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S.B. 152*
136th General Assembly

Bill Analysis

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Version: As Reported by House Natural Resources

Primary Sponsor: Sen. Brenner

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SUMMARY

Wild animal rehabilitation facilities

- Authorizes the State Board of Pharmacy to issue a limited license to a wild animal rehabilitation facility (WARF) solely for purchasing, possessing, and administering drugs for euthanizing animals and pre-euthanizing drugs for inducing anesthesia, sedation, or unconsciousness.
- Prohibits a WARF's agent or employee from performing euthanasia by lethal injection, or administering pre-euthanasia drugs, unless the WARF in which the agent or employee works is licensed.
- Requires a WARF's agent or employee to complete a euthanasia technician certification course as a condition of licensure.
- Requires a WARF to apply for a limited category II or III terminal distributor license from the Pharmacy Board if it intends to use dangerous drugs for euthanasia purposes.
- Prohibits a WARF from being licensed as a terminal distributor of dangerous drugs unless specified criteria are met, including at least one of the WARF's agents or employees is a certified euthanasia technician.

Use of "apothecary" and other pharmacy-related terms

- Eliminates the existing prohibition against the term "apothecary" being used in a sign or advertisement by entities other than pharmacies and pharmacists.

* This analysis was prepared before the report of the House Natural Resources Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- Specifies that any term equivalent to a term currently reserved for use by only a pharmacy or pharmacist cannot be used by any other entity if the term would lead or tend to lead the public to believe that a place or person is a pharmacy or pharmacist, respectively.
- Adds the culpable mental state of “knowingly” to the existing offense of a non-pharmacist or pharmacy displaying a sign or advertisement that uses a term reserved for use by only a pharmacy or pharmacist, and extends the same “knowingly” standard to the new offense of the unauthorized use of other terms related to pharmacies and pharmacists.

DETAILED ANALYSIS

Wild animal rehabilitation facilities

Overview

Under continuing law, the State Board of Pharmacy may issue a limited license to an animal shelter and county dog warden for purchasing, possessing, and administering drugs (in dosage form) for animal euthanasia. In order to receive a license, a county dog warden and an agent or employee of an animal shelter or county dog warden must successfully complete a euthanasia technician certification course. However, if the warden, agent, or employee is a registered veterinary technician, the agent or employee does not need to complete the course.¹

The bill allows a wild animal rehabilitation facility (WARF) to obtain a limited license in order to administer euthanasia drugs to animals. A “wild animal rehabilitation facility” is a facility that holds a permit issued by the ODNR Chief of the Division of Wildlife for rehabilitation purposes in accordance with current law governing scientific, educational, or rehabilitation collection permits.²

Limited license for facilities

As indicated above, the bill allows the State Board of Pharmacy to issue a limited license to a WARF solely for purchasing, possessing, and administering drugs for euthanizing animals and pre-euthanizing drugs for inducing anesthesia, sedation, or unconsciousness. Given this authorization, it prohibits an agent or employee of a WARF from performing euthanasia by lethal injection unless both of the following apply:

1. The WARF has a limited license; and
2. The agent or employee has received certification after successfully completing a euthanasia technician certification course. (If the agent or employee is a veterinarian technician, completion of the course is not required.)

The bill also prohibits the WARF’s agent or employee (as well as an agent or employee of an animal shelter or dog shelter as in continuing law) from administering pre-euthanasia drugs that induce anesthesia, sedation, or unconsciousness unless both conditions in (1) and (2) above

¹ R.C. 4729.531.

² R.C. 4729.01(T)(3).

apply. It also requires a WARF to administer drugs in a humane and proficient manner in conformity with approved methods and not in violation of Ohio's animal cruelty laws.³

Drugs used by licensees

The bill prohibits a WARF's agent or employee from performing euthanasia by lethal injection using any substance other than an approved substance. When using a lethal solution to perform euthanasia on an animal, an agent or employee must use the solution in accordance with the current law methods.⁴

Use of dangerous drugs

The bill requires a WARF to apply for a limited category II or III terminal distributor license from the Pharmacy Board if it intends to use dangerous drugs for euthanasia purposes. With regard to the application, both of the following apply:

1. The WARF must include with the application a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer them to animals.
2. Once issued a license, the WARF may possess and use dangerous drugs for euthanasia as authorized by the bill.⁵

Finally, the bill prohibits a WARF, like an animal shelter and county dog warden as in continuing law, from being licensed as a terminal distributor of dangerous drugs unless:

1. The WARF will maintain supervision and control over the possession and custody of dangerous drugs that are acquired by or on behalf of the WARF; and
2. At least one of the WARF's agents or employees is a certified euthanasia technician.⁶

Use of "apothecary" and other pharmacy-related terms

The bill makes three changes to the law regarding the use of terms related to pharmacies and pharmacists in displays and advertisements. First, it eliminates a prohibition on the use of the term "apothecary" in any signs or advertisements by entities other than pharmacies and pharmacists.

Second, the bill adds that any term equivalent to a term currently reserved for use by only pharmacies and pharmacists cannot be used by any other entity if the term would lead or tend to lead the public to believe that a place is a pharmacy or a person is a pharmacist. These terms include "pharmacy," "drugs," "drug store," "drug store supplies," "pharmacist," "druggist," "pharmaceutical chemist," "drug sundries," "medicine," and "apothecary" (eliminated by the

³ R.C. 4729.531 and 4729.532(A), (C), and (D).

⁴ R.C. 4729.532(A).

⁵ R.C. 4729.54(F) and (H)(2).

⁶ R.C. 4729.55(B) and (F).

bill). Existing law prohibits an entity that is not a pharmacy or pharmacist from using such terms or their equivalent in any manner in a sign or advertisement.

Finally, the bill adds the culpable mental state of “knowingly” to: (1) the offense of an entity other than a pharmacy or pharmacist displaying a sign or advertisement that uses these prohibited terms, and (2) the new offense of the unauthorized use of equivalent terms that would lead to the belief that the place is a pharmacy or a person is a pharmacist.⁷ Under existing law, unchanged by the bill, whoever violates this provision is guilty of a misdemeanor of the third degree.⁸

HISTORY

Action	Date
Introduced	03-19-25
Reported, S. Agriculture & Natural Resources	05-28-25
Passed Senate (33-0)	05-28-25
Reported, H. Natural Resources	---

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⁷ R.C. 4729.36(A).

⁸ R.C. 4729.99(B).