

As Introduced

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Representatives Leland, Hoops

**Cosponsors: Representatives Brinkman, Skindell, Boggs, O'Brien, Crossman,
Weinstein, Carruthers, Becker, Antani, Patterson, Lightbody, Crawley, Russo,
Sobecki, Miranda**

A BILL

To amend sections 959.06, 4729.01, 4729.531, 1
4729.532, and 4729.54 of the Revised Code to 2
prohibit an animal shelter from using a gas 3
chamber to euthanize an animal and to make 4
changes to the law governing euthanasia of an 5
animal by lethal injection. 6

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

Section 1. That sections 959.06, 4729.01, 4729.531, 7
4729.532, and 4729.54 of the Revised Code be amended to read as 8
follows: 9

Sec. 959.06. (A) As used in this section, "animal shelter" 10
means a facility operated by a humane society or any society 11
organized under Chapter 1717. of the Revised Code, a dog pound 12
operated pursuant to Chapter 955. of the Revised Code, an office 13
of a county dog warden, or a local animal shelter that is 14
operated by any entity of local government. 15

(B) No person shall destroy any domestic animal by the use 16

of ~~a~~ either of the following:

(1) A high altitude decompression chamber; or by any

(2) Any method other than a method that immediately and
painlessly renders the domestic animal initially unconscious and
subsequently dead.

~~(B)~~ (C) (1) Except as provided in division (C) (2) of this
section, no animal shelter shall destroy a domestic animal by
the use of a carbon monoxide gas chamber, carbon dioxide gas
chamber, or any other nonanesthetic inhalant.

(2) An animal shelter may destroy a domestic animal by the
use of a carbon monoxide gas chamber, carbon dioxide gas
chamber, or any other nonanesthetic inhalant if the state
veterinary medical licensing board, in consultation with the
state board of pharmacy, declares that there is a shortage of
approved lethal injection substances.

(D) This section does not apply to or prohibit the
slaughtering of livestock under Chapter 945. or Chapter 941. of
the Revised Code, or the taking of any wild animal, as defined
in section 1531.01 of the Revised Code, when taken in accordance
with Chapter 1533. of the Revised Code.

(E) This section does not apply to either of the
following:

(1) The lawful practice of veterinary medicine by a person
who has been issued a license, temporary permit, or registration
certificate under Chapter 4741. of the Revised Code;

(2) An animal used in scientific research conducted by a
research facility in accordance with the federal animal welfare
act and related regulations. As used in division (E) (2) of this

section, "federal animal welfare act" has the same meaning as in 45
section 959.131 of the Revised Code. 46

Sec. 4729.01. As used in this chapter: 47

(A) "Pharmacy," except when used in a context that refers 48
to the practice of pharmacy, means any area, room, rooms, place 49
of business, department, or portion of any of the foregoing 50
where the practice of pharmacy is conducted. 51

(B) "Practice of pharmacy" means providing pharmacist care 52
requiring specialized knowledge, judgment, and skill derived 53
from the principles of biological, chemical, behavioral, social, 54
pharmaceutical, and clinical sciences. As used in this division, 55
"pharmacist care" includes the following: 56

(1) Interpreting prescriptions; 57

(2) Dispensing drugs and drug therapy related devices; 58

(3) Compounding drugs; 59

(4) Counseling individuals with regard to their drug 60
therapy, recommending drug therapy related devices, and 61
assisting in the selection of drugs and appliances for treatment 62
of common diseases and injuries and providing instruction in the 63
proper use of the drugs and appliances; 64

(5) Performing drug regimen reviews with individuals by 65
discussing all of the drugs that the individual is taking and 66
explaining the interactions of the drugs; 67

(6) Performing drug utilization reviews with licensed 68
health professionals authorized to prescribe drugs when the 69
pharmacist determines that an individual with a prescription has 70
a drug regimen that warrants additional discussion with the 71
prescriber; 72

