(3) "Political subdivision" means a municipal corporation, 3667  
county, or township. 3668

(4) "Related party" has the same meaning as in section 3669



5123.16 of the Revised Code except that "provider" as used in 3670  
the definition of "related party" means a person or government 3671  
entity that held or applied for a license to operate a 3672  
residential facility, rather than a person or government entity 3673  
certified to provide supported living. 3674

(5) (a) Except as provided in division (A) (5) (b) of this 3675  
section, "residential facility" means a home or facility, 3676  
including an ICF/IID, in which an individual with a 3677  
developmental disability resides. 3678

(b) "Residential facility" does not mean any of the 3679  
following: 3680

(i) The home of a relative or legal guardian in which an 3681  
individual with a developmental disability resides; 3682

(ii) A respite care home certified under section 5126.05 3683  
of the Revised Code; 3684

(iii) A county home or district home operated pursuant to 3685  
Chapter 5155. of the Revised Code; 3686

(iv) A dwelling in which the only residents with 3687  
developmental disabilities are in independent living 3688  
arrangements or are being provided supported living; 3689

(v) A location registered as a pediatric transition care 3690  
program under section 3712.042 of the Revised Code. 3691

(B) Every person or government agency desiring to operate 3692  
a residential facility shall apply for licensure of the facility 3693  
to the director of developmental disabilities unless the 3694  
residential facility is subject to section 3721.02, 5103.03, 3695  
5119.33, or division (B) (1) (b) of section 5119.34 of the Revised 3696  
Code. 3697

(C) (1) Subject to section 5123.196 of the Revised Code, 3698  
the director of developmental disabilities shall license the 3699  
operation of residential facilities. An initial license shall be 3700  
issued for a period that does not exceed one year, unless the 3701  
director denies the license under division (D) of this section. 3702  
A license shall be renewed for a period that does not exceed 3703  
three years, unless the director refuses to renew the license 3704  
under division (D) of this section. The director, when issuing 3705  
or renewing a license, shall specify the period for which the 3706  
license is being issued or renewed. A license remains valid for 3707  
the length of the licensing period specified by the director, 3708  
unless the license is terminated, revoked, or voluntarily 3709  
surrendered. 3710

(2) Notwithstanding sections 5123.043, 5123.196, and 3711  
5123.197 of the Revised Code and rules adopted under section 3712  
5123.04 of the Revised Code, the director shall issue a new 3713  
license for a residential facility if the facility meets the 3714  
following conditions: 3715

(a) The residential facility will be certified as an 3716  
ICF/IID; 3717

(b) The building in which the residential facility will be 3718  
operated was operated as a residential facility under a lease 3719  
for not fewer than twenty years before the date of application 3720  
for a new license; 3721

(c) The former operator of the residential facility 3722  
relocated the beds previously in the facility to another site 3723  
that will be licensed as a residential facility; 3724

(d) The residential facility will be located in Preble, 3725  
Clermont, or Warren county; 3726

(e) The residential facility will contain eight beds;	3727
(f) The licensee will make a good faith effort to serve	3728
multi-system youth or adults with severe behavioral challenges	3729
at the residential facility or at one or more other residential	3730
facilities for which licenses are issued under division (C) of	3731
this section.	3732
(3) The director shall issue not more than five licenses	3733
under division (C) (2) of this section.	3734
(D) If it is determined that an applicant or licensee is	3735
not in compliance with a provision of this chapter that applies	3736
to residential facilities or the rules adopted under such a	3737
provision, the director may deny issuance of a license, refuse	3738
to renew a license, terminate a license, revoke a license, issue	3739
an order for the suspension of admissions to a facility, issue	3740
an order for the placement of a monitor at a facility, issue an	3741
order for the immediate removal of residents, or take any other	3742
action the director considers necessary consistent with the	3743
director's authority under this chapter regarding residential	3744
facilities. In the director's selection and administration of	3745
the sanction to be imposed, all of the following apply:	3746
(1) The director may deny, refuse to renew, or revoke a	3747
license, if the director determines that the applicant or	3748
licensee has demonstrated a pattern of serious noncompliance or	3749
that a violation creates a substantial risk to the health and	3750
safety of residents of a residential facility.	3751
(2) The director may terminate a license if more than	3752
twelve consecutive months have elapsed since the residential	3753
facility was last occupied by a resident or a notice required by	3754
division (J) of this section is not given.	3755

