

JAN 17 2014

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-saving allergy medication; stock supply of
5 epinephrine auto-injectors; emergency administration. (a)
6 Notwithstanding any law to the contrary, an authorized health
7 care provider may prescribe epinephrine auto-injectors in the
8 name of an authorized entity for use in accordance with this
9 section. Pharmacists and authorized health care providers may
10 dispense epinephrine auto-injectors pursuant to a prescription
11 issued in the name of an authorized entity.

12 (b) Notwithstanding any law to the contrary, an authorized
13 entity may acquire and stock a supply of epinephrine auto-
14 injectors pursuant to a prescription issued in accordance with
15 this section. Such epinephrine auto-injectors shall be stored
16 in a location that is readily-accessible in an emergency and in
17 accordance with the epinephrine auto-injector's instructions for
18 use and any additional requirements that may be established by



1 the department of health. An authorized entity shall designate
2 employees or agents who have completed the training required by
3 subsection (d) to be responsible for the storage, maintenance,
4 and general oversight of epinephrine auto-injectors acquired by
5 the authorized entity.

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

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

18 (2) Administer an epinephrine auto-injector to any
19 individual whom the employee, agent, or other
20 individual believes in good faith is experiencing
21 anaphylaxis, regardless of whether the individual has



1 a prescription for an epinephrine auto-injector or has
2 previously been diagnosed with an allergy.

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

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

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

17 (3) Emergency follow-up procedures.

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



1 (e) An authorized entity that possesses and makes
2 available epinephrine auto-injectors and its employees, agents,
3 and other trained individuals; persons who use an epinephrine
4 auto-injector made available pursuant to subsection (g);
5 authorized health care providers who prescribe epinephrine auto-
6 injectors to an authorized entity; and individuals or entities
7 conducting the training described in subsection (d) shall not be
8 liable for any civil damages arising from the administration of,
9 self-administration of, or failure to administer an epinephrine
10 auto-injector or any other act or omission taken pursuant to
11 this section; provided that this immunity shall not apply to
12 gross negligence or wanton acts or omissions. The
13 administration of an epinephrine auto-injector pursuant to this
14 section shall not be considered the practice of medicine. This
15 section shall not eliminate, limit, or reduce any other immunity
16 or defense that may be available under state law, including
17 section 663-1.5. An authorized entity located in this State
18 shall not be liable for any injuries or related damages
19 resulting from the provision or administration of an epinephrine
20 auto-injector by its employees or agents outside of this State
21 if the authorized entity or its employee or agent:



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

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

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

15 (g) An authorized entity that acquires a stock supply of
16 epinephrine auto-injectors pursuant to a prescription issued in
17 accordance with this section may make such epinephrine auto-
18 injectors available to individuals other than those trained
19 individuals described in subsection (c), and such individuals
20 may administer an epinephrine auto-injector to any individual
21 believed in good faith to be experiencing anaphylaxis, if the
22 epinephrine auto-injectors are stored in a locked, secure



1 container and are made available only upon remote authorization
2 by an authorized health care provider after consultation with
3 the authorized health care provider by audio, tele-video, or
4 other similar means of electronic communication. Consultation
5 with an authorized health care provider for this purpose shall
6 not be considered the practice of telemedicine or otherwise be
7 construed as a violation any law or rule regulating the
8 authorized health care provider's professional practice.

9 (h) As used in this section:

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

12 "Authorized entity" means any entity or organization at or
13 in connection with which allergens capable of causing
14 anaphylaxis may be present, including but not limited to
15 restaurants, recreation camps, youth sports leagues, amusement
16 parks, and sports arenas; provided that a school as defined in
17 section 302A-901 shall only be considered an authorized entity
18 for the purposes of subsection (g).

19 "Authorized health care provider" means an individual
20 licensed by the State or authorized by the laws of the State to
21 prescribe prescription drugs within the scope of the person's
22 practice.



1 "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 "Self-administration" means a person's discretionary use of
5 an epinephrine auto-injector."

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a stylized, cursive letter 'P' followed by a horizontal line extending to the right.

S.B. NO. 2701

Report Title:

Epinephrine Auto-Injectors

Description:

Authorizes the prescription and stocking of epinephrine auto-injectors by authorized entities. Includes provisions for their use.

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