(7) Advising an individual and the health care	73
professionals treating an individual with regard to the	74
individual's drug therapy;	75
(8) Acting pursuant to a consult agreement with one or	76
more physicians authorized under Chapter 4731. of the Revised	77
Code to practice medicine and surgery or osteopathic medicine	78
and surgery, if an agreement has been established;	79
(9) Engaging in the administration of immunizations to the	80
extent authorized by section 4729.41 of the Revised Code;	81
(10) Engaging in the administration of drugs to the extent	82
authorized by section 4729.45 of the Revised Code.	83
(C) "Compounding" means the preparation, mixing,	84
assembling, packaging, and labeling of one or more drugs in any	85
of the following circumstances:	86
(1) Pursuant to a prescription issued by a licensed health	87
professional authorized to prescribe drugs;	88
(2) Pursuant to the modification of a prescription made in	89
accordance with a consult agreement;	90
(3) As an incident to research, teaching activities, or	91
chemical analysis;	92
(4) In anticipation of orders for drugs pursuant to	93
prescriptions, based on routine, regularly observed dispensing	94
patterns;	95
(5) Pursuant to a request made by a licensed health	96
professional authorized to prescribe drugs for a drug that is to	97
be used by the professional for the purpose of direct	98
administration to patients in the course of the professional's	99
practice, if all of the following apply:	100

(a) At the time the request is made, the drug is not 101
commercially available regardless of the reason that the drug is 102
not available, including the absence of a manufacturer for the 103
drug or the lack of a readily available supply of the drug from 104
a manufacturer. 105

(b) A limited quantity of the drug is compounded and 106
provided to the professional. 107

(c) The drug is compounded and provided to the 108
professional as an occasional exception to the normal practice 109
of dispensing drugs pursuant to patient-specific prescriptions. 110

(D) "Consult agreement" means an agreement that has been 111
entered into under section 4729.39 of the Revised Code. 112

(E) "Drug" means: 113

(1) Any article recognized in the United States 114
pharmacopoeia and national formulary, or any supplement to them, 115
intended for use in the diagnosis, cure, mitigation, treatment, 116
or prevention of disease in humans or animals; 117

(2) Any other article intended for use in the diagnosis, 118
cure, mitigation, treatment, or prevention of disease in humans 119
or animals; 120

(3) Any article, other than food, intended to affect the 121
structure or any function of the body of humans or animals; 122

(4) Any article intended for use as a component of any 123
article specified in division (E) (1), (2), or (3) of this 124
section; but does not include devices or their components, 125
parts, or accessories. 126

"Drug" does not include "hemp" or a "hemp product" as 127
those terms are defined in section 928.01 of the Revised Code. 128

(F) "Dangerous drug" means any of the following:	129
(1) Any drug to which either of the following applies:	130
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	131
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	132
required to bear a label containing the legend "Caution: Federal	133
law prohibits dispensing without prescription" or "Caution:	134
Federal law restricts this drug to use by or on the order of a	135
licensed veterinarian" or any similar restrictive statement, or	136
the drug may be dispensed only upon a prescription;	137
(b) Under Chapter 3715. or 3719. of the Revised Code, the	138
drug may be dispensed only upon a prescription.	139
(2) Any drug that contains a schedule V controlled	140
substance and that is exempt from Chapter 3719. of the Revised	141
Code or to which that chapter does not apply;	142
(3) Any drug intended for administration by injection into	143
the human body other than through a natural orifice of the human	144
body;	145
(4) Any drug that is a biological product, as defined in	146
section 3715.01 of the Revised Code.	147
(G) "Federal drug abuse control laws" has the same meaning	148
as in section 3719.01 of the Revised Code.	149
(H) "Prescription" means all of the following:	150
(1) A written, electronic, or oral order for drugs or	151
combinations or mixtures of drugs to be used by a particular	152
individual or for treating a particular animal, issued by a	153
licensed health professional authorized to prescribe drugs;	154
(2) For purposes of sections 2925.61, 4723.488, 4730.431,	155

and 4731.94 of the Revised Code, a written, electronic, or oral 156
order for naloxone issued to and in the name of a family member, 157
friend, or other individual in a position to assist an 158
individual who there is reason to believe is at risk of 159
experiencing an opioid-related overdose. 160

(3) For purposes of section 4729.44 of the Revised Code, a 161
written, electronic, or oral order for naloxone issued to and in 162
the name of either of the following: 163

