

## HOUSE BILL No. 2585

By Committee on Health and Human Services

2-7

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1 AN ACT concerning the use of epinephrine auto-injectors; prescription  
2 thereof for certain authorized entities; use and storage requirements;  
3 granting of immunity from liability in certain circumstances; providing  
4 for administration of the act by the state board of pharmacy.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. Notwithstanding any provision of law to the contrary:

8 (a) As used in this act:

9 (1) "Administer" means the direct application of an epinephrine auto-  
10 injector to the body of an individual.

11 (2) "Authorized entity" means any entity or organization at which, or  
12 in connection with, allergens capable of causing anaphylaxis may be  
13 present, including, but not limited to, restaurants, recreation camps, youth  
14 sports leagues, amusement parks and sports arenas, but shall not include a  
15 school as defined under subsection (a)(3) of K.S.A. 2013 Supp. 72-8252,  
16 and amendments thereto, or an accredited school under K.S.A. 2013 Supp.  
17 72-8259, and amendments thereto.

18 (3) "Authorized health care provider" means an individual allowed by  
19 law to prescribe and administer prescription drugs in the course of  
20 professional practice.

21 (4) "Epinephrine auto-injector" means a single-use device used for  
22 the automatic injection of a pre-measured dose of epinephrine into the  
23 human body.

24 (5) "Provide" means the supply of one or more epinephrine auto-  
25 injectors to an individual.

26 (6) "Self-administration" means a person's discretionary use of an  
27 epinephrine auto-injector.

28 (b) An authorized health care provider may prescribe epinephrine  
29 auto-injectors in the name of an authorized entity for use in accordance  
30 with this section, and pharmacists and authorized health care providers  
31 who are authorized by law to dispense prescription medication may  
32 dispense epinephrine auto-injectors pursuant to a prescription issued in the  
33 name of an authorized entity.

34 (c) An authorized entity may acquire and stock a supply of  
35 epinephrine auto-injectors pursuant to a prescription issued in accordance  
36 with this section. Such epinephrine auto-injectors shall be stored in a

1 location readily accessible in an emergency and in accordance with the  
2 epinephrine auto-injector's instructions for use and any additional  
3 requirements that may be established by rules and regulations by the state  
4 board of pharmacy. An authorized entity shall designate employees or  
5 agents who have completed the training required by this act to be  
6 responsible for the storage, maintenance, and general oversight of  
7 epinephrine auto-injectors acquired by the authorized entity.

8 (d) An employee or agent of an authorized entity, or other individual,  
9 who has completed the training required by this act may use, on the  
10 premises of or in connection with the authorized entity, epinephrine auto-  
11 injectors prescribed pursuant to this act to:

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

17 (2) administer an epinephrine auto-injector to any individual whom  
18 the employee, agent or other individual believes in good faith is  
19 experiencing anaphylaxis, regardless of whether the individual has a  
20 prescription for an epinephrine auto-injector or has previously been  
21 diagnosed with an allergy.

22 (e) An employee, agent or other individual described in subsection  
23 (d) must complete an anaphylaxis training program prior to providing or  
24 administering an epinephrine auto-injector made available by an  
25 authorized entity and at least every two years following completion of the  
26 initial anaphylaxis training program. Such training shall be conducted by a  
27 nationally recognized organization experienced in training laypersons in  
28 emergency health treatment or an other entity or individual approved by  
29 the state board of pharmacy. Training may be conducted online or in  
30 person and, at a minimum, shall cover:

31 (1) Techniques on how to recognize symptoms of severe allergic  
32 reactions, including anaphylaxis;

33 (2) standards and procedures for the storage and administration of an  
34 epinephrine auto-injector; and

35 (3) emergency follow-up procedures.

36 The entity that conducts the training shall issue a certificate, on a form  
37 developed or approved by the state board of pharmacy, to each person who  
38 successfully completes the anaphylaxis training program.

39 (f) (1) An authorized entity that possesses and makes available  
40 epinephrine auto-injectors and its employees, agents and other trained  
41 individuals, an individual who uses an epinephrine auto-injector made  
42 available pursuant to subsection (d), an authorized health care provider  
43 that prescribes epinephrine auto-injectors to an authorized entity and an

1 individual or entity that conducts the training described in subsection (e)  
2 shall not be liable for any injuries or related damages that result from the  
3 administration of, self-administration of, or failure to administer an  
4 epinephrine auto-injector in accordance with this section that may  
5 constitute ordinary negligence. This immunity does not apply to acts or  
6 omissions constituting gross, willful or wanton negligence. The immunity  
7 from liability provided under this subsection is in addition to and not in  
8 lieu of that provided under K.S.A. 65-2891, and amendments thereto, or  
9 K.S.A. 2013 Supp. 65-2891b, and amendments thereto.

10 (2) An authorized entity located in this state shall not be liable for any  
11 injuries or related damages that result from the provision or administration  
12 of an epinephrine auto-injector by its employees or agents outside of this  
13 state if the entity or its employees or agents are not liable for such injuries  
14 or related damages under the law of the state in which such provision or  
15 administration occurred.

16 (3) The administration of an epinephrine auto-injector in accordance  
17 with this section is not the practice of medicine.

18 (g) An authorized entity that possesses and makes available  
19 epinephrine auto-injectors shall submit to the state board of pharmacy, on a  
20 form developed by the state board of pharmacy, a report of each incident  
21 on the authorized entity's premises that involves the administration of an  
22 epinephrine auto-injector. The state board of pharmacy shall annually  
23 publish a report that summarizes and analyzes all reports submitted to it  
24 under this subsection.

25 (h) (1) An authorized entity that acquires a stock supply of  
26 epinephrine auto-injectors pursuant to a prescription issued in accordance  
27 with this section may make such epinephrine auto-injectors available to  
28 individuals other than those trained individuals described in subsection (e)  
29 if the epinephrine auto-injectors are stored in a locked, secure container  
30 and are made available only upon remote authorization by an authorized  
31 health care provider after consultation with the authorized health care  
32 provider by audio, televideo or other similar means of electronic  
33 communication.

34 (2) Consultation with an authorized health care provider for this  
35 purpose shall not be considered the practice of telemedicine or otherwise  
36 be construed as violating any law or rule regulating the authorized health  
37 care provider's professional practice.

38 (i) The provisions of this section shall not apply to the circumstances  
39 covered under K.S.A. 2013 Supp. 65-2872b, and amendments thereto, to a  
40 school subject to the provisions of K.S.A. 2013 Supp. 72-8252, and  
41 amendments thereto, or to an accredited school subject to the provisions of  
42 K.S.A. 2013 Supp. 72-8258, and amendments thereto.

43 (j) The state board of pharmacy may adopt rules and regulations as

1 necessary to implement the provisions of this section.

2       Sec. 2. This act shall take effect and be in force from and after its  
3 publication in the statute book.