

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE
5 BILL NO. 542

By: Quinn and Pittman of the
Senate

6 and

7 Derby of the House
8

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

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 6002 of Title 59, unless there
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

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

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

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

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

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

23 3. Any person may use an EPAS and may administer or provide
24 epinephrine auto-injectors made available through the EPAS to a

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;

24

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

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

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

21 B. An authorized entity may acquire and stock a supply of
22 epinephrine auto-injectors pursuant to a prescription issued in
23 accordance with this section. Such epinephrine auto-injectors shall
24 be stored in a location readily accessible in an emergency and in

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

22 D. An employee, agent or other individual described in
23 subsection C of this section must complete an anaphylaxis training
24 program prior to providing or administering an epinephrine auto-

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

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

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

13 3. Emergency follow-up procedures.

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

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/02/2015 -
20 DO PASS.
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