

---

---

# A BILL FOR AN ACT

RELATING TO EPINEPHRINE AUTO-INJECTORS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 321, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§321-    Life-threatening allergy medication; stock supply  
5 of epinephrine auto-injectors; emergency administration. (a)

6 An authorized health care provider may prescribe epinephrine  
7 auto-injectors in the name of an authorized entity for use in  
8 accordance with this section. Pharmacists and authorized health  
9 care providers may dispense epinephrine auto-injectors pursuant  
10 to a prescription issued in the name of an authorized entity.

11           (b) An authorized entity may acquire and stock a supply of  
12 epinephrine auto-injectors pursuant to a prescription issued in  
13 accordance with this section. Epinephrine auto-injectors shall  
14 be stored in a location readily accessible in an emergency and  
15 in accordance with the epinephrine auto-injector's instructions  
16 for use; provided that any additional requirements may be  
17 established by the department of health. An authorized entity  
18 shall designate employees or agents who have completed the



1 training required by subsection (d) to be responsible for the  
2 storage, maintenance, and general oversight of epinephrine auto-  
3 injectors acquired by the authorized entity.

4 (c) An employee or agent of an authorized entity, or other  
5 individual, who has completed the training required by  
6 subsection (d) may, on the premises of or in connection with the  
7 authorized entity, use epinephrine auto-injectors prescribed  
8 pursuant to subsection (a) to:

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

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



1        (d) An employee, agent, or other individual described in  
2 subsection (c) shall complete an anaphylaxis training program  
3 prior to providing or administering an epinephrine auto-injector  
4 made available by an authorized entity and at least every two  
5 years following completion of the initial anaphylaxis training  
6 program. The training shall be conducted by a nationally  
7 recognized organization experienced in training laypersons in  
8 emergency health treatment or an entity or individual approved  
9 by the department of health. Training may be conducted online  
10 or in person and, at a minimum, shall cover:

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

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

20        (e) The following individuals or entities shall not be  
21 liable for any civil damages arising from the administration of,  
22 self-administration of, or failure to administer an epinephrine



1 auto-injector or any other act or omission taken pursuant to  
2 this section:

3 (1) An authorized entity that possesses and makes  
4 available epinephrine auto-injectors, and its  
5 employees, agents, and other trained individuals;

6 (2) A person who uses an epinephrine auto-injector made  
7 available pursuant to subsection (h);

8 (3) An authorized health care provider that prescribes  
9 epinephrine auto-injectors to an authorized entity;  
10 and

11 (4) An individual or entity that conducts the training  
12 described in subsection (d);

13 provided that the immunity under this subsection does not apply  
14 to gross negligence or wanton acts or omissions.

15 (f) The administration of an epinephrine auto-injector in  
16 accordance with this section shall not constitute the practice  
17 of medicine. This section shall not eliminate, limit, or reduce  
18 any other immunity or defense that may be available under state  
19 law, including that provided under section 663-1.5. An entity  
20 located in this State shall not be liable for any injuries or  
21 related damages that result from the provision or administration



1 of an epinephrine auto-injector by its employees or agents  
2 outside of this State if the entity or its employee or agent:

3 (1) Would not have been liable for such injuries or  
4 related damages had the provision or administration  
5 occurred within this State; or

6 (2) Is not liable for such injuries or related damages  
7 under the law of the state in which the provision or  
8 administration occurred.

9 (g) An authorized entity that possesses and makes  
10 available epinephrine auto-injectors pursuant to this section  
11 shall submit to the department of health, on a form developed by  
12 the department, a report of each incident on the authorized  
13 entity's premises that involves the provision or administration  
14 of an epinephrine auto-injector. The department shall annually  
15 publish a report that summarizes and analyzes all reports  
16 submitted to it pursuant to this subsection.

17 (h) An authorized entity that acquires a stock supply of  
18 epinephrine auto-injectors pursuant to a prescription issued in  
19 accordance with this section may make epinephrine auto-injectors  
20 available to individuals other than those trained individuals  
21 described in subsection (c), and the individuals may administer  
22 epinephrine auto-injector to any individual believed in good



1 faith to be experiencing anaphylaxis; provided that the  
2 epinephrine auto-injectors are stored in a locked and secure  
3 container, and are made available only upon remote authorization  
4 by an authorized health care provider after consultation with  
5 the authorized health care provider by audio, televideo, or  
6 other similar means of electronic communication. Consultation  
7 with an authorized health care provider for this purpose shall  
8 not be considered the practice of telemedicine or otherwise be  
9 construed as violating any law or rule regulating the authorized  
10 health care provider's professional practice.

11 (i) As used in this section:

12 "Administer" means the direct application of an epinephrine  
13 auto-injector to the body of an individual.

14 "Authorized entity" means any entity or organization at or  
15 in connection with which allergens capable of causing  
16 anaphylaxis may be present, including restaurants, recreation  
17 camps, youth sports leagues, amusement parks, and sports arenas;  
18 provided that a public school, as defined in section 302A-101,  
19 is an authorized entity for purposes of subsection (h) only.

20 "Authorized health care provider" means an individual  
21 licensed by the State or authorized by the laws of the State to



1 prescribe prescription drugs within the scope of the person's  
2 practice.

3 "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 "Provide" means to supply one or more epinephrine auto-  
7 injectors to an individual.

8 "Self-administration" means the discretionary use of an  
9 epinephrine auto-injector."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on January 1, 2050.

12



**Report Title:**

Epinephrine Auto-injectors; Emergency Administration

**Description:**

Allows authorized health care providers to prescribe and authorized entities to provide and administer epinephrine auto-injectors in emergencies and under certain conditions.  
Effective 1/1/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