(a) An individual who there is reason to believe is at 164
risk of experiencing an opioid-related overdose; 165

(b) A family member, friend, or other individual in a 166
position to assist an individual who there is reason to believe 167
is at risk of experiencing an opioid-related overdose. 168

(4) For purposes of sections 4723.4810, 4729.282, 169
4730.432, and 4731.93 of the Revised Code, a written, 170
electronic, or oral order for a drug to treat chlamydia, 171
gonorrhea, or trichomoniasis issued to and in the name of a 172
patient who is not the intended user of the drug but is the 173
sexual partner of the intended user; 174

(5) For purposes of sections 3313.7110, 3313.7111, 175
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 176
4731.96, and 5101.76 of the Revised Code, a written, electronic, 177
or oral order for an epinephrine autoinjector issued to and in 178
the name of a school, school district, or camp; 179

(6) For purposes of Chapter 3728. and sections 4723.483, 180
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 181
electronic, or oral order for an epinephrine autoinjector issued 182
to and in the name of a qualified entity, as defined in section 183
3728.01 of the Revised Code. 184

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

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

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

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

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

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

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

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

or both. 214

(K) "Wholesale sale" and "sale at wholesale" mean any sale 215
in which the purpose of the purchaser is to resell the article 216
purchased or received by the purchaser. 217

(L) "Retail sale" and "sale at retail" mean any sale other 218
than a wholesale sale or sale at wholesale. 219

(M) "Retail seller" means any person that sells any 220
dangerous drug to consumers without assuming control over and 221
responsibility for its administration. Mere advice or 222
instructions regarding administration do not constitute control 223
or establish responsibility. 224

(N) "Price information" means the price charged for a 225
prescription for a particular drug product and, in an easily 226
understandable manner, all of the following: 227

(1) The proprietary name of the drug product; 228

(2) The established (generic) name of the drug product; 229

(3) The strength of the drug product if the product 230
contains a single active ingredient or if the drug product 231
contains more than one active ingredient and a relevant strength 232
can be associated with the product without indicating each 233
active ingredient. The established name and quantity of each 234
active ingredient are required if such a relevant strength 235
cannot be so associated with a drug product containing more than 236
one ingredient. 237

(4) The dosage form; 238

(5) The price charged for a specific quantity of the drug 239
product. The stated price shall include all charges to the 240
consumer, including, but not limited to, the cost of the drug 241

product, professional fees, handling fees, if any, and a 242
statement identifying professional services routinely furnished 243
by the pharmacy. Any mailing fees and delivery fees may be 244
stated separately without repetition. The information shall not 245
be false or misleading. 246

(O) "Wholesale distributor of dangerous drugs" or 247
"wholesale distributor" means a person engaged in the sale of 248
dangerous drugs at wholesale and includes any agent or employee 249
of such a person authorized by the person to engage in the sale 250
of dangerous drugs at wholesale. 251

(P) "Manufacturer of dangerous drugs" or "manufacturer" 252
means a person, other than a pharmacist or prescriber, who 253
manufactures dangerous drugs and who is engaged in the sale of 254
those dangerous drugs. 255

(Q) "Terminal distributor of dangerous drugs" or "terminal 256
distributor" means a person who is engaged in the sale of 257
dangerous drugs at retail, or any person, other than a 258
manufacturer, repackager, outsourcing facility, third-party 259
logistics provider, wholesale distributor, or pharmacist, who 260
has possession, custody, or control of dangerous drugs for any 261
purpose other than for that person's own use and consumption. 262
"Terminal distributor" includes pharmacies, hospitals, nursing 263
homes, and laboratories and all other persons who procure 264
dangerous drugs for sale or other distribution by or under the 265
supervision of a pharmacist, licensed health professional 266
authorized to prescribe drugs, or other person authorized by the 267
state board of pharmacy. 268

(R) "Promote to the public" means disseminating a 269
representation to the public in any manner or by any means, 270
other than by labeling, for the purpose of inducing, or that is 271

likely to induce, directly or indirectly, the purchase of a 272
dangerous drug at retail. 273

