



Ohio Revised Code Section 3728.09 Liability.

Effective: September 8, 2016

Legislation: House Bill 200 - 131st General Assembly

(A) 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 administering epinephrine or acquiring, maintaining, accessing, or using an epinephrine autoinjector under this chapter, unless the act or omission constitutes willful or wanton misconduct:

(1) A qualified entity that maintains a supply of epinephrine autoinjectors as authorized in accordance with section 3728.03 of the Revised Code, and any employees or agents of the qualified entity;

(2) A trained individual who administers epinephrine or accesses an epinephrine autoinjector as authorized in accordance with section 3728.05 of the Revised Code;

(3) An individual or organization that conducts anaphylaxis training in accordance with section 3728.04 of the Revised Code.

(B) This section does not eliminate, limit, or reduce any other immunity or defense a person may be entitled to under any other provision of the Revised Code or under the common law of this state.

(C) A person located in this state is not liable for injury, death, or loss to person or property that allegedly arises from an act or omission associated with acquiring, maintaining, accessing, or using an epinephrine autoinjector outside of this state if either of the following is the case:

(1) The person would not have been liable had the act or omission occurred within this state;

(2) The person is not liable under the law of the state in which the act or omission occurred.
