

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 4**

**Representatives Sprague, Rezabek**

---

**A BILL**

To amend sections 2925.61, 4729.29, and 4731.94 and 1  
to enact sections 4729.44 and 4731.941 of the 2  
Revised Code regarding authority to furnish or 3  
dispense naloxone to a person who may be at risk 4  
of an opioid overdose or a person who may be in 5  
a position to assist a person who is at risk. 6

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

**Section 1.** That sections 2925.61, 4729.29, and 4731.94 be 7  
amended and sections 4729.44 and 4731.941 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 2925.61.** (A) As used in this section: 10

(1) "Administer naloxone" means to give naloxone to a 11  
person by either of the following routes: 12

(a) Using a device manufactured for the intranasal 13  
administration of liquid drugs; 14

(b) Using an autoinjector in a manufactured dosage form. 15

(2) "Law enforcement agency" means a government entity 16  
that employs peace officers to perform law enforcement duties. 17

(3) "Licensed health professional" means all of the following: 18  
19

(a) ~~A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;~~ 20  
21  
22

(b) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code; 23  
24

(c) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code. 25  
26  
27

(4) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code. 28  
29

(5) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 30  
31  
32  
33

(B) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following: 34  
35  
36  
37  
38  
39  
40

(1) Obtains naloxone from a licensed health professional or, pursuant to a prescription for naloxone from issued by a licensed health professional or obtains naloxone from one of the following: a licensed health professional, an individual who is authorized by a physician under section 4731.941 of the Revised Code to personally furnish naloxone, or a pharmacist or pharmacy 41  
42  
43  
44  
45  
46

intern who is authorized by a physician under section 4729.44 of 47  
the Revised Code to dispense naloxone without a prescription; 48

(2) Administers ~~that~~ the naloxone obtained as described in 49  
division (B)(1) of this section to an individual who is 50  
apparently experiencing an opioid-related overdose; 51

(3) Attempts to summon emergency services either 52  
immediately before or immediately after administering the 53  
naloxone. 54

(C) Division (B) of this section does not apply to a peace 55  
officer or to an emergency medical technician-basic, emergency 56  
medical technician-intermediate, or emergency medical 57  
technician-paramedic, as defined in section 4765.01 of the 58  
Revised Code. 59

(D) A peace officer employed by a law enforcement agency 60  
is not subject to administrative action, criminal prosecution 61  
for a violation of section 4731.41 of the Revised Code, or 62  
criminal prosecution under this chapter if the peace officer, 63  
acting in good faith, obtains naloxone from the peace officer's 64  
law enforcement agency and administers the naloxone to an 65  
individual who is apparently experiencing an opioid-related 66  
overdose. 67

**Sec. 4729.29.** Divisions (A) and (B) of section 4729.01 and 68  
section 4729.28 of the Revised Code do not do any of the 69  
following: 70

(A) Apply to a licensed health professional authorized to 71  
prescribe drugs who is acting within the prescriber's scope of 72  
professional practice; 73

(B) Prevent a prescriber from personally furnishing the 74  
prescriber's patients with drugs, within the prescriber's scope 75

of professional practice, that seem proper to the prescriber, as 76  
long as the drugs are furnished in accordance with section 77  
4729.291 of the Revised Code; 78

(C) Apply to an individual who personally furnishes a 79  
supply of naloxone under authority conferred by a physician 80  
under section 4731.941 of the Revised Code or prevent that 81  
individual from personally furnishing the supply of naloxone in 82  
accordance with a protocol established by the physician under 83  
that section; 84

(D) Apply to the sale of oxygen, the sale of peritoneal 85  
dialysis solutions, or the sale of drugs that are not dangerous 86  
drugs by a retail dealer, in original packages when labeled as 87  
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 88  
1040 (1938), 21 U.S.C.A. 301, as amended. 89

**Sec. 4729.44.** (A) As used in this section, "physician" 90  
means an individual authorized under Chapter 4731. of the 91  
Revised Code to practice medicine and surgery, osteopathic 92  
medicine and surgery, or podiatric medicine and surgery. 93

(B) (1) A pharmacist or pharmacy intern may dispense 94  
naloxone without a prescription to either of the following in 95  
accordance with a protocol established by a physician under 96  
division (C) of this section: 97

(a) An individual who there is reason to believe is 98  
experiencing or at risk of experiencing an opioid-related 99  
overdose; 100

(b) A family member, friend, or other person in a position 101  
to assist an individual who there is reason to believe is at 102  
risk of experiencing an opioid-related overdose. 103

(2) Authority conferred under this section applies solely 104

to naloxone that can be administered by using a device 105  
manufactured for intranasal administration of liquid drugs or by 106  
using an autoinjector in a manufactured dosage form. 107

(C) A physician may establish a protocol under which 108  
pharmacists specified by the physician and pharmacy interns 109  
supervised by those pharmacists may dispense naloxone under this 110  
section. The protocol must be in writing and include all of the 111  
following: 112

(1) A description of the clinical pharmacology of 113  
naloxone; 114

(2) Precautions and contraindications concerning 115  
dispensing naloxone; 116

(3) Any limitations the physician specifies concerning the 117  
individuals to whom naloxone may be dispensed; 118

(4) The naloxone dosage that may be dispensed and any 119  
variation in the dosage based on circumstances specified in the 120  
protocol; 121

(5) Procedures for dispensing subsequent supplies of 122  
naloxone to the same individual; 123

(6) Training in preventing, recognizing, and responding to 124  
opioid overdose that must be completed by a pharmacist or 125  
pharmacy intern before the pharmacist or pharmacy intern will be 126  
authorized to dispense naloxone; 127

