

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2559

By: Dank

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; defining  
8 terms; permitting certain providers to prescribe  
9 epinephrine auto-injectors in the name of certain  
10 entity; permitting certain entity to stock certain  
11 supply; authorizing certain individuals to use  
12 epinephrine auto-injectors; requiring certain  
13 training; limiting certain liability; requiring  
14 certain entity to submit certain report to the State  
15 Department of Health; permitting certain entity to  
16 make epinephrine auto-injectors available to certain  
17 other individuals under certain circumstances;  
18 providing for codification; and providing an  
19 effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-571 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. Notwithstanding any provision of law to the contrary, as  
defined in this section:

1. "Administer" means the direct application of an epinephrine  
auto-injector to the body of an individual;

1       2. "Authorized entity" means any entity or organization at or  
2 in connection with which allergens capable of causing anaphylaxis  
3 may be present, including, but not limited to, restaurants,  
4 recreation camps, youth sports leagues, amusement parks, and sports  
5 arenas;

6       3. "Authorized health care provider" means an individual  
7 allowed by law to prescribe and administer prescription drugs in the  
8 course of professional practice;

9       4. "Epinephrine auto-injector" means a single-use device used  
10 for the automatic injection of a premeasured dose of epinephrine  
11 into the human body;

12       5. "Provide" means the supply of one or more epinephrine auto-  
13 injectors to an individual; and

14       6. "Self-administration" means a person's discretionary use of  
15 an epinephrine auto-injector.

16       B. An authorized health care provider may prescribe epinephrine  
17 auto-injectors in the name of an authorized entity for use in  
18 accordance with this section, and pharmacists and licensed  
19 physicians may dispense epinephrine auto-injectors pursuant to a  
20 prescription issued in the name of an authorized entity.

21       C. An authorized entity may acquire and stock a supply of  
22 epinephrine auto-injectors pursuant to a prescription issued in  
23 accordance with this section. Such epinephrine auto-injectors shall  
24 be stored in a location readily accessible in an emergency and in

1 accordance with the epinephrine auto-injector's instructions for use  
2 and any additional requirements that may be established by the State  
3 Department of Health. An authorized entity shall designate  
4 employees or agents who have completed the training required by this  
5 section to be responsible for the storage, maintenance and general  
6 oversight of epinephrine auto-injectors acquired by the authorized  
7 entity.

8 D. An employee or agent of an authorized entity, or other  
9 individual, who has completed the training required by subsection E  
10 of this section may, on the premises of or in connection with the  
11 authorized entity, use epinephrine auto-injectors prescribed  
12 pursuant to this section to:

13 1. Provide an epinephrine auto-injector to any individual who  
14 the employee, agent, or other individual believes in good faith is  
15 experiencing anaphylaxis for immediate self-administration,  
16 regardless of whether the individual has a prescription for an  
17 epinephrine auto-injector or has previously been diagnosed with an  
18 allergy; and

19 2. Administer an epinephrine auto-injector to any individual  
20 who the employee, agent, or other individual believes in good faith  
21 is experiencing anaphylaxis, regardless of whether the individual  
22 has a prescription for an epinephrine auto-injector or has  
23 previously been diagnosed with an allergy.

24

1 E. An employee, agent, or other individual described in  
2 subsection D of this section shall complete an anaphylaxis training  
3 program prior to providing or administering an epinephrine auto-  
4 injector made available by an authorized entity. Such training  
5 shall be conducted by a nationally recognized organization  
6 experienced in training laypersons in emergency health treatment or  
7 other entity or individual approved by the Department. Training may  
8 be conducted online or in person and, at a minimum, shall cover:

9 1. Techniques on how to recognize symptoms of severe allergic  
10 reactions, including anaphylaxis;

11 2. Standards and procedures for the storage and administration  
12 of an epinephrine auto-injector; and

13 3. Emergency follow-up procedures.

14 The entity that conducts the training shall issue a certificate, on  
15 a form developed or approved by the State Department of Health, to  
16 each person who successfully completes the anaphylaxis training  
17 program.

18 F. An authorized entity that possesses and makes available  
19 epinephrine auto-injectors and its employees, agents, and other  
20 trained individuals, an individual who uses an epinephrine auto-  
21 injector made available pursuant to paragraph 1 of subsection D of  
22 this section, an authorized health care provider that prescribes  
23 epinephrine auto-injectors to an authorized entity, and an  
24 individual or entity that conducts the training described in

1 subsection E of this section shall not be liable for any injuries or  
2 related damages that result from the administration of, self-  
3 administration of, or failure to administer an epinephrine auto-  
4 injector in accordance with this section that may constitute  
5 ordinary negligence. This immunity does not apply to acts or  
6 omissions constituting gross, willful, or wanton negligence. The  
7 administration of an epinephrine auto-injector in accordance with  
8 this section is not the practice of medicine. The immunity from  
9 liability provided under this subsection is in addition to and not  
10 in lieu of that provided under Section 5 of Title 76 of the Oklahoma  
11 Statutes. An entity located in this state shall not be liable for  
12 any injuries or related damages that result from the provision or  
13 administration of an epinephrine auto-injector by its employees or  
14 agents outside of this state if the entity or its employees or  
15 agents would not have been liable for such injuries or related  
16 damages had the provision or administration occurred within this  
17 state.

18 G. An authorized entity that possesses and makes available  
19 epinephrine auto-injectors shall submit to the Department, on a form  
20 developed by the Department, a report of each incident on the  
21 authorized entity's premises that involves the administration of an  
22 epinephrine auto-injector. The Department shall annually publish a  
23 report that summarizes and analyzes all reports submitted to it  
24 under this subsection.

1 H. An authorized entity that acquires a stock supply of  
2 epinephrine auto-injectors pursuant to a prescription issued in  
3 accordance with this section may make such epinephrine auto-  
4 injectors available to individuals other than those trained  
5 individuals described in subsection D of this section if the  
6 epinephrine auto-injectors are stored in a locked, secure container  
7 and are made available only upon remote authorization by an  
8 authorized health care provider after consultation with the  
9 authorized health care provider by audio, televideo, or other  
10 similar means of electronic communication. Consultation with an  
11 authorized health care provider for this purpose shall not be  
12 considered the practice of telemedicine or otherwise be construed as  
13 violating any law or rule regulating the authorized health care  
14 provider's professional practice.

15 SECTION 2. This act shall become effective November 1, 2014.

16

17 54-2-8828 AM 01/03/14

18

19

20

21

22

23

24