

AN ACT

4723.4811,
4730.437,

To amend sections 3313.713, 3313.719, 4723.50, 4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 and to enact sections 3301.135, 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, ~~4723.484, 4730.434,~~ 4731.92, and 5101.78 of the Revised Code to require the Department of Education to notify public and private schools of free and reduced cost epinephrine autoinjector programs, to enact the "Allison Rose Act" with regard to food allergy training for public schools, and to permit schools and camps to procure and use glucagon in certain circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3313.719 be amended and section 3301.135 of the Revised Code be enacted to read as follows:

Sec. 3301.135. The department of education annually shall compile a list of organizations and companies that offer free and reduced cost epinephrine autoinjectors to qualifying school districts, other public schools, and chartered nonpublic schools. The department shall make this information readily available on their web site and send a copy of the list by mail or electronically to each school district, other public school, and chartered nonpublic school.

As used in this section, "other public school" has the same meaning as in section 3301.0711 of the Revised Code.

Sec. 3313.719. (A) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall establish a written policy with respect to protecting students with ~~peanut or other~~ food allergies. The policy shall be developed in consultation with parents, school nurses and other school employees, school volunteers, students, and community members.

(B) Each school district board may create training for all staff members and age-appropriate instruction for students in grades kindergarten through twelve on food allergies and ways in which to assist an individual experiencing an allergic reaction.

(C) Training completed under division (B) of this section may include instruction in food allergies, signs and symptoms of anaphylaxis, prevention of allergic reactions, management and administration of epinephrine, and follow-up and reporting procedures.

(D) Training completed under division (B) of this section shall qualify as a professional development activity for the renewal of educator licenses, in addition to activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code.

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arise from an act or omission associated with any training under

divisions (B) and (C) of this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A school or school district;

(b) A member of a district board of education;

(c) A district or school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to section 3313.7110 of the Revised Code;

(e) An anaphylaxis training organization and its personnel where leadership includes a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who is board-certified in allergy and immunology as that designation is issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

SECTION 2. That existing section 3313.719 of the Revised Code is hereby repealed.

SECTION 3. Sections 1 and 2 of this act shall be known as the "Allison Rose Act" in honor of Allison Rose Suhy.

4723.4811, SECTION 4. That sections 3313.713, 4723.50, 4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 be amended and sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, ~~4723.484,~~ 4730.437, ~~4730.434,~~ 4731.92, and 5101.78 of the Revised Code be enacted to read as follows:

Sec. 3313.713. (A) As used in this section:

(1) "Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription.

(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, ~~and 3313.7113,~~ and 3313.7115 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district. The policy shall provide either that:

(1) Except as otherwise required by federal law, no person employed by the board shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district.

(E) No person who has been authorized by a board of education to administer a drug and has a copy of the most recent statement required by division (C)(2) or (3) of this section given to the person in accordance with division (D) of this section prior to administering the drug is liable in civil damages for administering or failing to administer the drug, unless such person acts in a manner that constitutes gross negligence or wanton or reckless misconduct.

(F) A board of education may designate a person or persons to perform any function or functions in connection with a drug policy adopted under this section either by name or by position, training, qualifications, or similar distinguishing factors.

(G) A policy adopted by a board of education pursuant to this section may be changed, modified, or revised by action of the board.

(H) Nothing in this section shall be construed to require a person employed by a board of education to administer a drug to a student unless the board's policy adopted in compliance with this section establishes such a requirement. A board shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

Nothing in this section affects the application of section 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, ~~or 3313.7113~~, or 3313.7115 of the Revised Code to the administration of emergency care or treatment to a student.

Nothing in this section affects the ability of a public or nonpublic school to participate in a school-based fluoride mouth rinse program established by the director of health pursuant to section 3701.136 of the Revised Code. Nothing in this section affects the ability of a person who is employed by, or who volunteers for, a school that participates in such a program to administer fluoride mouth rinse to a student in accordance with section 3701.136 of the Revised Code and any rules adopted by the director under that section.

(I) Nothing in this section shall be construed to require a school district to obtain written authorization or instructions from a health care provider to apply nonprescription topical ointments designed to prevent sunburn. Furthermore, nothing in this section shall be construed to prohibit a student to possess and self-apply nonprescription topical ointment designed to prevent sunburn while on school property or at a school-sponsored event without written authorization or instructions from a healthcare provider. The policy adopted by a school district pursuant to this section shall not require written authorization from a health care provider, but may require parental authorization, for the possession or application of such sunscreen. A designated person employed by the board of education of a school district shall apply sunscreen to a student in accordance with the school district's policy upon request.

Sec. 3313.7115. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, or joint vocational school district may procure injectable or nasally administered glucagon for each school operated by the district to have on the school premises for use in emergency situations identified under division (D) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section ~~4723.484, 4730.434,~~ or 4731.92 of the Revised Code, personally furnish the injectable or nasally administered glucagon to the school or school district or issue a prescription for the drug in

Sec. 3328.38. (A) With the approval of its board of trustees, a college-preparatory boarding school established under this chapter may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district.

