

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

133rd General Assembly

**Regular Session
2019-2020**

Am. S. B. No. 59

Senator Antonio

**Cosponsors: Senators Fedor, Kunze, Maharath, O'Brien, Sykes, Thomas,
Williams, Yuko**

A BILL

To amend section 4729.44 of the Revised Code to
require the State Board of Pharmacy to educate
certain license holders about the law
authorizing naloxone dispensing without a
prescription.

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

Section 1. That section 4729.44 of the Revised Code be
amended to read as follows:

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

(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.

(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.

(B) If use of the protocol developed pursuant to rules

adopted under division (G) of this section has been authorized 17
under section 3707.56 or 4731.942 of the Revised Code, a 18
pharmacist or pharmacy intern may dispense naloxone without a 19
prescription to either of the following in accordance with that 20
protocol: 21

(1) An individual who there is reason to believe is 22
experiencing or at risk of experiencing an opioid-related 23
overdose; 24

(2) A family member, friend, or other individual in a 25
position to assist an individual who there is reason to believe 26
is at risk of experiencing an opioid-related overdose. 27

(C) A pharmacist or pharmacy intern who dispenses naloxone 28
under this section shall instruct the individual to whom 29
naloxone is dispensed to summon emergency services as soon as 30
practicable either before or after administering naloxone. 31

(D) A pharmacist may document on a prescription form the 32
dispensing of naloxone by the pharmacist or a pharmacy intern 33
supervised by the pharmacist. The form may be assigned a number 34
for record-keeping purposes. 35

(E) This section does not affect the authority of a 36
pharmacist or pharmacy intern to fill or refill a prescription 37
for naloxone. 38

(F) A board of health that in good faith authorizes a 39
pharmacist or pharmacy intern to dispense naloxone without a 40
prescription in accordance with a protocol developed pursuant to 41
rules adopted under division (G) of this section is not liable 42
for or subject to any of the following for any action or 43
omission of the individual to whom the naloxone is dispensed: 44
damages in any civil action, prosecution in any criminal 45

proceeding, or professional disciplinary action. 46

A physician who in good faith authorizes a pharmacist or 47
pharmacy intern to dispense naloxone without a prescription in 48
accordance with a protocol developed pursuant to rules adopted 49
under division (G) of this section is not liable for or subject 50
to any of the following for any action or omission of the 51
individual to whom the naloxone is dispensed: damages in any 52
civil action, prosecution in any criminal proceeding, or 53
professional disciplinary action. 54

A pharmacist or pharmacy intern authorized under this 55
section to dispense naloxone without a prescription who does so 56
in good faith is not liable for or subject to any of the 57
following for any action or omission of the individual to whom 58
the naloxone is dispensed: damages in any civil action, 59
prosecution in any criminal proceeding, or professional 60
disciplinary action. 61

(G) The state board of pharmacy shall, after consulting 62
with the department of health and state medical board, adopt 63
rules to implement this section. The rules shall specify a 64
protocol under which pharmacists or pharmacy interns may 65
dispense naloxone without a prescription. 66

All rules adopted under this section shall be adopted in 67
accordance with Chapter 119. of the Revised Code. 68

(H) (1) The state board of pharmacy shall develop a program 69
to educate all of the following about the authority of a 70
pharmacist or pharmacy intern to dispense naloxone without a 71
prescription: 72

(a) Holders of licenses issued under this chapter that 73
engage in the sale or dispensing of naloxone pursuant to this 74

section; 75

(b) Registered pharmacy technicians, certified pharmacy 76
technicians, and pharmacy technician trainees registered under 77
this chapter who engage in the sale of naloxone pursuant to this 78
section; 79

(c) Individuals who are not licensed or registered under 80
this chapter but are employed by license holders described in 81
division (H)(1)(a) of this section. 82

(2) As part of the program, the board also shall educate 83
the license holders, pharmacy technicians, and employees 84
described in division (H)(1) of this section about maintaining 85
an adequate supply of naloxone and methods for determining a 86
pharmacy's stock of the drug. 87

(3) The board may use its web site to share information 88
under the program. 89

Section 2. That existing section 4729.44 of the Revised 90
Code is hereby repealed. 91