(S) "Person" includes any individual, partnership, 274
association, limited liability company, or corporation, the 275
state, any political subdivision of the state, and any district, 276
department, or agency of the state or its political 277
subdivisions. 278

(T) "Animal shelter" means a facility operated by a humane 279
society or any society organized under Chapter 1717. of the 280
Revised Code~~or,~~ a dog pound operated pursuant to Chapter 955. 281
of the Revised Code, an office of a county dog warden, or a 282
local animal shelter that is operated by any entity of local 283
government. 284

(U) "Food" has the same meaning as in section 3715.01 of 285
the Revised Code. 286

(V) "Pain management clinic" has the same meaning as in 287
section 4731.054 of the Revised Code. 288

(W) "Investigational drug or product" means a drug or 289
product that has successfully completed phase one of the United 290
States food and drug administration clinical trials and remains 291
under clinical trial, but has not been approved for general use 292
by the United States food and drug administration. 293
"Investigational drug or product" does not include controlled 294
substances in schedule I, as defined in section 3719.01 of the 295
Revised Code. 296

(X) "Product," when used in reference to an 297
investigational drug or product, means a biological product, 298
other than a drug, that is made from a natural human, animal, or 299
microorganism source and is intended to treat a disease or 300

medical condition. 301

(Y) "Third-party logistics provider" means a person that 302
provides or coordinates warehousing or other logistics services 303
pertaining to dangerous drugs including distribution, on behalf 304
of a manufacturer, wholesale distributor, or terminal 305
distributor of dangerous drugs, but does not take ownership of 306
the drugs or have responsibility to direct the sale or 307
disposition of the drugs. 308

(Z) "Repackager of dangerous drugs" or "repackager" means 309
a person that repacks and relabels dangerous drugs for sale or 310
distribution. 311

(AA) "Outsourcing facility" means a facility that is 312
engaged in the compounding and sale of sterile drugs and is 313
registered as an outsourcing facility with the United States 314
food and drug administration. 315

(BB) "Laboratory" means a laboratory licensed under this 316
chapter as a terminal distributor of dangerous drugs and 317
entrusted to have custody of any of the following drugs and to 318
use the drugs for scientific and clinical purposes and for 319
purposes of instruction: dangerous drugs that are not controlled 320
substances, as defined in section 3719.01 of the Revised Code; 321
dangerous drugs that are controlled substances, as defined in 322
that section; and controlled substances in schedule I, as 323
defined in that section. 324

Sec. 4729.531. (A) The state board of pharmacy may issue a 325
limited license to animal shelters solely for the purpose of 326
purchasing, possessing, and administering ~~combination~~ drugs that 327
~~contain pentobarbital and at least one noncontrolled substance~~ 328
~~ingredient, are distributed in a manufactured dosage form, whose~~ 329

~~only indication is for euthanizing animals, or other substances~~ 330
as described in section 4729.532 of the Revised Code. No such 331
license shall authorize or permit the distribution of these 332
drugs to any person other than the originating wholesale 333
distributor of the drugs. An application for licensure shall 334
include the information the board requires by rule under this 335
section. If the application meets the requirements of the rules 336
adopted under this section, the board shall issue the license. 337

(B) The board, in accordance with Chapter 119. of the 338
Revised Code, shall adopt any rules necessary to administer and 339
enforce this section. The rules shall do all of the following: 340

(1) Require as a condition of licensure of the facility 341
that an agent or employee of an animal shelter, other than a 342
registered veterinary technician as defined in section 4741.01 343
of the Revised Code, has successfully completed a euthanasia 344
technician certification course described in section 4729.532 of 345
the Revised Code; 346

(2) Specify the information the animal shelter must 347
provide the board for issuance or renewal of a license; 348

(3) Establish criteria for the board to use in determining 349
whether to refuse to issue or renew, suspend, or revoke a 350
license issued under this section; 351

(4) Address any other matters the board considers 352
necessary or appropriate for the administration and enforcement 353
of this section. 354

