
A BILL FOR AN ACT

RELATING TO EMERGENCY ALLERGY TREATMENT.

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 part I to be appropriately
3 designated and to read as follows:

4 "§321- Emergency allergy treatment; epinephrine auto-
5 injectors; emergency administration. (a) An authorized health
6 care provider may prescribe epinephrine auto-injectors in the
7 name of an authorized entity for use in accordance with this
8 section. Pharmacists and authorized health care providers may
9 dispense epinephrine auto-injectors pursuant to a prescription
10 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



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

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

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-
6 injector. 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 organization, entity, or individual that conducts the
17 training shall issue a certificate, on a form developed or
18 approved by the department, to each person who successfully
19 completes the anaphylaxis training program. This certificate
20 shall be valid for no longer than two years.



1 (e) The following entities, organizations, or
2 individuals shall not be liable for any civil damages arising
3 from the administration of, self-administration of, or failure
4 to administer an epinephrine auto-injector or any other act or
5 omission taken pursuant to 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) An individual who uses an epinephrine auto-injector
10 made 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 entity, organization, or individual that conducts
15 the training 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



1 law, including that provided under section 663-1.5. An entity
2 located in this State shall not be liable for any injuries or
3 related damages that result from the provision or administration
4 of an epinephrine auto-injector by its employees or agents
5 outside of this State if the entity or its employee or agent:

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

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

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



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

17 (i) The department may adopt rules, pursuant to chapter
18 91, as necessary for the purposes of this section.

19 (j) As used in this section:

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



1 "Authorized entity" means any entity or organization at or
2 in connection with which allergens capable of causing
3 anaphylaxis may be present, including restaurants, recreation
4 camp, youth sports leagues, amusement parks, and sports arenas;
5 provided that a public school, as defined in section 302A-101,
6 is an authorized entity for purposes of subsection (h) only.

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

11 "Department" means the department of health.

12 "Epinephrine auto-injector" means a single-use device used
13 for the automatic injection of a premeasured dose of epinephrine
14 into the human body.

15 "Provide" means to supply one or more epinephrine auto-
16 injectors to an individual.

17 "Self-administration" means an individual's discretionary
18 administration of an epinephrine auto-injector to the
19 individual's own body."

20 SECTION 2. New statutory material is underscored.



H.B. NO. 255

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

2

INTRODUCED BY:

Cindy Evans

Hickman

Richard

JAN 22 2015



H.B. NO. 255

Report Title:

Emergency Allergy Treatment; 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 without liability.

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