

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 542

6 By: Quinn

7 COMMITTEE SUBSTITUTE

8 An Act relating to epinephrine injections; providing  
9 definitions; permitting physicians to prescribe  
10 epinephrine auto-injectors to certain entities;  
11 permitting certain entities to stock epinephrine;  
12 providing standards for storage of epinephrine;  
13 authorizing certain persons to prescribe and  
14 administer epinephrine injections under certain  
15 circumstances; requiring training for persons  
16 performing epinephrine injections; providing  
17 standards for training; directing Board of Pharmacy  
18 to develop and issue certain certificates; providing  
19 immunity for certain acts; directing promulgation of  
20 rules; providing for codification; and providing an  
21 effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 6002 of Title 59, unless there  
is created a duplication in numbering, reads as follows:

25 A. As used in this section:

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

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

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

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

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

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

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

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

16 As used in this act:

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

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

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

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

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

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

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

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

22          B. An authorized entity may acquire and stock a supply of  
23 epinephrine auto-injectors pursuant to a prescription issued in  
24 accordance with this section. Such epinephrine auto-injectors shall

1 be stored in a location readily accessible in an emergency and in  
2 accordance with the epinephrine auto-injector's instructions for use  
3 and any additional requirements that may be established by the Board  
4 of Pharmacy. An authorized entity shall designate employees or  
5 agents who have completed the training required by this act to be  
6 responsible for the storage, maintenance, and general oversight of  
7 epinephrine auto-injectors acquired by the authorized entity.

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

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

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

23 D. An employee, agent or other individual described in  
24 subsection C of this section must complete an anaphylaxis training

1 program prior to providing or administering an epinephrine auto-  
2 injector made available by an authorized entity. Such training  
3 shall be conducted by a nationally recognized organization  
4 experienced in training laypersons in emergency health treatment or  
5 other entity or an individual approved by the Board of Pharmacy.  
6 The entity conducting training shall issue a certificate, on a form  
7 developed and approved by the Board, to each person who successfully  
8 completes the anaphylaxis training program. Training may be  
9 conducted online or in person and, at a minimum, shall cover:

- 10 1. Techniques on how to recognize symptoms of severe allergic  
11 reactions, including anaphylaxis;
- 12 2. Standards and procedures for the storage and administration  
13 of an epinephrine auto-injector; and
- 14 3. Emergency follow-up procedures.

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

3 1. This immunity shall apply to acts or omissions constituting  
4 gross, willful or wanton negligence. The administration of an  
5 epinephrine auto-injector in accordance with this section is not the  
6 practice of medicine. The immunity from liability provided under  
7 this subsection is in addition to and not in lieu of that provided  
8 under the Good Samaritan Act.

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

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

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

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