Sec. 4729.532. (A) No agent or employee of an animal 355
shelter shall perform euthanasia by means of lethal injection on 356
an animal by use of any substance other than ~~combination drugs~~ 357
~~that contain pentobarbital and at least one noncontrolled a~~ 358

substance ~~active ingredient~~, in a manufactured dosage form, 359
~~whose only indication is for euthanizing animals, or other~~ 360
~~substance~~ that the state veterinary medical licensing board ~~and,~~ 361
in consultation with the state board of pharmacy ~~both approve,~~ 362
approves by rule adopted in accordance with Chapter 119. of the 363
Revised Code. 364

The agent or employee of an animal shelter when using a 365
lethal solution to perform euthanasia on an animal shall use 366
~~such the~~ solution in accordance with one of the following 367
~~methods and in the following order of preference:~~ 368

(1) Intravenous injection by hypodermic needle; 369

(2) Intraperitoneal injection by hypodermic needle; 370

(3) Intracardial injection by hypodermic needle, but only 371
~~on a sedated or unconscious~~ an animal caused and verified to be 372
unconscious; 373

(4) ~~Solution~~ Oral administration of solution or powder 374
~~added to food.~~ 375

~~(B) Except as provided in division (D) of this section, no~~ 376
Before performing euthanasia, a euthanasia technician may 377
administer a solution of one or more drugs exclusively for the 378
purpose of inducing anesthesia or sedation prior to euthanasia. 379
Only those drugs that have been approved by rule of the state 380
board of pharmacy and approved by rule of the state veterinary 381
medical licensing board may be used. A euthanasia technician 382
shall use the approved drugs only for pre-euthanasia purposes. 383

(C) No agent or employee of an animal shelter, other than 384
a registered veterinary technician as defined in section 4741.01 385
of the Revised Code, shall perform euthanasia by means of lethal 386
injection on an animal or administer pre- euthanasia drugs that 387

induce anesthesia or sedation unless he the agent or employee 388
has received certification after successfully completing a 389
euthanasia technician certification course as described in this 390
division. 391

The curriculum for a euthanasia technician certification 392
course shall be one that has been approved by the state 393
veterinary medical licensing board, shall be at least sixteen 394
hours in length, and shall include information in at least all 395
of the following areas: 396

(1) The pharmacology, proper administration, and storage 397
of euthanasia solutions; 398

(2) The pharmacology, proper administration, and storage 399
of approved sedation and anesthesia solutions; 400

(3) Federal and state laws regulating the storage and 401
accountability of euthanasia solutions; 402

~~(3)-(4)~~ (4) Federal and state laws regulating the storage and 403
accountability of approved sedation and anesthesia solutions; 404

(5) Euthanasia technician stress management; 405

~~(4)-(6)~~ (6) Proper disposal of euthanized animals. 406

~~(C) (1) Except as provided in division (D) of this section,~~ 407
~~no~~ (D) (1) No agent or employee of an animal shelter shall 408
perform euthanasia by means of lethal injection on animals or 409
administer pre-euthanasia drugs that induce anesthesia or 410
sedation on animals under this section unless the facility in 411
which ~~he~~ the agent or employee works or is employed is licensed 412
with the state board of pharmacy under section 4729.531 of the 413
Revised Code. 414

(2) Any agent or employee of an animal shelter performing 415

euthanasia by means of lethal injection or administering pre- 416
euthanasia drugs that induce anesthesia or sedation shall do so 417
only in a humane and proficient manner that is in conformity 418
with the methods described in ~~division~~ divisions (A) and (B) of 419
this section and not in violation of Chapter 959. of the Revised 420
Code. 421

~~(D) An agent or employee of an animal shelter who is~~ 422
~~performing euthanasia by means of lethal injection on animals on~~ 423
~~or before the effective date of this section may continue to~~ 424
~~perform such euthanasia and is not required to be certified in~~ 425
~~compliance with division (B) of this section until ninety days~~ 426
~~after the effective date of the rules adopted in compliance with~~ 427
~~Section 3 of House Bill No. 88 of the 120th general assembly.~~ 428

(E) Nothing in this section precludes a licensed 429
veterinarian or registered veterinary technician as defined in 430
section 4741.01 of the Revised Code from engaging in the 431
practice of veterinary medicine as authorized in Chapter 4741. 432
of the Revised Code. 433

