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SENATE BILL 5291

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State of Washington

64th Legislature

2015 Regular Session

By Senators Mullet, Dammeier, Keiser, Chase, Angel, Miloscia, and Hobbs

Read first time 01/19/15. Referred to Committee on Health Care.

1 AN ACT Relating to authorized health care providers prescribing  
2 epinephrine autoinjectors in the name of authorized entities; and  
3 adding a new section to chapter 70.54 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54  
6 RCW to read as follows:

7 (1) An authorized health care provider may prescribe epinephrine  
8 autoinjectors in the name of an authorized entity for use in  
9 accordance with this section, and pharmacists and physicians may  
10 dispense epinephrine autoinjectors pursuant to a prescription issued  
11 in the name of an authorized entity.

12 (2) An authorized entity may acquire and stock a supply of  
13 epinephrine autoinjectors pursuant to a prescription issued in  
14 accordance with this section. The epinephrine autoinjectors must be  
15 stored in a location readily accessible in an emergency and in  
16 accordance with the epinephrine autoinjector's instructions for use  
17 and any additional requirements that may be established by the  
18 department of health. An authorized entity shall designate employees  
19 or agents who have completed the training required by subsection (4)  
20 of this section to be responsible for the storage, maintenance, and

1 general oversight of epinephrine autoinjectors acquired by the  
2 authorized entity.

3 (3) An employee or agent of an authorized entity, or other  
4 individual, who has completed the training required by subsection (4)  
5 of this section may, on the premises of or in connection with the  
6 authorized entity, use epinephrine autoinjectors prescribed pursuant  
7 to subsection (1) of this section to:

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

14 (b) Administer an epinephrine autoinjector to any individual who  
15 the employee, agent, or other individual believes in good faith is  
16 experiencing anaphylaxis, regardless of whether the individual has a  
17 prescription for an epinephrine autoinjector or has previously been  
18 diagnosed with an allergy.

19 (4)(a) An employee, agent, or other individual described in  
20 subsection (3) of this section must complete an anaphylaxis training  
21 program prior to providing or administering an epinephrine  
22 autoinjector made available by an authorized entity. The training  
23 must be conducted by a nationally recognized organization experienced  
24 in training laypersons in emergency health treatment or an entity or  
25 individual approved by the department of health. Training may be  
26 conducted online or in person and, at a minimum, must cover:

27 (i) Techniques on how to recognize symptoms of severe allergic  
28 reactions, including anaphylaxis;

29 (ii) Standards and procedures for the storage and administration  
30 of an epinephrine autoinjector; and

31 (iii) Emergency follow-up procedures.

32 (b) The entity that conducts the training shall issue a  
33 certificate, on a form developed or approved by the department of  
34 health, to each person who successfully completes the anaphylaxis  
35 training program.

36 (5) An authorized entity that possesses and makes available  
37 epinephrine autoinjectors and its employees, agents, and other  
38 trained individuals; a person that uses an epinephrine autoinjector  
39 made available pursuant to subsection (7) of this section; an  
40 authorized health care provider that prescribes epinephrine

1 autoinjectors to an authorized entity; and an individual or entity  
2 that conducts the training described in subsection (4) of this  
3 section is not liable for any injuries or related damages that result  
4 from the administration or self-administration of an epinephrine  
5 autoinjector, the failure to administer an epinephrine autoinjector,  
6 or any other act or omission taken pursuant to this section:  
7 PROVIDED, However, this immunity does not apply to acts or omissions  
8 constituting gross negligence or willful or wanton misconduct. The  
9 administration of an epinephrine autoinjector in accordance with this  
10 section is not the practice of medicine. This section does not  
11 eliminate, limit, or reduce any other immunity or defense that may be  
12 available under state law, including that provided under RCW  
13 4.24.300. An entity located in this state is not liable for any  
14 injuries or related damages that result from the provision or  
15 administration of an epinephrine autoinjector by its employees or  
16 agents outside of this state if the entity or its employee or agent  
17 (a) would not have been liable for the injuries or related damages  
18 had the provision or administration occurred within this state, or  
19 (b) are not liable for the injuries or related damages under the law  
20 of the state in which the provision or administration occurred.

21 (6) An authorized entity that possesses and makes available  
22 epinephrine autoinjectors shall submit to the department of health,  
23 on a form developed by the department of health, a report of each  
24 incident on the authorized entity's premises that involves the  
25 administration of an epinephrine autoinjector. The department of  
26 health shall annually publish a report that summarizes and analyzes  
27 all reports submitted to it under this subsection.

28 (7) An authorized entity that acquires a stock supply of  
29 epinephrine autoinjectors pursuant to a prescription issued in  
30 accordance with this section may make the epinephrine autoinjectors  
31 available to individuals other than those trained individuals  
32 described in subsection (3) of this section, and the individuals may  
33 administer the epinephrine autoinjector to any individual believed in  
34 good faith to be experiencing anaphylaxis, if the epinephrine  
35 autoinjectors are stored in a locked, secure container and are made  
36 available only upon remote authorization by an authorized health care  
37 provider after consultation with the authorized health care provider  
38 by audio, televideo, or other similar means of electronic  
39 communication. Consultation with an authorized health care provider  
40 for this purpose may not be considered the practice of telemedicine

1 or otherwise be construed as violating any law or rule regulating the  
2 authorized health care provider's professional practice.

3 (8) As used in this section:

4 (a) "Administer" means the direct application of an epinephrine  
5 autoinjector to the body of an individual.

6 (b) "Authorized entity" means any entity or organization at or in  
7 connection with which allergens capable of causing anaphylaxis may be  
8 present, including, but not limited to, restaurants, recreation  
9 camps, youth sports leagues, amusement parks, and sports arenas:  
10 PROVIDED, However, a school described in RCW 28A.210.383 is an  
11 authorized entity for purposes of subsection (7) of this section  
12 only.

13 (c) "Authorized health care provider" means an individual allowed  
14 by law to prescribe and administer prescription drugs in the course  
15 of professional practice.

16 (d) "Epinephrine autoinjector" means a single-use device used for  
17 the automatic injection of a premeasured dose of epinephrine into the  
18 human body.

19 (e) "Provide" means the supply of one or more epinephrine  
20 autoinjectors to an individual.

21 (f) "Self-administration" means a person's discretionary use of  
22 an epinephrine autoinjector.

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