

JAN 23 2014

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# 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 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§302A-       Life-threatening allergy medication in schools;  
5 guidelines; stock supply of epinephrine auto-injectors;  
6 emergency administration. (a) An authorized health care  
7 provider may prescribe epinephrine auto-injectors in the name of  
8 a school for use in accordance with this section. Pharmacists  
9 and authorized health care providers may dispense epinephrine  
10 auto-injectors pursuant to a prescription issued in the name of  
11 a school. A school may maintain a stock supply of epinephrine  
12 auto-injectors for use in accordance with this section.

13           (b) School nurses and designated school personnel may,  
14 upon authorization by the principal, use epinephrine auto-  
15 injectors prescribed pursuant to subsection (a) to:

16           (1) Provide an epinephrine auto-injector to a student for  
17 self-administration in accordance with a prescription  
18 specific to the student on file with the school;



1       (2) Administer an epinephrine auto-injector to a student  
2       in accordance with a prescription specific to the  
3       student on file with the school; and

4       (3) Administer an epinephrine auto-injector to any student  
5       or other individual, on school premises, at school-  
6       sponsored events, or at any other time the student or  
7       individual is subject to the school's jurisdiction or  
8       supervision; provided that the school nurse or  
9       designated school personnel believes in good faith the  
10       student or other individual is experiencing  
11       anaphylaxis in accordance with a standing protocol  
12       from an authorized health care provider, regardless of  
13       whether the student or other individual has a  
14       prescription for an epinephrine auto-injector or has  
15       previously been diagnosed with an allergy.

16       (c) A school may enter into arrangements with  
17       manufacturers of epinephrine auto-injectors or third-party  
18       suppliers of epinephrine auto-injectors to obtain epinephrine  
19       auto-injectors at fair-market, free, or reduced prices.

20       (d) Designated school personnel shall complete an  
21       anaphylaxis training program prior to providing or administering  
22       an epinephrine auto-injector made available by a school and at



1 least every two years following completion of the initial  
2 anaphylaxis training program. The training shall be conducted  
3 by a nationally recognized organization experienced in training  
4 laypersons in emergency health treatment or an entity or  
5 individual approved by the department of health. Training may  
6 be conducted online or in person and, at a minimum, shall cover:

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

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

16     (e) Not later than December 31, 2015, the department, in  
17 consultation with the department of health, shall develop and  
18 make available to all schools guidelines for the management of  
19 students with life-threatening food allergies. The guidelines  
20 shall include:

- 21     (1) Education and training for school personnel on the  
22         management of students with life-threatening



- 1           allergies, including training related to the  
2           administration of an epinephrine auto-injector;  
3       (2) Procedures for responding to life-threatening allergic  
4           reactions;  
5       (3) A process for the development of individualized health  
6           care and allergy action plans for every student with a  
7           known life-threatening allergy; and  
8       (4) Protocols to prevent exposure to allergens.  
9       (f) Not later than \_\_\_\_\_, the board shall:  
10       (1) Implement a plan based on the guidelines developed  
11           pursuant to subsection (e) for the management of  
12           students with life-threatening allergies enrolled in  
13           the schools under its jurisdiction; and  
14       (2) Make the plan available on the board's web site or the  
15           web site of each school under the board's  
16           jurisdiction, or if the web sites do not exist, make  
17           the plan publicly available through other practicable  
18           means as determined by the board.  
19       (g) A school that possesses and makes available a stock  
20           supply of epinephrine auto-injectors pursuant to this section  
21           shall submit to the department, on a form developed by the  
22           department, a report of each incident that involves a severe



1 allergic reaction or the administration of an epinephrine auto-  
2 injector. The department shall annually publish a report that  
3 summarizes and analyzes all reports submitted to it pursuant to  
4 this subsection.

5 (h) The following persons or entities shall not be civilly  
6 liable for damages arising from the administration of, self-  
7 administration of, or failure to administer an epinephrine auto-  
8 injector or any other act or omission taken pursuant to this  
9 section, regardless of whether authorization was provided by the  
10 student's parent or guardian or by the student's health care  
11 provider:

12 (1) A school that possesses and makes available  
13 epinephrine auto-injectors and its principal, school  
14 nurses, employees, agents, and volunteers;

15 (2) An authorized health care provider that prescribes  
16 epinephrine auto-injectors to a school; and

17 (3) An individual or entity that conducts the training  
18 described in subsection (d);

19 provided that this subsection does not apply to gross negligence  
20 or wanton acts or omissions. This section does not eliminate,  
21 limit, or reduce any other immunity or defense that may be



1 available under state law, including that provided under section  
2 663-1.5.

3 (i) The administration of an epinephrine auto-injector in  
4 accordance with this section shall not constitute the practice  
5 of medicine.

