

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 542

By: Quinn

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5
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 Board of Pharmacy
17 to develop and issue certain certificates; providing
18 immunity for certain acts; directing the Board of
19 Pharmacy to promulgate certain rules; providing for
20 codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 6002 of Title 59, unless there
24 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 medical professional, which allows a lay
rescuer to consult with a medical professional in real time by

1 audio, televideo or other similar means of electronic communication
2 and, upon authorization of the consulting medical professional, may
3 be unlocked to make available the epinephrine auto-injector.

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

7 3. "Medical professional" means any physician or other person
8 licensed in this state to treat, use or prescribe medicine and drugs
9 in this state or the state in which such physician or other person
10 is located.

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

18 2. A medical professional may provide consultation to the user
19 of an EPAS and may make the epinephrine auto-injectors stored within
20 available to the user in accordance with protocols established by
21 the medical professional.

22 3. Any person may use an EPAS and may administer or provide
23 epinephrine auto-injectors made available through the EPAS to a
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1 specific individual believed in good faith to be experiencing
2 anaphylaxis or the parent, guardian or caregiver of such individual.

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-291 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 As used in this act:

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

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

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

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

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

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

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

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

19 B. An authorized entity may acquire and stock a supply of
20 epinephrine auto-injectors pursuant to a prescription issued in
21 accordance with this section. Such epinephrine auto-injectors shall
22 be stored in a location readily accessible in an emergency and in
23 accordance with the epinephrine auto-injector's instructions for use
24 and any additional requirements that may be established by the Board

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

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

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

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

20 D. An employee, agent or other individual described in
21 subsection C of this section must complete an anaphylaxis training
22 program prior to providing or administering an epinephrine auto-
23 injector made available by an authorized entity. Such training
24 shall be conducted by a nationally recognized organization

1 experienced in training laypersons in emergency health treatment or
2 other entity or an individual approved by the Board of Pharmacy.
3 The entity conducting training shall issue a certificate, on a form
4 developed and approved by the Board, to each person who successfully
5 completes the anaphylaxis training program. Training may be
6 conducted online or in person and, at a minimum, shall cover:

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

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

11 3. Emergency follow-up procedures.

12 E. An authorized entity that possesses and makes available
13 epinephrine auto-injectors and its employees, agents, and other
14 trained individuals; an individual who uses an epinephrine auto-
15 injector made available pursuant to the provisions of this act; an
16 authorized health care provider that prescribes epinephrine auto-
17 injectors to an authorized entity; and an individual or entity that
18 conducts the training described in subsection D of this section
19 shall not be liable for any injuries or related damages that result
20 from the administration of, self-administration of or failure to
21 administer an epinephrine auto-injector in accordance with this
22 section that may constitute ordinary negligence.

23 1. This immunity does not apply to acts or omissions
24 constituting gross, willful or wanton negligence. The

1 administration of an epinephrine auto-injector in accordance with
2 this section is not the practice of medicine. The immunity from
3 liability provided under this subsection is in addition to and not
4 in lieu of that provided under the Good Samaritan Act.

5 2. An entity located in this state shall not be liable for any
6 injuries or related damages that result from the provision or
7 administration of an epinephrine auto-injector by its employees or
8 agents outside of this state if the entity or its employee or agent
9 would not have been liable for such injuries or related damages had
10 the provision or administration occurred within this state.

11 F. The Board of Pharmacy shall promulgate any rules necessary
12 to implement the provisions of this act.

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

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