(7) Any instructions or training in addition to the 128  
instructions specified in division (D) of this section that a 129  
pharmacist or pharmacy intern must provide to an individual to 130  
whom naloxone is dispensed. 131

(D) A pharmacist or pharmacy intern who dispenses naloxone 132

under this section shall instruct the individual to whom 133  
naloxone is dispensed to summon emergency medical services 134  
either immediately before or immediately after administering 135  
naloxone. 136

(E) A pharmacist may document the dispensing of naloxone 137  
by the pharmacist or a pharmacy intern supervised by the 138  
pharmacist on a prescription form. The form may be assigned a 139  
number for record-keeping purposes. 140

(F) This section does not affect the authority of a 141  
pharmacist or pharmacy intern to fill or refill a prescription 142  
for naloxone. 143

(G) The state board of pharmacy may adopt rules as the 144  
board considers necessary to implement this section. The rules 145  
shall be adopted in accordance with Chapter 119. of the Revised 146  
Code. 147

**Sec. 4731.94.** (A) As used in this section and section 148  
4731.941 of the Revised Code, "physician" means an individual 149  
authorized under this chapter to practice medicine and surgery, 150  
osteopathic medicine and surgery, or podiatric medicine and 151  
surgery. 152

(B) Notwithstanding any provision of this chapter or rule 153  
adopted by the state medical board, a physician may personally 154  
furnish a supply of naloxone, or issue a prescription for 155  
naloxone, without having examined the individual to whom it may 156  
be administered if all of the following conditions are met: 157

(1) The naloxone supply is furnished to, or the 158  
prescription is issued to and in the name of, a family member, 159  
friend, or other individual in a position to assist an 160  
individual who there is reason to believe is at risk of 161

experiencing an opioid-related overdose. 162

(2) The physician instructs the individual receiving the 163  
naloxone supply or prescription to summon emergency services 164  
either immediately before or immediately after administering the 165  
naloxone to an individual apparently experiencing an opioid- 166  
related overdose. 167

(3) The naloxone is personally furnished or prescribed in 168  
such a manner that it may be administered by only either of the 169  
following routes: 170

(a) Using a device manufactured for the intranasal 171  
administration of liquid drugs; 172

(b) Using an autoinjector in a manufactured dosage form. 173

(C) A physician who under division (B) of this section in 174  
good faith furnishes a supply of naloxone or issues a 175  
prescription for naloxone is not liable for or subject to any of 176  
the following for any action or omission of the individual to 177  
whom the naloxone is furnished or the prescription is issued: 178  
damages in any civil action, prosecution in any criminal 179  
proceeding, or professional disciplinary action. 180

Sec. 4731.941. (A) (1) A physician who has established a 181  
protocol that meets the requirements of division (B) of this 182  
section may authorize another individual to personally furnish a 183  
supply of naloxone pursuant to the protocol to either of the 184  
following: 185

(a) An individual who there is reason to believe is 186  
experiencing or at risk of experiencing an opioid-related 187  
overdose; 188

(b) A family member, friend, or other person in a position 189

to assist an individual who there is reason to believe is at 190  
risk of experiencing an opioid-related overdose. 191

(2) Authority conferred under this section applies solely 192  
to naloxone that can be administered by using a device 193  
manufactured for intranasal administration of liquid drugs or by 194  
using an autoinjector in a manufactured dosage form. 195

(3) An individual authorized under this section to 196  
personally furnish naloxone may do so without having examined 197  
the individual to whom it may be administered. 198

(B) A protocol authorizing another individual to 199  
personally furnish naloxone under this section must be in 200  
writing and include all of the following: 201

(1) A description of the clinical pharmacology of 202  
naloxone; 203

(2) Precautions and contraindications concerning 204  
furnishing naloxone; 205

(3) Any limitations the physician specifies concerning the 206  
individuals to whom naloxone may be furnished; 207

(4) The naloxone dosage that may be furnished and any 208  
variation in the dosage based on circumstances specified in the 209  
protocol; 210

(5) Labeling, storage, record-keeping, and administrative 211  
requirements; 212

(6) Training requirements that must be met before an 213  
individual will be authorized to furnish naloxone; 214

(7) Any instructions or training in addition to the 215  
instructions specified in division (C) (2) of this section that 216



the authorized individual must provide to an individual to whom  
naloxone is furnished. 217  
218

(C) An individual authorized by a physician under this  
section may personally furnish naloxone to an individual  
described in division (A) (1) (a) or (b) of this section if both  
of the following conditions are met: 219  
220  
221  
222

(1) The authorized individual complies with the protocol  
established by the authorizing physician, including having  
completed the training required by the protocol; 223  
224  
225

(2) The authorized individual instructs the individual to  
whom naloxone is furnished to summon emergency medical services  
either immediately before or immediately after administering  
naloxone. 226  
227  
228  
229

(D) A physician who in good faith authorizes another  
individual to personally furnish naloxone in accordance with a  
protocol established by the physician under this section is not  
liable for or subject to any of the following for any action or  
omission of the individual to whom the naloxone is furnished:  
damages in any civil action, prosecution in any criminal  
proceeding, or professional disciplinary action. 230  
231  
232  
233  
234  
235  
236

An individual authorized under this section to personally  
furnish naloxone who does so in good faith is not liable for or  
subject to any of the following for any action or omission of  
the individual to whom the naloxone is furnished: damages in any  
civil action, prosecution in any criminal proceeding, or  
professional disciplinary action. 237  
238  
239  
240  
241  
242

**Section 2.** That existing sections 2925.61, 4729.29, and 243  
4731.94 of the Revised Code are hereby repealed. 244

245