STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2689 By: Grau

AS INTRODUCED

An Act relating to public health and safety; defining terms; permitting certain providers to prescribe epinephrine auto-injectors in the name of certain entity; permitting certain entity to stock certain supply; authorizing certain individuals to use epinephrine auto-injectors; requiring certain training; limiting certain liability; requiring certain entity to submit certain report to the State Department of Health; permitting certain entity to make epinephrine auto-injectors available to certain other individuals under certain circumstances; providing for codification; and providing an effective date.

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

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

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Emergency follow-up procedures.

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

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

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

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

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

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

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