

2014 -- H 7576 SUBSTITUTE A

LC004745/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO HEALTH AND SAFETY - EPINEPHRINE

Introduced By: Representatives Serpa, and Fellela

Date Introduced: February 26, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 6.4

4 LIFE-SAVING ALLERGY MEDICATION - STOCK SUPPLY OF EPINEPHRINE AUTO-
5 INJECTORS - EMERGENCY ADMINISTRATION

6 **23-6.4-1. Definitions. --** As used in this chapter:

7 (1) "Administer" means the direct application of an epinephrine auto-injector to the body
8 of an individual.

9 (2) "Authorized entity" means any entity or organization at or in connection with where
10 allergens capable of causing anaphylaxis may be present, as identified by the department of
11 health. The department shall, through rule or other guidance, identify the types of entities and
12 organizations that are considered authorized entities no later than January 1, 2015 and shall
13 review and update such rule or guidance at least annually thereafter.

14 (3) "Authorized health care provider" means a physician, nurse or other person duly
15 authorized by law in the state in which they practice to prescribe drugs.

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

18 (5) "Provide" means the supplying of one or more epinephrine auto-injectors to an
19 individual.

1 (6) “Self-administration” means a person’s discretionary use of an epinephrine auto-
2 injector.

3 **23-6.4-2. Prescribing to an authorized entity permitted.** – An authorized health care
4 provider may prescribe epinephrine auto-injectors in the name of an authorized entity for use in
5 accordance with this section, and pharmacists may dispense epinephrine auto-injectors pursuant
6 to a prescription issued in the name of an authorized entity.

7 **23-6.4-3. Designated entities permitted to maintain supply.** – An authorized entity
8 may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in
9 accordance with this chapter. Such epinephrine auto-injectors shall be stored in a location readily
10 accessible in an emergency and in accordance with the epinephrine auto-injector’s instructions for
11 use and any additional requirements that may be established by the department of health. An
12 authorized entity shall designate employees or agents who have completed the training required
13 by § 23-6.5-6 to be responsible for the storage, maintenance, and general oversight of epinephrine
14 auto-injectors acquired by the authorized entity.

15 **23-6.4-4. Use of epinephrine auto-injectors.** – An employee or agent of an authorized
16 entity, or other individual, who has completed the training required by § 23-6.5-6 may, on the
17 premises of or in connection with the authorized entity, use epinephrine auto-injectors prescribed
18 pursuant to § 23-6.4-2 to:

19 (1) Provide an epinephrine auto-injector to any individual who the employee, agent, or
20 other individual believes in good faith is experiencing anaphylaxis for immediate self-
21 administration, regardless of whether the individual has a prescription for an epinephrine auto-
22 injector or has previously been diagnosed with an allergy.

23 (2) Administer an epinephrine auto-injector to any individual who the employee, agent,
24 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the
25 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed
26 with an allergy.

27 **23-6.4-5. Expanded availability.** – An authorized entity that acquires a stock supply of
28 epinephrine auto-injectors pursuant to a prescription issued in accordance with this chapter may
29 make such epinephrine auto-injectors available to individuals other than those trained individuals
30 described in § 23-6.5-4, and such individuals may administer such epinephrine auto-injector to
31 any individual believed in good faith to be experiencing anaphylaxis, if the epinephrine auto-
32 injectors are stored in a locked, secure container and are made available only upon remote
33 authorization by an authorized health care provider after consultation with the authorized health
34 care provider by audio, televideo, or other similar means of electronic communication.

1 Consultation with an authorized health care provider for this purpose shall not be considered the
2 practice of telemedicine or otherwise be construed as violating any law or rule regulating the
3 authorized health care provider's professional practice.

4 **23-6.4-6. Training.** – An employee, agent, or other individual described in § 23-6.5-4
5 must complete an anaphylaxis training program prior to providing or administering an
6 epinephrine auto-injector made available by an authorized entity. Such training shall be
7 conducted by a nationally recognized organization experienced in training laypersons in
8 emergency health treatment, or an entity or individual approved by the department of health.
9 Training may be conducted online or in person and, at a minimum, shall cover:

10 (1) Techniques on how to recognize symptoms of severe allergic reactions, including
11 anaphylaxis;

12 (2) Standards and procedures for the storage and administration of an epinephrine auto-
13 injector; and

14 (3) Emergency follow-up procedures.

15 The entity that conducts the training shall issue a certificate, on a form developed or
16 approved by the department of health, to each person who successfully completes the anaphylaxis
17 training program.

18 **23-6.4-7. Good Samaritan protections.** – An authorized entity that possesses and makes
19 available epinephrine auto-injectors and its employees, agents, and other trained individuals; a
20 person that uses an epinephrine auto-injector made available pursuant to § 23-6.5-5; an authorized
21 health care provider that prescribes epinephrine auto-injectors to an authorized entity; and an
22 individual or entity that conducts the training described in § 23-6.5-6 shall not be liable for any
23 civil damages that result from the administration or self-administration of an epinephrine auto-
24 injector, the failure to administer an epinephrine auto-injector, or any other act or omission taken
25 pursuant to this chapter; provided, however, this immunity does not apply to acts or omissions
26 constituting gross negligence or willful or wanton conduct. The administration of an epinephrine
27 auto-injector in accordance with this chapter is not the practice of medicine. This section does not
28 eliminate, limit, or reduce any other immunity or defense that may be available under state law.
29 An entity located in this state shall not be liable for any injuries or related damages that result
30 from the provision or administration of an epinephrine auto-injector by its employees or agents
31 outside of this state if the entity or its employee or agent:

32 (1) Would not have been liable for such injuries or related damages had the provision or
33 administration occurred within this state; or

34 (2) Are not liable for such injuries or related damages under the law of the state in which

1 [such provision or administration occurred.](#)

2 **23-6.4-8. Reporting.** – [An authorized entity that possesses and makes available](#)
3 [epinephrine auto-injectors shall submit to the department of health, on a form developed by the](#)
4 [department of health, a report of each incident on the authorized entity’s premises that involves](#)
5 [the administration of an epinephrine auto-injector. The department of health shall annually](#)
6 [publish a report that summarizes and analyzes all reports submitted to it under this section.](#)

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - EPINEPHRINE

1 This act would regulate the use and acquisition of epinephrine auto-injectors to treat
2 allergic reactions.

3 This act would take effect upon passage.

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