6 (j) As used in this section:

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

9 "Authorized health care provider" means an individual  
10 licensed by the State or authorized by the laws of the State to  
11 prescribe prescription drugs within the scope of the person's  
12 practice.

13 "Designated school personnel" means an employee, agent, or  
14 volunteer of a school principal who has completed the training  
15 required under subsection (d) and who has been designated by the  
16 school principal to provide or administer an epinephrine auto-  
17 injector.

18 "Epinephrine auto-injector" means a single-use device used  
19 for the automatic injection of a premeasured dose of epinephrine  
20 into the human body.

21 "Provide" means the supply of one or more epinephrine auto-  
22 injectors to an individual.



1       "School" shall have the same meaning as the term "public  
2 schools" in section 302A-101, excluding charter schools governed  
3 by chapter 302D.

4       "Self-administration" means a student or other person's  
5 discretionary use of an epinephrine auto-injector, whether  
6 provided by the student or by a school nurse or designated  
7 school personnel pursuant to this section."

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

11       **"§321-     Life-threatening allergy medication; stock supply**  
12 **of epinephrine auto-injectors; emergency administration. (a)**

13 An authorized health care provider may prescribe epinephrine  
14 auto-injectors in the name of an authorized entity for use in  
15 accordance with this section. Pharmacists and authorized health  
16 care providers may dispense epinephrine auto-injectors pursuant  
17 to a prescription issued in the name of an authorized entity.

18       (b) An authorized entity may acquire and stock a supply of  
19 epinephrine auto-injectors pursuant to a prescription issued in  
20 accordance with this section. Epinephrine auto-injectors shall  
21 be stored in a location readily accessible in an emergency and  
22 in accordance with the epinephrine auto-injector's instructions



1 for use; provided that any additional requirements may be  
2 established by the department of health. An authorized entity  
3 shall designate employees or agents who have completed the  
4 training required by subsection (d) to be responsible for the  
5 storage, maintenance, and general oversight of epinephrine auto-  
6 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  
9 subsection (d) may, on the premises of or in connection with the  
10 authorized entity, use epinephrine auto-injectors prescribed  
11 pursuant to subsection (a) to:

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

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





1           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. The training shall be conducted by a nationally  
9           recognized organization experienced in training laypersons in  
10           emergency health treatment or an entity or individual approved  
11           by the department of health. Training may be conducted online  
12           or in 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) The following individuals or entities shall not be  
2 liable for any civil damages arising from the administration of,  
3 self-administration of, or failure to administer an epinephrine  
4 auto-injector or any other act or omission taken pursuant to  
5 this section:

6        (1) An authorized entity that possesses and makes  
7 available epinephrine auto-injectors, and its  
8 employees, agents, and other trained individuals;

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

11        (3) An authorized health care provider that prescribes  
12 epinephrine auto-injectors to an authorized entity;  
13 and

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

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

18        (f) The administration of an epinephrine auto-injector in  
19 accordance with this section shall not constitute the practice  
20 of medicine. This section shall not eliminate, limit, or reduce  
21 any other immunity or defense that may be available under state  
22 law, including that provided under section 663-1.5. An entity



1 located in this State shall not be liable for any injuries or  
2 related damages that result from the provision or administration  
3 of an epinephrine auto-injector by its employees or agents  
4 outside of this State if the entity or its employee or agent:

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

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

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

19 (h) An authorized entity that acquires a stock supply of  
20 epinephrine auto-injectors pursuant to a prescription issued in  
21 accordance with this section may make epinephrine auto-injectors  
22 available to individuals other than those trained individuals



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

13 (i) As used in this section:

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

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



1       "Authorized health care provider" means an individual  
2 licensed by the State or authorized by the laws of the State to  
3 prescribe prescription drugs within the scope of the person's  
4 practice.

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

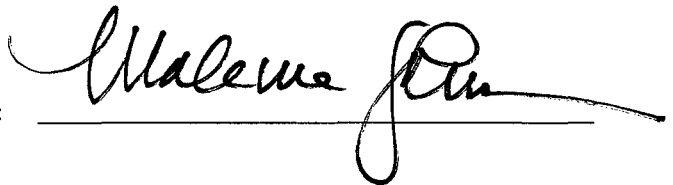
8       "Provide" means to supply one or more epinephrine auto-  
9 injectors to an individual.

10       "Self-administration" means the discretionary use of an  
11 epinephrine auto-injector."

12       SECTION 3. New statutory material is underscored.

13       SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY: 



# S.B. NO. 2954

**Report Title:**

Epinephrine Auto-injectors; Emergency Administration

**Description:**

Allows public schools to stock, provide, and administer epinephrine in emergencies and under certain conditions. Allows authorized health care providers to prescribe and authorized entities to provide and administer epinephrine auto-injectors in emergencies and under certain conditions.

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