

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1857

By: Treat

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6 AS INTRODUCED

7 An Act relating to epinephrine injections; providing
8 definitions; permitting health care providers to
9 prescribe epinephrine auto-injectors to certain
10 entities; permitting certain entities to stock
11 epinephrine; providing standards for storage of
12 epinephrine; authorizing certain persons to
13 administer epinephrine injections under certain
14 circumstances; requiring training for persons
15 performing epinephrine injections; providing
16 standards for training; directing State Department of
17 Health to develop and issue certain certificates;
18 providing immunity for certain acts; requiring
19 certain reports to be submitted to State Department
20 of Health; requiring Department to publish annual
21 report; permitting use of epinephrine by certain
22 individuals in certain circumstances; directing the
23 State Board of Health to promulgate certain rules;
24 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 1-291 of Title 63, unless there
is created a duplication in numbering, reads as follows:

As used in section 1-292 of this title:

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

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

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

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

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

16 6. "Self-administration" means an individual's discretionary
17 use of an epinephrine auto-injector.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-292 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

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

3 B. An authorized entity may acquire and stock a supply of
4 epinephrine auto-injectors pursuant to a prescription issued in
5 accordance with this section. Such epinephrine auto-injectors shall
6 be stored in a location readily accessible in an emergency and in
7 accordance with the epinephrine auto-injector's instructions for use
8 and any additional requirements that may be established by the State
9 Department of Health. An authorized entity shall designate
10 employees or agents who have completed the training required by this
11 act to be responsible for the storage, maintenance, and general
12 oversight of epinephrine auto-injectors acquired by the authorized
13 entity.

14 C. An employee or agent of an authorized entity, or other
15 individual, who has completed the training required by this act may,
16 on the premises of or in connection with the authorized entity, use
17 epinephrine auto-injectors prescribed pursuant to this act to:

18 1. Provide an epinephrine auto-injector to any individual who
19 the employee, agent, or other individual believes in good faith is
20 experiencing anaphylaxis for immediate self-administration,
21 regardless of whether the individual has a prescription for an
22 epinephrine auto-injector or has previously been diagnosed with an
23 allergy; and
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1 2. Administer an epinephrine auto-injector to any individual
2 who the employee, agent, or other individual believes in good faith
3 is experiencing anaphylaxis, regardless of whether the individual
4 has a prescription for an epinephrine auto-injector or has
5 previously been diagnosed with an allergy.

6 D. An employee, agent, or other individual described in
7 subsection C must complete an anaphylaxis training program prior to
8 providing or administering an epinephrine auto-injector made
9 available by an authorized entity. Such training shall be conducted
10 by a nationally recognized organization experienced in training
11 laypersons in emergency health treatment or other entity or an
12 individual approved by the State Department of Health. The entity
13 conducting training shall issue a certificate, on a form developed
14 and approved by the Department, to each person who successfully
15 completes the anaphylaxis training program. Training may be
16 conducted online or in person and, at a minimum, shall cover:

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

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

21 3. Emergency follow-up procedures.

22 E. An authorized entity that possesses and makes available
23 epinephrine auto-injectors and its employees, agents, and other
24 trained individuals; an individual who uses an epinephrine auto-

1 injector made available pursuant to the provisions of this act; an
2 authorized health care provider that prescribes epinephrine auto-
3 injectors to an authorized entity; and an individual or entity that
4 conducts the training described in subsection D shall not be liable
5 for any injuries or related damages that result from the
6 administration of, self-administration of, or failure to administer
7 an epinephrine auto-injector in accordance with this section that
8 may constitute ordinary negligence.

9 1. This immunity does not apply to acts or omissions
10 constituting gross, willful, or wanton negligence. The
11 administration of an epinephrine auto-injector in accordance with
12 this section is not the practice of medicine. The immunity from
13 liability provided under this subsection is in addition to and not
14 in lieu of that provided under the Good Samaritan Act.

15 2. An entity located in this state shall not be liable for any
16 injuries or related damages that result from the provision or
17 administration of an epinephrine auto-injector by its employees or
18 agents outside of this state if the entity or its employee or agent
19 would not have been liable for such injuries or related damages had
20 the provision or administration occurred within this state.

21 F. An authorized entity that possesses and makes available
22 epinephrine auto-injectors shall submit to the State Department of
23 Health, on a form developed by the Department, a report of each
24 incident on the authorized entity's premises that involves the

1 administration of an epinephrine auto-injector. The Department
2 shall annually publish a report that summarizes and analyzes all
3 reports submitted to it under this subsection.

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

18 H. The State Board of Health shall promulgate any rules
19 necessary to implement the provisions of this act.

20 SECTION 3. This act shall become effective November 1, 2014.

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