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D) (1) of this section and for any other violation specified in rules adopted under division (G) (2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D) (1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G) (2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services

from the licensee if the resident has a guardian; 3786

(c) The parent or guardian of each resident who receives 3787  
services from the licensee if the resident is a minor. 3788

(6) Pursuant to rules which shall be adopted in accordance 3789  
with Chapter 119. of the Revised Code, the director may order 3790  
the immediate removal of residents from a residential facility 3791  
whenever conditions at the facility present an immediate danger 3792  
of physical or psychological harm to the residents. 3793

(7) In determining whether a residential facility is being 3794  
operated in compliance with a provision of this chapter that 3795  
applies to residential facilities or the rules adopted under 3796  
such a provision, or whether conditions at a residential 3797  
facility present an immediate danger of physical or 3798  
psychological harm to the residents, the director may rely on 3799  
information obtained by a county board of developmental 3800  
disabilities or other governmental agencies. 3801

(8) In proceedings initiated to deny, refuse to renew, or 3802  
revoke licenses, the director may deny, refuse to renew, or 3803  
revoke a license regardless of whether some or all of the 3804  
deficiencies that prompted the proceedings have been corrected 3805  
at the time of the hearing. 3806

(E) (1) Except as provided in division (E) (2) of this 3807  
section, appeals from proceedings initiated to impose a sanction 3808  
under division (D) of this section shall be conducted in 3809  
accordance with Chapter 119. of the Revised Code. 3810

(2) Appeals from proceedings initiated to order the 3811  
suspension of admissions to a facility shall be conducted in 3812  
accordance with Chapter 119. of the Revised Code, unless the 3813  
order was issued before providing an opportunity for an 3814

adjudication, in which case all of the following apply: 3815

(a) The licensee may request a hearing not later than ten 3816  
days after receiving the notice specified in section 119.07 of 3817  
the Revised Code. 3818

(b) If a timely request for a hearing that includes the 3819  
licensee's current address is made, the hearing shall commence 3820  
not later than thirty days after the department receives the 3821  
request. 3822

(c) After commencing, the hearing shall continue 3823  
uninterrupted, except for Saturdays, Sundays, and legal 3824  
holidays, unless other interruptions are agreed to by the 3825  
licensee and the director. 3826

(d) If the hearing is conducted by a hearing examiner, the 3827  
hearing examiner shall file a report and recommendations not 3828  
later than ten days after the last of the following: 3829

(i) The close of the hearing; 3830

(ii) If a transcript of the proceedings is ordered, the 3831  
hearing examiner receives the transcript; 3832

(iii) If post-hearing briefs are timely filed, the hearing 3833  
examiner receives the briefs. 3834

(e) A copy of the written report and recommendation of the 3835  
hearing examiner shall be sent, by certified mail, to the 3836  
licensee and the licensee's attorney, if applicable, not later 3837  
than five days after the report is filed. 3838

(f) Not later than five days after the hearing examiner 3839  
files the report and recommendations, the licensee may file 3840  
objections to the report and recommendations. 3841

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the

suspension of admissions to a facility, placement of a monitor	3871
at a facility, and the immediate removal of residents from a	3872
facility;	3873
(3) Fees for issuing and renewing licenses, which shall be	3874
deposited into the program fee fund created under section	3875
5123.033 of the Revised Code;	3876
(4) Procedures for surveying residential facilities;	3877
(5) Classifications for the various types of residential	3878
facilities;	3879
(6) The maximum number of individuals who may be served in	3880
a particular type of residential facility;	3881
(7) Uniform procedures for admission of individuals to and	3882
transfers and discharges of individuals from residential	3883
facilities;	3884
(8) Other standards for the operation of residential	3885
facilities and the services provided at residential facilities;	3886
(9) Procedures for waiving any provision of any rule	3887
adopted under this section.	3888
(H) (1) Before issuing a license, the director shall	3889
conduct a survey of the residential facility for which	3890
application is made. The director shall conduct a survey of each	3891
licensed residential facility at least once during the period	3892
the license is valid and may conduct additional inspections as	3893
needed. A survey includes but is not limited to an on-site	3894
examination and evaluation of the residential facility, its	3895
personnel, and the services provided there. The director may	3896
assign to a county board of developmental disabilities or the	3897
department of health the responsibility to conduct any survey or	3898



