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OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 152
136th General Assembly

Final Analysis

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Primary Sponsor: Sen. Brenner

Effective date:*

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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.
- Prohibits a WARF from being licensed as a terminal distributor of dangerous drugs unless specific criteria are met, including at least one of its agents or employees is a certified euthanasia technician.

Use of "apothecary" and other pharmacy-related terms

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

* 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.

- Adds the culpable mental state of “knowingly” to the offense of a nonpharmacist or pharmacy displaying a sign or advertisement that uses a term reserved for licensed pharmacies or pharmacists to use.
- Revises the prohibition against using terms equivalent to those specified as reserved for use by licensed pharmacies and pharmacists by (1) adding the culpable mental state of “knowingly” and (2) specifying that the prohibition pertains to use that would lead or tend to lead the public to believe that a place or person is a pharmacy or pharmacist.

DETAILED ANALYSIS

Wild animal rehabilitation facilities

Background

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

Limited license for facilities

The act allows a wild animal rehabilitation facility (WARF) to obtain from the Pharmacy Board a limited license solely for purchasing, possessing, and administering drugs for euthanizing animals and pre-euthanizing drugs for inducing anesthesia, sedation, or unconsciousness. A WARF is a facility that holds a permit issued by the ODNR Chief of the Division of Wildlife for rehabilitation purposes in accordance with Ohio law governing scientific, educational, or rehabilitation collection permits.²

The act 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 act also prohibits the WARF’s agent or employee (as continuing law does for an agent or employee of an animal shelter or dog shelter) 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 act 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 methods established under continuing law.⁴

Use of dangerous drugs

The act 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 act.⁵

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

Second, the act adds the culpable mental state of "knowingly" to the offense of an entity other than a licensed pharmacy or pharmacist using terms reserved for licensees in signs or advertisements. The reserved terms prescribed in statute are: "pharmacy," "drugs," "drug store," "drug store supplies," "pharmacist," "druggist," "pharmaceutical chemist," "drug sundries," and "medicine."

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).

Finally, the act revises the prohibition against using any term “equivalent” to the ones prescribed in statute by (1) adding the culpable mental state of “knowingly” and (2) specifying that the prohibition applies if the term’s use would lead or tend to lead the public to believe that a place is a pharmacy or a person is a pharmacist.⁷

Under continuing law, violating either prohibition is a third degree misdemeanor for a first offense and a second degree misdemeanor for subsequent offenses.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	10-15-25
Passed House (93-0)	10-29-25
Senate concurred in House amendments (33-0)	11-05-25

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⁷ R.C. 4729.36(A).

⁸ R.C. 4729.99(B), not in the act.