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March 26, 2018

ENGROSSED 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.

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

1 may be present, including, but not limited to, restaurants,
2 recreation camps, youth sports leagues, amusement parks, and sports
3 arenas;

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

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

15 ~~5.~~ 6. "Provide" means the supply of one or more epinephrine
16 auto-injectors to an individual; and

17 ~~6.~~ 7. "Self-administration" means an individual's discretionary
18 use of an epinephrine auto-injector.

19 SECTION 2. AMENDATORY Section 3, Chapter 277, O.S.L.
20 2015 (63 O.S. Supp. 2017, Section 1-293), is amended to read as
21 follows:

22 Section 1-293. A. A licensed practitioner may prescribe
23 epinephrine auto-injectors in the name of an authorized entity or an
24 authorized individual for use in accordance with this section, and

1 pharmacists and physicians may dispense epinephrine auto-injectors
2 pursuant to a prescription issued in the name of an authorized
3 entity or an authorized individual; provided, however, such
4 prescriptions shall only be filled by pharmacists licensed in this
5 state by the State Board of Pharmacy.

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

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

22 1. Provide an epinephrine auto-injector to any individual who
23 the employee, agent or ~~other~~ individual believes in good faith is
24 experiencing anaphylaxis for immediate self-administration,

1 regardless of whether the individual has a prescription for an
2 epinephrine auto-injector or has previously been diagnosed with an
3 allergy; and

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

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

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

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

24 3. Emergency follow-up procedures.

1 E. An authorized entity or authorized individual that possesses
2 and makes available epinephrine auto-injectors and ~~its~~ employees,
3 agents, authorized individuals, and other trained individuals; an
4 individual who uses an epinephrine auto-injector made available
5 pursuant to the provisions of this act; a licensed practitioner that
6 prescribes epinephrine auto-injectors to an authorized entity or
7 authorized individual; and an individual or entity that conducts the
8 training described in subsection D of this section shall not be
9 liable for any injuries or related damages that result from the
10 administration of, self-administration of or failure to administer
11 an epinephrine auto-injector in accordance with this section that
12 may constitute ordinary negligence.

13 1. This immunity shall not apply to acts or omissions
14 constituting gross, willful or wanton negligence. The
15 administration of an epinephrine auto-injector in accordance with
16 this ~~section~~ act is not the practice of medicine. The immunity from
17 liability provided under this subsection is in addition to and not
18 in lieu of that provided under the Good Samaritan Act.

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

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

5 SECTION 3. This act shall become effective November 1, 2018.

6 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
7 March 26, 2018 - DO PASS
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