inspection under this section. 3899

(2) In conducting surveys, the director shall be given 3900  
access to the residential facility; all records, accounts, and 3901  
any other documents related to the operation of the facility; 3902  
the licensee; the residents of the facility; and all persons 3903  
acting on behalf of, under the control of, or in connection with 3904  
the licensee. The licensee and all persons on behalf of, under 3905  
the control of, or in connection with the licensee shall 3906  
cooperate with the director in conducting the survey. 3907

(3) Following each survey, the director shall provide the 3908  
licensee with a report listing the date of the survey, any 3909  
citations issued as a result of the survey, and the statutes or 3910  
rules that purportedly have been violated and are the bases of 3911  
the citations. The director shall also do both of the following: 3912

(a) Specify a date by which the licensee may appeal any of 3913  
the citations; 3914

(b) When appropriate, specify a timetable within which the 3915  
licensee must submit a plan of correction describing how the 3916  
problems specified in the citations will be corrected and, the 3917  
date by which the licensee anticipates the problems will be 3918  
corrected. 3919

(4) If the director initiates a proceeding to revoke a 3920  
license, the director shall include the report required by 3921  
division (H) (3) of this section with the notice of the proposed 3922  
revocation the director sends to the licensee. In this 3923  
circumstance, the licensee may not submit a plan of correction. 3924

(5) After a plan of correction is submitted, the director 3925  
shall approve or disapprove the plan. If the plan of correction 3926  
is approved, a copy of the approved plan shall be provided, not 3927

later than five business days after it is approved, to any 3928  
person or government entity who requests it and made available 3929  
on the internet web site maintained by the department of 3930  
developmental disabilities. If the plan of correction is not 3931  
approved and the director initiates a proceeding to revoke the 3932  
license, a copy of the survey report shall be provided to any 3933  
person or government entity that requests it and shall be made 3934  
available on the internet web site maintained by the department. 3935

(6) The director shall initiate disciplinary action 3936  
against any department employee who notifies or causes the 3937  
notification to any unauthorized person of an unannounced survey 3938  
of a residential facility by an authorized representative of the 3939  
department. 3940

(I) In addition to any other information which may be 3941  
required of applicants for a license pursuant to this section, 3942  
the director shall require each applicant to provide a copy of 3943  
an approved plan for a proposed residential facility pursuant to 3944  
section 5123.042 of the Revised Code. This division does not 3945  
apply to renewal of a license or to an applicant for an initial 3946  
or modified license who meets the requirements of section 3947  
5123.197 of the Revised Code. 3948

(J) (1) A licensee shall notify the owner of the building 3949  
in which the licensee's residential facility is located of any 3950  
significant change in the identity of the licensee or management 3951  
contractor before the effective date of the change if the 3952  
licensee is not the owner of the building. 3953

(2) Pursuant to rules, which shall be adopted in 3954  
accordance with Chapter 119. of the Revised Code, the director 3955  
may require notification to the department of any significant 3956  
change in the ownership of a residential facility or in the 3957

identity of the licensee or management contractor. If the 3958  
director determines that a significant change of ownership is 3959  
proposed, the director shall consider the proposed change to be 3960  
an application for development by a new operator pursuant to 3961  
section 5123.042 of the Revised Code and shall advise the 3962  
applicant within sixty days of the notification that the current 3963  
license shall continue in effect or a new license will be 3964  
required pursuant to this section. If the director requires a 3965  
new license, the director shall permit the facility to continue 3966  
to operate under the current license until the new license is 3967  
issued, unless the current license is revoked, refused to be 3968  
renewed, or terminated in accordance with Chapter 119. of the 3969  
Revised Code. 3970

