

1 HB294
2 173577-1
3 By Representatives Mooney, Tuggle, Weaver, Hanes, Nordgren,
4 Brown, Fincher, Carns, Drake, Ledbetter, Whorton (R), Pettus,
5 McCutcheon, Fridy, Harbison, Johnson (K), Greer, Melton,
6 Lawrence, Boyd, Butler, Henry, Ainsworth, Wingo and Moore (B)
7 RFD: Health
8 First Read: 24-FEB-16

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8 SYNOPSIS: Existing law does not provide for the
9 prescribing of epinephrine auto-injectors to
10 entities such as summer camps, day care centers,
11 restaurants, places of employment, and other
12 entities for administration to an individual
13 experiencing a severe allergic reaction capable of
14 causing anaphylaxis.

15 This bill would create a program for the
16 prescribing of single dose epinephrine
17 auto-injectors to authorized entities for
18 administration to an individual experiencing a
19 severe allergic reaction.

20 This bill would provide immunity from
21 actions resulting from the dispensing of or
22 administration of epinephrine auto-injectors in
23 certain circumstances.

24 This bill would also authorize the State
25 Board of Health to promulgate rules.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to auto-injectible epinephrine; to create a
5 program for the prescribing of single dose epinephrine
6 auto-injectors to authorized entities for use by laypersons to
7 administer to an individual experiencing a severe allergic
8 reaction; to provide immunity from actions resulting from the
9 dispensing of or administration of epinephrine auto-injectors
10 in certain circumstances; and to authorize the State Board of
11 Health to adopt rules.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

1 (4) MEDICAL PRACTITIONER. A physician or other
2 individual licensed under Title 34, Code of Alabama 1975,
3 authorized to treat, use, or prescribe medicine and drugs for
4 sick and injured humans in this state.

5 (5) PROVIDE. The supply of one or more epinephrine
6 auto-injectors to an individual. As used in this section, the
7 term should not be construed to include any managerial
8 authority on behalf of the medical practitioner.

9 (b) A medical practitioner may prescribe epinephrine
10 auto-injectors in the name of an authorized entity for use in
11 accordance with this section, and pharmacists and medical
12 providers may dispense epinephrine auto-injectors pursuant to
13 a prescription issued in the name of any authorized entity. A
14 prescription issued pursuant to this section shall be valid
15 for two years.

16 (c) An authorized entity may acquire and stock a
17 supply of epinephrine auto-injectors pursuant to a
18 prescription issued in accordance with this section.
19 Epinephrine auto-injectors shall be stored in a location
20 readily accessible in an emergency and in accordance with the
21 epinephrine auto-injector's instructions for use and any
22 additional requirements that may be established by the State
23 Board of Health. An authorized entity shall designate
24 employees or agents who have completed training required by
25 this section to be responsible for the storage, maintenance,
26 control, and general oversight of epinephrine auto-injectors
27 acquired by the authorized entity.

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

5 (1) Provide an epinephrine auto-injector to an
6 individual who the employee, agent, or other individual
7 believes in good faith is experiencing anaphylaxis, or the
8 parent, guardian, or caregiver of the individual, for
9 immediate administration, regardless of whether the individual
10 has a prescription for an epinephrine auto-injector or has
11 previously been diagnosed with an allergy.

12 (2) Administer an epinephrine auto-injector to any
13 individual who the employee, agent, or other individual
14 believes in good faith is experiencing anaphylaxis, regardless
15 of whether the individual has a prescription for an
16 epinephrine auto-injector or has previously been diagnosed
17 with an allergy.

18 (e) An employee, agent, or other individual
19 described in subsection (c) or (d) shall complete an initial
20 anaphylaxis training program and shall complete subsequent
21 training programs at least every two years thereafter.
22 Training shall be conducted by a nationally recognized
23 organization experienced in training laypersons in emergency
24 health treatment or an entity or individual approved by the
25 Department of Public Health. The Department of Public Health
26 may approve specific entities or individuals or may approve
27 classes of entities or individuals to conduct training. The

1 entity that conducts the training shall issue a certificate,
2 on a form developed by the Department of Public Health, to
3 each individual who successfully completes the anaphylaxis
4 training program. Training may be conducted online or in
5 person and, at a minimum, shall cover all of the following:

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

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

10 (3) Emergency follow-up procedures.

11 (f) The following persons shall not be liable for
12 any injuries or related damages that result from any act or
13 omissions taken pursuant to this section, provided, however,
14 this immunity does not apply to acts or omissions constituting
15 willful or wanton conduct:

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

19 (2) An individual or entity that conducts the
20 training described in this section.

21 (g) All of the following individuals are immune from
22 any civil or criminal liability for actions authorized under
23 this section:

24 (1) A physician who prescribes or dispenses an
25 epinephrine auto-injector pursuant to this section, or who is
26 consulted pursuant to this section, and who has no managerial

1 authority over the individual administering the epinephrine
2 auto-injector.

3 (2) A pharmacist who dispenses an epinephrine
4 auto-injector pursuant to this section and who has no
5 managerial authority over the individual administering the
6 epinephrine auto-injector.

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

14 (i) (1) An authorized entity that possesses and makes
15 available epinephrine auto-injectors shall submit to the
16 Department of Public Health, on a form developed by the
17 Department of Public Health, a report of each incident on the
18 authorized entity's premises that involves the administration
19 of an epinephrine auto-injector pursuant to subsection (c).
20 The Department of Public Health shall annually publish a
21 report that summarizes and analyzes all reports submitted to
22 it under this subsection.

23 (2) The State Board of Health may adopt rules
24 necessary to carry out the intent of this section.

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

