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**SUBSTITUTE HOUSE BILL 1528**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Robinson, Riccelli, Rodne, Magendanz, DeBolt, Harris, Clibborn, Stanford, Caldier, Tharinger, Kagi, and Wylie)

READ FIRST TIME 02/02/16.

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, advanced registered  
10 nurse practitioners, and physicians may dispense epinephrine  
11 autoinjectors pursuant to a prescription issued in the name of an  
12 authorized entity.

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

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

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

28 (7) As used in this section:

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

31 (b) "Authorized entity" means any entity or organization at or in  
32 connection with which allergens capable of causing anaphylaxis may be  
33 present, including, but not limited to, restaurants, recreation  
34 camps, youth sports leagues, amusement parks, colleges, universities,  
35 and sports arenas.

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

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

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

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

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