(3) A licensee shall transfer to the new licensee or 3971  
management contractor all records related to the residents of 3972  
the facility following any significant change in the identity of 3973  
the licensee or management contractor. 3974

(K) A county board of developmental disabilities and any 3975  
interested person may file complaints alleging violations of 3976  
statute or department rule relating to residential facilities 3977  
with the department. All complaints shall state the facts 3978  
constituting the basis of the allegation. The department shall 3979  
not reveal the source of any complaint unless the complainant 3980  
agrees in writing to waive the right to confidentiality or until 3981  
so ordered by a court of competent jurisdiction. 3982

The department shall adopt rules in accordance with 3983  
Chapter 119. of the Revised Code establishing procedures for the 3984  
receipt, referral, investigation, and disposition of complaints 3985  
filed with the department under this division. 3986

(L) Before issuing a license under this section to a 3987

residential facility that will accommodate at any time more than 3988  
one individual with a developmental disability, the director 3989  
shall, by first class mail, notify the following: 3990

(1) If the facility will be located in a municipal 3991  
corporation, the clerk of the legislative authority of the 3992  
municipal corporation; 3993

(2) If the facility will be located in unincorporated 3994  
territory, the clerk of the appropriate board of county 3995  
commissioners and the fiscal officer of the appropriate board of 3996  
township trustees. 3997

The director shall not issue the license for ten days 3998  
after mailing the notice, excluding Saturdays, Sundays, and 3999  
legal holidays, in order to give the notified local officials 4000  
time in which to comment on the proposed issuance. 4001

Any legislative authority of a municipal corporation, 4002  
board of county commissioners, or board of township trustees 4003  
that receives notice under this division of the proposed 4004  
issuance of a license for a residential facility may comment on 4005  
it in writing to the director within ten days after the director 4006  
mailed the notice, excluding Saturdays, Sundays, and legal 4007  
holidays. If the director receives written comments from any 4008  
notified officials within the specified time, the director shall 4009  
make written findings concerning the comments and the director's 4010  
decision on the issuance of the license. If the director does 4011  
not receive written comments from any notified local officials 4012  
within the specified time, the director shall continue the 4013  
process for issuance of the license. 4014

(M) Any person may operate a licensed residential facility 4015  
that provides room and board, personal care, habilitation 4016

services, and supervision in a family setting for at least six 4017  
but not more than eight individuals with developmental 4018  
disabilities as a permitted use in any residential district or 4019  
zone, including any single-family residential district or zone, 4020  
of any political subdivision. These residential facilities may 4021  
be required to comply with area, height, yard, and architectural 4022  
compatibility requirements that are uniformly imposed upon all 4023  
single-family residences within the district or zone. 4024

(N) Any person may operate a licensed residential facility 4025  
that provides room and board, personal care, habilitation 4026  
services, and supervision in a family setting for at least nine 4027  
but not more than sixteen individuals with developmental 4028  
disabilities as a permitted use in any multiple-family 4029  
residential district or zone of any political subdivision, 4030  
except that a political subdivision that has enacted a zoning 4031  
ordinance or resolution establishing planned unit development 4032  
districts may exclude these residential facilities from those 4033  
districts, and a political subdivision that has enacted a zoning 4034  
ordinance or resolution may regulate these residential 4035  
facilities in multiple-family residential districts or zones as 4036  
a conditionally permitted use or special exception, in either 4037  
case, under reasonable and specific standards and conditions set 4038  
out in the zoning ordinance or resolution to: 4039

(1) Require the architectural design and site layout of 4040  
the residential facility and the location, nature, and height of 4041  
any walls, screens, and fences to be compatible with adjoining 4042  
land uses and the residential character of the neighborhood; 4043

(2) Require compliance with yard, parking, and sign 4044  
regulation; 4045

(3) Limit excessive concentration of these residential 4046

facilities. 4047

(O) This section does not prohibit a political subdivision 4048  
from applying to residential facilities nondiscriminatory 4049  
regulations requiring compliance with health, fire, and safety 4050  
regulations and building standards and regulations. 4051

