

ENTITY PRESCRIBING FOR OTHER ENTITIES

Sec. 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

Sec. _____. Life-saving allergy medication: stock supply of epinephrine auto-injectors; emergency administration.

Notwithstanding any provision of law to the contrary:

1. Prescribing to an Authorized Entity Permitted. A physician or osteopathic physician may prescribe epinephrine auto-injectors in the name of an authorized entity as provided in NRS 630.374 or NRS 633.707 for use in accordance with this section, and pharmacists may dispense epinephrine auto-injectors pursuant to such prescription.
2. Designated Entities Permitted To Maintain Supply. An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with NRS 630.374 or NRS 633.707. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements that may be established by the board. An authorized entity shall designate employees or agents who have completed the training required by subsection 4 to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.
3. Use of Epinephrine Auto-Injectors. An employee or agent of an authorized entity, or other individual, who has completed the training required by subsection 4 may, on the premises of or in connection with the authorized entity, use epinephrine auto-injectors prescribed pursuant to subsection 1 to:
 - (a) provide an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis for immediate self-administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.
 - (b) administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.
4. Training. An employee, agent, or other individual described in subsection 3 must complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector made available by an authorized entity [*optional*: and at least every two years following completion of the initial anaphylaxis training program]. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the board. Training may be conducted online or in person and, at a minimum, shall cover:
 - (a) techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis;
 - (b) standards and procedures for the storage and administration of an epinephrine auto-injector; and

(c) emergency follow-up procedures.

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

5. Good Samaritan Protections. An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other trained individuals; a person that uses an epinephrine auto-injector made available pursuant to subsection 7; a physician or osteopathic physician who prescribes epinephrine auto-injectors to an authorized entity; and an individual or entity that conducts the training described in subsection 4 is not liable for any civil damages that result from any act or omission not amounting to gross negligence related to the acquisition, possession, administration, or provision of an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine. This section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including that provided under NRS 41.500. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent (1) would not have been liable for such injuries or related damages had the provision or administration occurred within this state, or (2) are not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.
6. Reporting. An authorized entity that possesses and makes available epinephrine auto-injectors shall submit to the board, on a form developed by the board, a report of each incident on the authorized entity's premises that involves the administration of an epinephrine auto-injector. The board shall annually publish a report that summarizes and analyzes all reports submitted to it under this subsection.
7. Expanded Availability. An authorized entity that acquires a stock supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section may make such epinephrine auto-injectors available to individuals other than those trained individuals described in subsection 3, and such individuals may administer such epinephrine auto-injector to any individual believed in good faith to be experiencing anaphylaxis, if the epinephrine auto-injectors are stored in a locked, secure container and are made available only upon remote authorization by a physician or osteopathic physician after consultation with the a physician or osteopathic physician by audio, televideo, or other similar means of electronic communication. Consultation with a physician or osteopathic physician for this purpose shall not be considered the practice of telemedicine or otherwise be construed as violating any law or rule regulating the practice of medicine, practice of osteopathic medicine, or practice of respiratory care.
8. Definitions. As used in this section:
 - (a) "Administer" means the direct application of an epinephrine auto-injector to the body of an individual.
 - (b) "Authorized entity" means any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present, including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas; provided however, a school described in NRS 388.424 or

394.1995 is an authorized entity for purposes of subsections 5 and 7 of this section only.

- (c) “Epinephrine auto-injector” means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.
- (d) “Provide” means the supply of one or more epinephrine auto-injectors to an individual.
- (e) “Self-administration” means a person’s discretionary use of an epinephrine auto-injector.

Sec. 2. Section 374 of Chapter 630 of NRS is hereby amended to read as follows:

1. A physician may issue to a public or private school or an authorized entity an order to allow the school or authorized entity to obtain and maintain auto-injectable epinephrine at the school or authorized entity, regardless of whether any person at the school or authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.
2. An order issued pursuant to subsection 1 must contain:
 - (a) The name and signature of the physician and the address of the physician if not immediately available to the pharmacist;
 - (b) The classification of his or her license;
 - (c) The name of the public or private school or authorized entity to which the order is issued;
 - (d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and
 - (e) The date of issue.
3. A physician is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.
4. As used in this section:
 - (a) “Authorized entity” has the meaning ascribed to it in NRS 450B.1.
 - (b) “Private school” has the meaning ascribed to it in NRS 394.103.
 - (c) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 3. Section 707 of Chapter 633 of NRS is hereby amended to read as follows:

1. An osteopathic physician may issue to a public or private school or an authorized entity an order to allow the school or authorized entity to obtain and maintain auto-injectable epinephrine at the school or authorized entity, regardless of whether any person at the school or authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.
2. An order issued pursuant to subsection 1 must contain:

- (a) The name and signature of the osteopathic physician and the address of the osteopathic physician if not immediately available to the pharmacist;
 - (b) The classification of his or her license;
 - (c) The name of the public or private school or authorized entity to which the order is issued;
 - (d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and
 - (e) The date of issue.
3. An osteopathic physician is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.
4. As used in this section:
 - (a) “Authorized entity” has the meaning ascribed to it in 450B.~~1~~.
 - (b) “Private school” has the meaning ascribed to it in NRS 394.103.
 - (c) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 4. NRS 639.2357 is hereby amended to read as follows:

1. Upon the request of a patient, or a public or private school or authorized entity for which an order was issued pursuant to NRS 630.374~~, or 633.707~~, or 450B.~~1~~, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.
2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.
3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:
 - (a) Any law or regulation of this State;
 - (b) Federal law or regulation; or
 - (c) A contract for payment by a third party if the patient is a party to that contract.