

HB 761 -- EMERGENCY ADMINISTRATION EPINEPHRINE

SPONSOR: Barnes (60)

This bill allows a physician to prescribe an epinephrine (EPI) auto-injector to an authorized entity for use in certain emergency situations. Pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense EPI auto-injectors under a prescription issued in the name of an authorized entity. An "authorized entity" is defined as any entity or organization at or in connection with locations where allergens capable of causing anaphylaxis may be present, including but not limited to restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas. An authorized entity must not include any public school or public charter school.

The bill allows such authorized entities to acquire and stock a supply of EPI auto-injectors under a prescription issued in accordance with the provisions of the bill. An employee or agent of an authorized entity or any other person who has completed the required training must be allowed to use the EPI auto-injector on the premises of or in connection with the authorized entity to provide it to any individual who the employee, agent, or another person that believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for the EPI auto-injector or has been previously diagnosed with an allergy. The employee or agent must not administer or provide the auto-injector to a person who is 18 years of age or younger without the verbal consent of a parent or guardian who is present at the time, unless the child will be in imminent danger without the use of the auto-injector.

This bill exempts the required training and the procedures for making the EPI auto-injectors available to individuals other than trained persons, as long as the auto-injectors are secured and properly stored. The bill requires all basic life support ambulances and stretcher vans to be equipped with EPI auto-injectors and staffed by at least one person trained in the use of the auto-injectors.

This bill exempts certain persons and entities from liability for any injuries or related damages that result from the administration or self-administration of an EPI auto-injector, as specified in the bill, that may constitute ordinary negligence. The immunity must not apply to acts or omissions constituting reckless disregard for the safety of others, willful negligence, or wanton negligence, and must be in addition to and not in lieu of the protections provided under the Good Samaritan emergency law. No trained person who is in compliance with this law, in good faith, and with reasonable care fails to administer the EPI auto-injector must be liable for that failure.

This bill is the same as SB 677 (2016) and similar to SS SCS SB 26 (2015) and HB 96 (2015).