

An Act

ENROLLED HOUSE
BILL NO. 3037

By: Derby of the House

and

Yen of the Senate

An Act relating to public health and safety; amending Section 2, Chapter 277, O.S.L. 2015 (63 O.S. Supp. 2017, Section 1-292), which relates to certain definitions; adding certain definition; amending Section 3, Chapter 277, O.S.L. 2015 (63 O.S. Supp. 2017, Section 1-293), which relates to epinephrine auto-injector prescriptions; permitting epinephrine auto-injector to be prescribed to authorized individual; permitting authorized individual to provide or administer epinephrine auto-injector under certain conditions; and providing an effective date.

SUBJECT: Epinephrine auto-injectors

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

SECTION 1. AMENDATORY Section 2, Chapter 277, O.S.L. 2015 (63 O.S. Supp. 2017, Section 1-292), is amended to read as follows:

Section 1-292. 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. "Authorized individual" means an individual operating or participating in 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;

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

~~4.~~ 5. "Licensed practitioner" means an allopathic physician, osteopathic physician, physician assistant or advanced practice registered nurse licensed in this state;

~~5.~~ 6. "Provide" means the supply of one or more epinephrine auto-injectors to an individual; and

~~6.~~ 7. "Self-administration" means an individual's discretionary use of an epinephrine auto-injector.

SECTION 2. AMENDATORY Section 3, Chapter 277, O.S.L. 2015 (63 O.S. Supp. 2017, Section 1-293), is amended to read as follows:

Section 1-293. A. A licensed practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity or an authorized individual 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 or an authorized individual; provided, however, such prescriptions shall only be filled by pharmacists licensed in this state by the State Board of Pharmacy.

B. An authorized entity or an authorized individual 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, an authorized individual, or other individual, who has completed the training required by this act may, on the premises of or in connection with the authorized entity or authorized individual, 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 pursuant to this act~~. 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 or authorized individual that possesses and makes available epinephrine auto-injectors and ~~its~~ employees, agents, authorized individuals, and other trained individuals; an individual who uses an epinephrine auto-injector made available pursuant to the provisions of this act; a licensed practitioner that

prescribes epinephrine auto-injectors to an authorized entity or authorized individual; 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 not apply to acts or omissions constituting gross, willful or wanton negligence. The administration of an epinephrine auto-injector in accordance with this ~~section~~ act 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 3. This act shall become effective November 1, 2018.

Passed the House of Representatives the 5th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 9th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____