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SENATE BILL 6584

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Mullet, Frockt, Hobbs, and Lias

Read first time 03/12/14. 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 RCW  
6 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 accordance  
9 with this section, and pharmacists and physicians may dispense  
10 epinephrine autoinjectors pursuant to a prescription issued in the name  
11 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 and  
17 any additional requirements that may be established by the department  
18 of health. An authorized entity shall designate employees or agents  
19 who have completed the training required by subsection (4) of this

1 section to be responsible for the storage, maintenance, and general  
2 oversight of epinephrine autoinjectors acquired by the authorized  
3 entity.

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

9 (a) Provide an epinephrine autoinjector to any individual who the  
10 employee, agent, or other individual believes in good faith is  
11 experiencing anaphylaxis for immediate self-administration, regardless  
12 of whether the individual has a prescription for an epinephrine  
13 autoinjector or has previously been diagnosed with an 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 autoinjector  
22 made available by an authorized entity. The training must be conducted  
23 by a nationally recognized organization experienced in training  
24 laypersons in emergency health treatment or an entity or individual  
25 approved by the department of health. Training may be conducted online  
26 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 of  
30 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 trained  
38 individuals; a person that uses an epinephrine autoinjector made

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

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

29 (7) An authorized entity that acquires a stock supply of  
30 epinephrine autoinjectors pursuant to a prescription issued in  
31 accordance with this section may make the epinephrine autoinjectors  
32 available to individuals other than those trained individuals described  
33 in subsection (3) of this section, and the individuals may administer  
34 the epinephrine autoinjector to any individual believed in good faith  
35 to be experiencing anaphylaxis, if the epinephrine autoinjectors are  
36 stored in a locked, secure container and are made available only upon  
37 remote authorization by an authorized health care provider after  
38 consultation with the authorized health care provider by audio,

1 televideo, or other similar means of electronic communication.  
2 Consultation with an authorized health care provider for this purpose  
3 may not be considered the practice of telemedicine or otherwise be  
4 construed as violating any law or rule regulating the authorized health  
5 care provider's professional practice.

6 (8) As used in this section:

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

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

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

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

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

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

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