STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 542 By: Quinn

COMMITTEE SUBSTITUTE

An Act relating to epinephrine injections; providing definitions; permitting physicians to prescribe epinephrine auto-injectors to certain entities; permitting certain entities to stock epinephrine; providing standards for storage of epinephrine; authorizing certain persons to prescribe and administer epinephrine injections under certain circumstances; requiring training for persons performing epinephrine injections; providing standards for training; directing Board of Pharmacy to develop and issue certain certificates; providing immunity for certain acts; directing promulgation of rules; 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 6002 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Emergency public access station" (EPAS) means a locked, secure container for the storage of epinephrine auto-injectors under the general oversight of a physician, which allows a lay rescuer to

consult with a physician in real time by audio, televideo or other similar means of electronic communication and, upon authorization of the consulting physician, may be unlocked to make available the epinephrine auto-injector.

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

3. "Physician" means a person licensed to practice medicine pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act.

B. 1. Notwithstanding any applicable provision of law to the contrary, a physician may prescribe a stock of epinephrine auto-injectors to any entity or organization for storage in an Emergency Public Access Station (EPAS) or may place a stock of supply of epinephrine auto-injectors at any entity or organization in an EPAS in accordance with protocols established by the physician.

2. A physician may provide consultation to the user of an EPAS and may make the epinephrine auto-injectors stored within available to the user in accordance with protocols established by the physician.

3. Any person may use an EPAS and may administer or provide epinephrine auto-injectors made available through the EPAS to a

specific individual believed in good faith to be experiencing anaphylaxis or the parent, guardian or caregiver of such individual.

C. Any person, including any entity or organization at which an EPAS is located, a physician, and any user of an EPAS who undertakes in good faith any act or mission pursuant to this act shall not be liable for any injuries or related damages that result from any such act or omission; provided, such immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence. This act shall not eliminate, limit or reduce any other immunity or defense that may be available under state law. Use of an EPAS in accordance with this act shall not constitute the practice of medicine or any other profession otherwise requiring licensure.

SECTION 2. 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 this act:

1. "Administer" means the direct application of an epinephrine auto-injector to 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. "Physician" means a person licensed to practice medicine pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act;

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 an individual's discretionary use of an epinephrine auto-injector.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-292 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists and physicians may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity; provided, however, such prescriptions shall only be filled by pharmacists licensed in this state by the State Board of Pharmacy.

B. 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 Board of Pharmacy. An authorized entity shall designate employees or agents who have completed the training required by this act to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

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

D. An employee, agent or other individual described in subsection C of this section must 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 an individual approved by the Board of Pharmacy. The entity conducting training shall issue a certificate, on a form developed and approved by the Board, to each person who successfully completes the anaphylaxis training program. 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.

E. 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 the provisions of this act; an authorized physician that prescribes epinephrine auto-injectors to an authorized entity; and an individual or entity that conducts the training described in subsection D 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.

1. This immunity shall 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 the Good Samaritan Act.

2. 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 employee or agent would not have been liable for such injuries or related damages had the provision or administration occurred within this state.

F. The Board of Pharmacy, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners shall promulgate any rules necessary to implement the provisions of this act.

SECTION 4. This act shall become effective November 1, 2015.

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