

1 HB646
2 169025-1
3 By Representatives Mooney, Melton, Hanes, Whorton (R), Pettus,
4 Fincher, Brown, Nordgren, Boyd, Butler, Weaver, Ledbetter,
5 McCutcheon, Greer, Henry, Johnson (K) and Moore (B)
6 RFD: Judiciary
7 First Read: 07-MAY-15

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8 SYNOPSIS: Under existing law, there are no statutes
9 that address the provision of epinephrine
10 auto-injectors for use by laypersons to administer
11 to an individual experiencing a severe allergic
12 reaction at places where allergens capable of
13 causing anaphylaxis may be present.

14 This bill would create a program for the
15 provision of single dose epinephrine auto-injectors
16 for use by laypersons to administer to an
17 individual experiencing a severe allergic reaction
18 at places where allergens capable of causing
19 anaphylaxis may be present.

20 This bill would authorize certain entities
21 to stock epinephrine auto-injectors and to provide
22 training for its employees to administer
23 epinephrine auto-injectors in certain
24 circumstances.

25 This bill would provide for emergency public
26 access stations to store epinephrine
27 auto-injectors.

1 This bill would provide immunity from
2 actions resulting from the dispensing of or
3 administration of epinephrine auto-injectors in
4 certain circumstances.

5 This bill would also authorize the State
6 Board of Health to promulgate rules.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

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12 Relating to auto-injectible epinephrine; to create a
13 program for the provision of single dose epinephrine
14 auto-injectors for use by laypersons to administer to an
15 individual experiencing a severe allergic reaction at places
16 where allergens capable of causing anaphylaxis may be present;
17 to authorize certain entities to stock epinephrine
18 auto-injectors and to provide training for its employees to
19 administer epinephrine auto-injectors in certain
20 circumstances; to provide for emergency public access stations
21 to store epinephrine auto-injectors; to provide immunity from
22 actions resulting from the dispensing of or administration of
23 epinephrine auto-injectors in certain circumstances; and to
24 authorize the State Board of Health to promulgate rules.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) As used in this section, the
27 following words shall have the following meanings:

1 (1) ADMINISTER. The direct application of an
2 epinephrine auto-injector to the body of an individual.

3 (2) AUTHORIZED ENTITY. Any entity or organization
4 other than a K-12 public school subject to Section 16-1-48,
5 Code of Alabama 1975, in connection with or at which allergens
6 capable of causing anaphylaxis may be present, including, but
7 not limited to, recreation camps, colleges and universities,
8 day care facilities, youth sport leagues, amusement parks,
9 restaurants, places of employment, and sports arenas.

10 (3) EPINEPHRINE AUTO-INJECTOR. A single-use device
11 used for the automatic injection of a premeasured dose of
12 epinephrine into the human body.

13 (4) MEDICAL PRACTITIONER. A physician or other
14 individual licensed under Title 34, Code of Alabama 1975,
15 authorized to treat, use, or prescribe medicine and drugs for
16 sick and injured humans in the state.

17 (5) PROVIDE. The supply of one or more epinephrine
18 auto-injectors to an individual.

19 (b) A medical practitioner may prescribe epinephrine
20 auto-injectors in the name of an authorized entity for use in
21 accordance with this section, and pharmacists and medical
22 providers may dispense epinephrine auto-injectors pursuant to
23 a prescription issued in the name of any authorized entity. A
24 prescription issued pursuant to this section shall be valid
25 for two years.

26 (c) An authorized entity may acquire and stock a
27 supply of epinephrine auto-injectors pursuant to a

1 prescription issued in accordance with this section.
2 Epinephrine auto-injectors shall be stored in a location
3 readily accessible in an emergency and in accordance with the
4 epinephrine auto-injector's instructions for use and any
5 additional requirements that may be established by the
6 Department of Public Health. An authorized entity shall
7 designate employees or agents who have completed training
8 required by this section to be responsible for the storage,
9 maintenance, control, and general oversight of epinephrine
10 auto-injectors acquired by the authorized entity.

11 (d) An employee or agent of an authorized entity, or
12 other individual who has completed the training required by
13 this section, may use epinephrine auto-injectors prescribed
14 pursuant to this section to do either of the following:

15 (1) Provide an epinephrine auto-injector to an
16 individual who the employee, agent, or other individual
17 believes in good faith is experiencing anaphylaxis, or the
18 parent, guardian, or caregiver of the individual, for
19 immediate administration, regardless of whether the individual
20 has a prescription for an epinephrine auto-injector or has
21 previously been diagnosed with an allergy.

