

1 **SENATE FLOOR VERSION**

2 February 23, 2015

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 542

6 By: Quinn and Pittman

7 An Act relating to epinephrine injections; providing
8 definitions; permitting physicians to prescribe
9 epinephrine auto-injectors to certain entities;
10 permitting certain entities to stock epinephrine;
11 providing standards for storage of epinephrine;
12 authorizing certain persons to prescribe and
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 promulgation of
19 rules; providing for codification; and providing an
20 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 physician, which allows a lay rescuer to
consult with a physician in real time by audio, televideo or other

1 similar means of electronic communication and, upon authorization of
2 the consulting physician, may be unlocked to make available the
3 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. "Physician" means a person licensed to practice medicine
8 pursuant to the provisions of the Oklahoma Allopathic Medical and
9 Surgical Licensure and Supervision Act or the Oklahoma Osteopathic
10 Medicine Act.

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

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

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

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

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

14 As used in this act:

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

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

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

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

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

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

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

13 A. A physician may issue a prescription for epinephrine auto-
14 injectors in the name of an authorized entity for use in accordance
15 with this section. Such prescriptions shall be dispensed by a
16 pharmacy in this state licensed by the State Board of Pharmacy.

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

1 responsible for the storage, maintenance, and general oversight of
2 epinephrine auto-injectors acquired by the authorized entity.

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

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

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

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

1 The entity conducting training shall issue a certificate, on a form
2 developed and approved by the Board, to each person who successfully
3 completes the anaphylaxis training program. Training may be
4 conducted online or in person and, at a minimum, shall cover:

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

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

9 3. Emergency follow-up procedures.

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

21 1. This immunity shall apply to acts or omissions constituting
22 gross, willful or wanton negligence. The administration of an
23 epinephrine auto-injector in accordance with this section is not the
24 practice of medicine. The immunity from liability provided under

1 this subsection is in addition to and not in lieu of that provided
2 under the Good Samaritan Act.

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

9 F. The Board of Pharmacy, the State Board of Medical Licensure
10 and Supervision, and the State Board of Osteopathic Examiners shall
11 promulgate any rules necessary to implement the provisions of this
12 act.

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

14 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
15 February 23, 2015 - DO PASS AS AMENDED
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