Sec. 4729.54. (A) As used in this section: 434

(1) "Category II" means any dangerous drug that is not 435
included in category III. 436

(2) "Category III" means any controlled substance that is 437
contained in schedule I, II, III, IV, or V. 438

(3) "Emergency medical service organization" has the same 439
meaning as in section 4765.01 of the Revised Code. 440

(4) "Emergency medical service organization satellite" 441
means a location where dangerous drugs are stored that is 442
separate from, but associated with, the headquarters of an 443
emergency medical service organization. "Emergency medical 444

service organization satellite" does not include the units under 445
the control of the emergency medical service organization. 446

(5) "Person" includes an emergency medical service 447
organization or an emergency medical service organization 448
satellite. 449

(6) "Schedule I," "schedule II," "schedule III," "schedule 450
IV," and "schedule V" have the same meanings as in section 451
3719.01 of the Revised Code. 452

(B) (1) A person seeking to be licensed as a terminal 453
distributor of dangerous drugs shall file with the executive 454
director of the state board of pharmacy a verified application. 455
After it is filed, the application may not be withdrawn without 456
approval of the board. 457

(2) An application shall contain all the following that 458
apply in the applicant's case: 459

(a) Information that the board requires relative to the 460
qualifications of a terminal distributor of dangerous drugs set 461
forth in section 4729.55 of the Revised Code; 462

(b) A statement as to whether the person is seeking to be 463
licensed as a category II, category III, limited category II, or 464
limited category III terminal distributor of dangerous drugs; 465

(c) If the person is seeking to be licensed as a limited 466
category II or limited category III terminal distributor of 467
dangerous drugs, a list of the dangerous drugs that the person 468
is seeking to possess, have custody or control of, and 469
distribute, which list shall also specify the purpose for which 470
those drugs will be used and their source; 471

(d) If the person is an emergency medical service 472

organization, the information that is specified in divisions (C) 473
(1) and (2) of this section, and if the person is an emergency 474
medical service organization satellite, the information required 475
under division (D) of this section; 476

(e) Except with respect to the units under the control of 477
an emergency medical service organization, the identity of the 478
one establishment or place at which the person intends to engage 479
in the sale or other distribution of dangerous drugs at retail, 480
and maintain possession, custody, or control of dangerous drugs 481
for purposes other than the person's own use or consumption; 482

(f) If the application pertains to a pain management 483
clinic, information that demonstrates, to the satisfaction of 484
the board, compliance with division (A) of section 4729.552 of 485
the Revised Code; 486

(g) If the application pertains to a facility, clinic, or 487
other location described in division (B) of section 4729.553 of 488
the Revised Code that must hold a category III terminal 489
distributor of dangerous drugs license with an office-based 490
opioid treatment classification, information that demonstrates, 491
to the satisfaction of the board, compliance with division (C) 492
of that section. 493

(C) (1) Each emergency medical service organization that 494
applies for a terminal distributor of dangerous drugs license 495
shall submit with its application all of the following: 496

(a) A copy of its standing orders or protocol, which 497
orders or protocol shall be signed by a physician; 498

(b) A list of the dangerous drugs that the units under its 499
control may carry, expressed in standard dose units, which shall 500
be signed by a physician; 501

(c) A list of the personnel employed or used by the 502
organization to provide emergency medical services in accordance 503
with Chapter 4765. of the Revised Code. 504

In accordance with Chapter 119. of the Revised Code, the 505
board shall adopt rules specifying when an emergency medical 506
service organization that is licensed as a terminal distributor 507
must notify the board of any changes in its documentation 508
submitted pursuant to division (C)(1) of this section. 509

(2) An emergency medical service organization seeking to 510
be licensed as a terminal distributor of dangerous drugs shall 511
list in its application for licensure the following additional 512
information: 513

(a) The units under its control that the organization 514
determines will possess dangerous drugs for the purpose of 515
administering emergency medical services in accordance with 516
Chapter 4765. of the Revised Code; 517

(b) With respect to each such unit, whether the dangerous 518
drugs that the organization determines the unit will possess are 519
in category II or III. 520