(B)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A college-preparatory boarding school;

(b) A member of a college-preparatory boarding school board of trustees;

(c) A college-preparatory boarding school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744, or any other provision of the Revised Code or under the common law of this state.

(C) A college-preparatory boarding school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(D) A college-preparatory boarding school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education each procurement and each occurrence in which a dose of the drug is used from the school's supply.

Sec. ~~4723.484~~ (A)(1) Subject to division (A)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the board of nursing, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner licensed as an advanced practice registered nurse under Chapter 4723, of the Revised Code may do either of the following without having examined an individual to whom glucagon may be administered:

(a) Personally furnish a supply of injectable or nasally administered glucagon for use in accordance with sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of the Revised Code;

(b) Issue a prescription for injectable or nasally administered glucagon for use in accordance with sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of the Revised Code.

(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (A)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(B) A nurse who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action.

there is reason to believe is at risk of experiencing an opioid-related overdose.

(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;

(5) 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;

(6) 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 autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code;

~~(7) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.484, 4730.437, 4730.434, 4731.92, and 5101.78 of the Revised Code, a written, electronic, or oral order for injectable or nasally administered glucagon in the name of a school, school district, or camp.~~

(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.

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

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

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

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

which an epinephrine autoinjector is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

(B) Notwithstanding any provision of this chapter or rule adopted by the state board of pharmacy, a pharmacist may dispense injectable or nasally administered glucagon pursuant to a prescription issued under section ~~4723.484, 4730.434~~ or 4731.92 of the Revised Code.

A pharmacist who in good faith dispenses injectable or nasally administered glucagon under this division is not liable for or subject to any of the following for any action or omission of an entity to which the drug is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. ~~4730.434~~. (A)(1) Subject to division (A)(2) of this section and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a valid prescriber number issued by the board and has been granted physician-delegated prescriptive authority may do either of the following without having examined an individual to whom glucagon may be administered:

(a) Personally furnish a supply of injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of the Revised Code;

(b) Issue a prescription for injectable or nasally administered glucagon in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of the Revised Code.

(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (A)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(B) A physician assistant who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4731.92. (A) As used in this section, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B)(1) Subject to division (B)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may do either of the following without having examined an individual to whom glucagon may be administered:

(a) Personally furnish a supply of injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of Revised Code;

(b) Issue a prescription for injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or 5101.78 of the Revised Code.

(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally

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administered glucagon is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 5101.78. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) 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 may procure injectable or nasally administered glucagon for use in emergency situations identified under division (D)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section ~~4723.484, 4730.434~~ or 4731.92 of the Revised Code, personally furnish the injectable or nasally administered glucagon to the camp or issue a prescription for the drug in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for injectable or nasally administered glucagon and the dosages to be administered;

A camp that elects to procure injectable or nasally administered glucagon under this section is encouraged to maintain at least two doses of the drug at all times.

(C) A camp that elects to procure injectable or nasally administered glucagon under this section shall adopt a policy governing maintenance and use of the drug. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(D) The policy adopted under division (C) of this section shall do all of the following:

(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be stored;

(2) Specify the conditions under which injectable or nasally administered glucagon must be stored, replaced, or disposed;

(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;

(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring,

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code. *

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 11TH day of JANUARY, A. D. 2021.



Secretary of State.

File No. 91

Effective Date APRIL 12, 2021

*This certification has required my designation of the following in the left-hand margin as a proper code section number:

4723.4811 and 4730.437

Director, Legislative Service Commission

(133rd General Assembly)
(Amended Substitute House Bill Number 231)

AN ACT

To amend sections 3313.713, 3313.719, 4723.50, 4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 and to enact sections 3301.135, 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, ~~4723.484~~, 4730.437, ~~4730.434~~ 4731.92, and 5101.78 of the Revised Code to require the Department of Education to notify public and private schools of free and reduced cost epinephrine autoinjector programs, to enact the "Allison Rose Act" with regard to food allergy training for public schools, and to permit schools and camps to procure and use glucagon in certain circumstances.

Introduced by

Representative Greenspan

Cosponsors: Representatives Jones, Miller, J., Patterson, Abrams, Caruthers, Crawley, Crossman, Ghanbari, Hicks-Hudson, Liston, Patton, Perales, Richardson, Robinson, Rogers, Russo, Scherer, Seitz, Sobecki, Sweeney, Sykes, Upchurch, West
Senators Brenner, Fedor, Antonio, Blessing, Burke, Craig Dolan, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Lehner, Maharath, Obhof, O'Brien, Peterson, Sykes, Thomas, Yuko

Passed by the House of Representatives,

December 3, 2020

Passed by the Senate,

December 17, 2020

*Filed in the office of the Secretary of State at
Columbus, Ohio, on the*

11th day of JANUARY, A. D. 2021



Secretary of State.