



Sub. H.B. 64

125th General Assembly
(As Passed by the General Assembly)

Reps. Faber, McGregor, Seitz, J. Stewart, Allen, Redfern, Wagner, D. Stewart, Distel, Barrett, Beatty, Carano, Chandler, Cirelli, DeBose, C. Evans, D. Evans, Gilb, Grendell, Hartnett, Hughes, Jolivette, Latta, Otterman, S. Patton, Reidelbach, Schlichter, Schmidt, Seaver, Setzer, Strahorn, Willamowski, Yates, Young

Sens. Nein, Austria, Harris, Padgett, Hottinger, Mumper

Effective date: *

ACT SUMMARY

- Allows a registered wholesale distributor of dangerous drugs to sell medical oxygen that will be used for the purpose of emergency care at the scene of a diving emergency to an individual who holds a valid certificated issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the State Board of Pharmacy, and allows such an individual to possess and sell medical oxygen under these conditions.

CONTENT AND OPERATION

The possession and sale of medical oxygen

(R.C. 4729.51)

Under continuing law, with limited exception, no person other than a registered wholesale distributor of dangerous drugs is allowed to possess for sale, to sell, distribute, or deliver, at wholesale, dangerous drugs. Persons who are registered wholesale distributors of dangerous drugs are not allowed to possess for

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

sale, or to sell, at wholesale, dangerous drugs to any person other than the following:

- (1) A licensed health professional authorized to prescribe drugs;
- (2) A licensed optometrist who holds a topical ocular pharmaceutical agents certificate;
- (3) A registered wholesale distributor of dangerous drugs;
- (4) A manufacturer of dangerous drugs;
- (5) A licensed terminal distributor of dangerous drugs under specified conditions;
- (6) Carriers or warehousemen for the purpose of carriage or storage;
- (7) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;
- (8) An individual who holds a current license, certificate, or registration issued by the state and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the State Board of Pharmacy, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.

The act adds that a registered wholesale distributor of dangerous drugs may sell medical oxygen to an individual who holds a valid certificate issued by a nationally recognized self contained underwater breathing apparatus (commonly known as "S.C.U.B.A.") diving certifying organization approved by the State Board of Pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency. The act also specifies that an individual holding this certificate is exempt from the law's prohibition against possessing or selling dangerous drugs, but only to the extent that the individual possesses or personally supplies medical oxygen for emergency care or treatment in a diving emergency. S.C.U.B.A. diving certifying organizations are private entities that certify divers who meet their specified qualifications.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-18-03	p. 160
Reported, H. Commerce & Labor	06-11-03	p. 583
Passed House (98-0)	06-17-03	p. 605
Reported, S. Insurance, Commerce, & Labor	12-09-03	p. 1245
Passed Senate (32-0)	01-14-04	pp. 1392-1393

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