(3) An emergency medical service organization that is 521
licensed as a terminal distributor of dangerous drugs shall file 522
a new application for such licensure if there is any change in 523
the number or location of any of its units or if there is any 524
change in the category of the dangerous drugs that any unit will 525
possess. 526

(4) A unit listed in an application for licensure pursuant 527
to division (C)(2) of this section may obtain the dangerous 528
drugs it is authorized to possess from its emergency medical 529
service organization or, on a replacement basis, from a hospital 530

pharmacy. If units will obtain dangerous drugs from a hospital 531
pharmacy, the organization shall file, and maintain in current 532
form, the following items with the pharmacist who is responsible 533
for the hospital's terminal distributor of dangerous drugs 534
license: 535

(a) A copy of its standing orders or protocol; 536

(b) A list of the personnel employed or used by the 537
organization to provide emergency medical services in accordance 538
with Chapter 4765. of the Revised Code, who are authorized to 539
possess the drugs, which list also shall indicate the personnel 540
who are authorized to administer the drugs. 541

(D) Each emergency medical service organization satellite 542
that applies for a terminal distributor of dangerous drugs 543
license shall submit with its application all of the information 544
that the board requires to be submitted with the application, as 545
specified in rules the board shall adopt in accordance with 546
Chapter 119. of the Revised Code. 547

(E) There shall be four categories of terminal distributor 548
of dangerous drugs licenses. The categories are as follows: 549

(1) Category II license. A person who obtains this license 550
may possess, have custody or control of, and distribute only the 551
dangerous drugs described in category II. 552

(2) Limited category II license. A person who obtains this 553
license may possess, have custody or control of, and distribute 554
only the dangerous drugs described in category II that were 555
listed in the application for licensure. 556

(3) Category III license, which may include a pain 557
management clinic classification issued under section 4729.552 558
of the Revised Code. A person who obtains this license may 559

possess, have custody or control of, and distribute the 560
dangerous drugs described in category II and category III. If 561
the license includes a pain management clinic classification, 562
the person may operate a pain management clinic. 563

(4) Limited category III license. A person who obtains 564
this license may possess, have custody or control of, and 565
distribute only the dangerous drugs described in category II or 566
category III that were listed in the application for licensure. 567

(F) Except for an application made on behalf of an animal 568
shelter, if an applicant for a limited category II license or 569
limited category III license intends to administer dangerous 570
drugs to a person or animal, the applicant shall submit, with 571
the application, a copy of its protocol or standing orders. The 572
protocol or orders shall be signed by a licensed health 573
professional authorized to prescribe drugs, specify the 574
dangerous drugs to be administered, and list personnel who are 575
authorized to administer the dangerous drugs in accordance with 576
federal law or the law of this state. An application made on 577
behalf of an animal shelter shall include a list of the 578
dangerous drugs to be administered to animals and the personnel 579
who are authorized to administer the drugs to animals in 580
accordance with section 4729.532 of the Revised Code. 581

In accordance with Chapter 119. of the Revised Code, the 582
board shall adopt rules specifying when a licensee must notify 583
the board of any changes in its documentation submitted pursuant 584
to this division. 585

(G) (1) Each applicant for licensure as a terminal 586
distributor of dangerous drugs shall submit, with the 587
application, a license fee. The amount assessed shall not be 588
returned to the applicant if the applicant fails to qualify for 589

the license. 590

(2) The following fees apply under division (G) (1) of this 591
section: 592

(a) Except as provided in division (G) (2) (b) of this 593
section: 594

(i) Three hundred twenty dollars for a category II or 595
limited category II license; 596

(ii) Four hundred forty dollars for a category III 597
license, including a license with a pain management clinic 598
classification issued under section 4729.552 of the Revised 599
Code, or a limited category III license. 600

(b) One hundred twenty dollars for all of the following: 601

(i) A person who is required to hold a license as a 602
terminal distributor of dangerous drugs pursuant to division (D) 603
of section 4729.541 of the Revised Code; 604

(ii) A professional association, corporation, partnership, 605
or limited liability company organized for the purpose of 606
practicing veterinary medicine that is not included in division 607
(G) (2) (b) (i) of this section; 608