22 (2) Administer an epinephrine auto-injector to any
23 individual who the employee, agent, or other individual
24 believes in good faith is experiencing anaphylaxis, regardless
25 of whether the individual has a prescription for an
26 epinephrine auto-injector or has previously been diagnosed
27 with an allergy.

1 (e) An employee, agent, or other individual
2 described in subsection (c) or (d) shall complete an initial
3 anaphylaxis training program and shall complete subsequent
4 training programs at least every two years thereafter.
5 Training shall be conducted by a nationally recognized
6 organization experienced in training laypersons in emergency
7 health treatment or an entity or individual approved by the
8 Department of Public Health. The Department of Public Health
9 may approve specific entities or individuals or may approve
10 classes of entities or individuals to conduct training. The
11 entity that conducts the training shall issue a certificate,
12 on a form developed by the Department of Public Health, to
13 each individual who successfully completes the anaphylaxis
14 training program. Training may be conducted online or in
15 person and, at a minimum, shall cover all of the following:

16 (1) How to recognize signs and symptoms of severe
17 allergic reactions, including anaphylaxis.

18 (2) Standards and procedures for the storage and
19 administration of an epinephrine auto-injector.

20 (3) Emergency follow-up procedures.

21 (f) The following persons shall not be liable for
22 any injuries or related damages that result from any act or
23 omissions taken pursuant to this section, provided, however,
24 this immunity does not apply to acts or omissions constituting
25 unreasonable, reckless, willful, or wanton conduct:

1 (1) An authorized entity that possesses and makes
2 available epinephrine auto-injectors and its employees,
3 agents, and other individuals.

4 (2) A medical practitioner that prescribes or
5 dispenses epinephrine auto-injectors to an authorized entity.

6 (3) A pharmacist that dispenses epinephrine
7 auto-injectors to an authorized entity.

8 (4) An individual or entity that conducts the
9 training described in this section.

10 (g) The administration of an epinephrine
11 auto-injector in accordance with this section is not the
12 practice of medicine, except for licensed health care
13 professionals, nor is it the practice of another profession
14 that otherwise requires licensure. This section does not alter
15 or replace any other immunity or defense that may be available
16 under state law.

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

26 Section 2. (a) For purposes of this section, the
27 following words shall have the following meanings:

1 (1) EMERGENCY PUBLIC ACCESS STATION or EPAS. A
2 locked, secure container for the storage of epinephrine
3 auto-injectors under the general oversight of a medical
4 practitioner that allows a lay rescuer to consult with a
5 medical practitioner in real time by audio, televideo, or
6 other similar means of electronic communication and, upon
7 authorization of the consulting medical practitioner, may be
8 unlocked to make available the epinephrine auto-injectors.

9 (2) EPINEPHRINE AUTO-INJECTOR. A single-use device
10 used for the automatic injection of a premeasured dose of
11 epinephrine into the human body.

12 (3) HEALTH PROFESSIONAL. A physician or other person
13 authorized by applicable law to treat, use, or prescribe
14 medicine and drugs in this state or the state in which the
15 physician or other person is located.

16 (b) Notwithstanding any provision of Chapter 1 of
17 Title 20 or Chapter 21, 23, or 24 of Title 34, Code of Alabama
18 1975:

19 (1) A health care professional may prescribe a stock
20 supply of epinephrine auto-injectors to any entity or
21 organization for storage in an Emergency Public Access Station
22 (EPAS) or may place a stock supply of epinephrine
23 auto-injectors at any entity or organization in an EPAS in
24 accordance with protocols established by the health care
25 professional and approved by the State Board of Health.

26 (2) A health care professional may provide
27 consultation to the user of an EPAS and may make the

1 epinephrine auto-injectors stored in the EPAS available to the
2 user in accordance with protocols established by the State
3 Board of Health.

4 (3) Any individual or parent, guardian, or caregiver
5 of the individual, may use an EPAS and may administer or
6 provide epinephrine auto-injectors made available through the
7 EPAS to a specific individual believed in good faith to be
8 experiencing anaphylaxis.

9 (c) Any person, including any entity or organization
10 at which an EPAS is located, a health care professional, and
11 any user of an EPAS, who undertakes in good faith any act or
12 omission pursuant to this section shall not be liable for any
13 injuries or related damages that result from any such act or
14 omission; provided, however, this immunity does not apply to
15 acts or omissions constituting unreasonable, reckless,
16 willful, or wanton conduct. This section does not alter or
17 replace any other immunity or defense that may be available
18 under state law. Except for licensed health care
19 professionals, the use of an EPAS in accordance with this
20 section is not the practice of medicine or any other
21 profession that otherwise requires licensure.

22 (d) The State Board of Health may adopt rules
23 necessary to carry out the provisions of this section.

24 Section 3. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.