(P) Divisions (M) and (N) of this section are not 4052  
applicable to municipal corporations that had in effect on June 4053  
15, 1977, an ordinance specifically permitting in residential 4054  
zones licensed residential facilities by means of permitted 4055  
uses, conditional uses, or special exception, so long as such 4056  
ordinance remains in effect without any substantive 4057  
modification. 4058

(Q) (1) The director may issue an interim license to 4059  
operate a residential facility to an applicant for a license 4060  
under this section if either of the following is the case: 4061

(a) The director determines that an emergency exists 4062  
requiring immediate placement of individuals in a residential 4063  
facility, that insufficient licensed beds are available, and 4064  
that the residential facility is likely to receive a permanent 4065  
license under this section within thirty days after issuance of 4066  
the interim license. 4067

(b) The director determines that the issuance of an 4068  
interim license is necessary to meet a temporary need for a 4069  
residential facility. 4070

(2) To be eligible to receive an interim license, an 4071  
applicant must meet the same criteria that must be met to 4072  
receive a permanent license under this section, except for any 4073  
differing procedures and time frames that may apply to issuance 4074  
of a permanent license. 4075

(3) An interim license shall be valid for thirty days and 4076  
may be renewed by the director for a period not to exceed one 4077  
hundred eighty days. 4078

(4) The director shall adopt rules in accordance with 4079  
Chapter 119. of the Revised Code as the director considers 4080  
necessary to administer the issuance of interim licenses. 4081

(R) Notwithstanding rules adopted pursuant to this section 4082  
establishing the maximum number of individuals who may be served 4083  
in a particular type of residential facility, a residential 4084  
facility shall be permitted to serve the same number of 4085  
individuals being served by the facility on the effective date 4086  
of the rules or the number of individuals for which the facility 4087  
is authorized pursuant to a current application for a 4088  
certificate of need with a letter of support from the department 4089  
of developmental disabilities and which is in the review process 4090  
prior to April 4, 1986. 4091

This division does not preclude the department from 4092  
suspending new admissions to a residential facility pursuant to 4093  
a written order issued under section 5124.70 of the Revised 4094  
Code. 4095

(S) The director may enter at any time, for purposes of 4096  
investigation, any home, facility, or other structure that has 4097  
been reported to the director or that the director has 4098  
reasonable cause to believe is being operated as a residential 4099  
facility without a license issued under this section. 4100

The director may petition the court of common pleas of the 4101  
county in which an unlicensed residential facility is located 4102  
for an order enjoining the person or governmental agency 4103  
operating the facility from continuing to operate without a 4104

license. The court may grant the injunction on a showing that 4105  
the person or governmental agency named in the petition is 4106  
operating a residential facility without a license. The court 4107  
may grant the injunction, regardless of whether the residential 4108  
facility meets the requirements for receiving a license under 4109  
this section. 4110

**Section 2.** That existing sections 149.43, 2317.54, 4111  
3712.01, 3712.031, 3712.061, 3715.87, 3715.871, 3715.872, 4112  
3715.873, 3719.061, 3721.01, 3722.02, 3740.01, 4729.01, 4729.16, 4113  
4729.28, 4729.29, 4729.44, 4729.51, 4729.54, 4729.541, 4729.60, 4114  
4752.02, 4765.44, and 5123.19 of the Revised Code are hereby 4115  
repealed. 4116

**Section 3.** That sections 2925.61, 3707.56, 3707.561, 4117  
3707.562, 4723.484, 4723.485, 4723.486, 4729.514, 4729.515, 4118  
4730.434, 4730.435, 4730.436, 4731.94, 4731.941, 4731.942, and 4119  
4731.943 of the Revised Code are hereby repealed. 4120

**Section 4.** In amending any rule solely to reflect the 4121  
change of using the term "overdose reversal drug," instead of 4122  
"naloxone," in the Revised Code, as enacted in H.B. 193 of the 4123  
132nd General Assembly, a state agency or board is not subject 4124  
to review by the Common Sense Initiative Office, and the agency 4125  
or board is not required to transmit a business impact analysis 4126  
to the Office. 4127