(iii) An emergency medical service organization satellite. 609

(H) (1) The board shall issue a terminal distributor of 610
dangerous drugs license to each person who submits an 611
application for such licensure in accordance with this section, 612
pays the required license fee, is determined by the board to 613
meet the requirements set forth in section 4729.55 of the 614
Revised Code, and satisfies any other applicable requirements of 615
this section. 616

(2) The license shall describe the one establishment or 617
place at which the licensee may engage in the sale or other 618
distribution of dangerous drugs at retail and maintain 619
possession, custody, or control of dangerous drugs for purposes 620
other than the licensee's own use or consumption. The one 621
establishment or place shall be that which is identified in the 622
application for licensure. 623

No such license shall authorize or permit the terminal 624
distributor of dangerous drugs named in it to engage in the sale 625
or other distribution of dangerous drugs at retail or to 626
maintain possession, custody, or control of dangerous drugs for 627
any purpose other than the distributor's own use or consumption, 628
at any establishment or place other than that described in the 629
license, except that an agent or employee of an animal shelter 630
may possess and use dangerous drugs in the course of business as 631
provided in ~~division (D) of~~ section 4729.532 of the Revised 632
Code. 633

(3) The license of an emergency medical service 634
organization shall cover the organization's headquarters and, in 635
addition, shall cover and describe all the units of the 636
organization listed in its application for licensure. 637

(I) (1) All licenses issued or renewed pursuant to this 638
section shall be effective for a period specified by the board 639
in rules adopted under section 4729.26 of the Revised Code. The 640
effective period for an initial or renewed license shall not 641
exceed twenty-four months unless the board extends the period in 642
rules to adjust license renewal schedules. A license shall be 643
renewed by the board according to the provisions of this 644
section, the standard renewal procedure of Chapter 4745. of the 645
Revised Code, and rules adopted by the board under section 646

4729.26 of the Revised Code. A person seeking to renew a license 647
shall submit an application for renewal and pay the required fee 648
on or before the date specified in the rules adopted by the 649
board. The fee required for the renewal of a license shall be 650
the same as the license fee paid under division (G) of this 651
section. 652

(2) (a) Subject to division (I) (2) (b) of this section, a 653
license that has not been renewed by the date specified in rules 654
adopted by the board may be reinstated only upon payment of the 655
required renewal fee and a penalty fee of one hundred ten 656
dollars. 657

(b) If an application for renewal has not been submitted 658
by the sixty-first day after the renewal date specified in rules 659
adopted by the board, the license is considered void and cannot 660
be renewed, but the license holder may reapply for licensure. 661

(3) A terminal distributor of dangerous drugs that fails 662
to renew licensure in accordance with this section and rules 663
adopted by the board is prohibited from engaging in the retail 664
sale, possession, or distribution of dangerous drugs until a 665
valid license is issued by the board. 666

(J) (1) No emergency medical service organization that is 667
licensed as a terminal distributor of dangerous drugs shall fail 668
to comply with division (C) (1), (3), or (4) of this section. 669

(2) No licensed terminal distributor of dangerous drugs 670
shall possess, have custody or control of, or distribute 671
dangerous drugs that the terminal distributor is not entitled to 672
possess, have custody or control of, or distribute by virtue of 673
its category of licensure. 674

(3) No licensee that is required by division (F) of this 675

section to notify the board of changes in its protocol or 676
standing orders, or in personnel, shall fail to comply with that 677
division. 678

(K) The board may enter into agreements with other states, 679
federal agencies, and other entities to exchange information 680
concerning licensing and inspection of terminal distributors of 681
dangerous drugs located within or outside this state and to 682
investigate alleged violations of the laws and rules governing 683
distribution of drugs by terminal distributors. Any information 684
received pursuant to such an agreement is subject to the same 685
confidentiality requirements applicable to the agency or entity 686
from which it was received and shall not be released without 687
prior authorization from that agency or entity. 688

Section 2. That existing sections 959.06, 4729.01, 689
4729.531, 4729.532, and 4729.54 of the Revised Code are hereby 690
repealed. 691