

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2068 Session of
2011

INTRODUCED BY M. SMITH, BISHOP, BOBACK, BRIGGS, V. BROWN,
CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA,
FABRIZIO, GEIST, GEORGE, GIBBONS, GILLEN, HALUSKA, HORNAMAN,
JOSEPHS, KORTZ, MAHONEY, MILLARD, MURT, QUINN, READSHAW,
STABACK, STEVENSON, TALLMAN, THOMAS, WHITE AND YOUNGBLOOD,
DECEMBER 7, 2011

REFERRED TO COMMITTEE ON HEALTH, DECEMBER 7, 2011

AN ACT

1 Requiring the Department of Health to adopt regulations for the
2 approval of training programs relating to the possession and
3 administration of epinephrine in emergency situations;
4 authorizing certain individuals to obtain a prescription for,
5 purchase and administer epinephrine in emergency situations;
6 and limiting liability.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Food Allergy
11 Emergency Administration Standards Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Department." The Department of Health of the Commonwealth.

17 "Emergency situation." A circumstance where an individual
18 experiences, or appears to experience, a severe allergic

1 reaction, including anaphylaxis, that requires the
2 administration of epinephrine to avoid serious injury or death
3 and where a certified or licensed health care provider
4 authorized to administer epinephrine is not reasonably
5 available.

6 Section 3. Administration of epinephrine in emergency
7 situations.

8 Any person who is 18 years of age or older may obtain a
9 prescription for, purchase and, in an emergency situation,
10 administer epinephrine by an auto-injector if that person has
11 successfully completed a training program approved by the
12 department.

13 Section 4. Duties of Department of Health.

14 (a) Regulations.--The department shall promulgate
15 regulations for the establishment of training programs for the
16 use of epinephrine auto-injectors.

17 (b) Training program requirements.--The training program for
18 the use of epinephrine auto-injectors shall include training in
19 the following:

20 (1) recognizing the symptoms of severe asthmatic or
21 allergic reactions, including anaphylaxis;

22 (2) standards and procedures for the storage of
23 epinephrine auto-injectors; and

24 (3) emergency follow-up procedures.

25 Section 5. Liability.

26 When an individual who has completed a mandatory training
27 program in accordance with section 4 administers an epinephrine
28 auto-injector to an individual in an emergency situation, the
29 public sector entity providing the epinephrine auto-injector,
30 the entity's employees and agents and the physician providing

1 standing protocol or prescription for the epinephrine auto-
2 injector are to incur no liability, except for willful and
3 wanton conduct, as a result of any injury arising from the use
4 of the epinephrine auto-injector regardless of whether the
5 individual exhibiting the allergic or anaphylactic reaction, or
6 the parents or guardian of the individual, have provided
7 authorization.

8 Section 6. Effective date.

9 This act shall take effect in 60 days.