

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 126 Session of 2017

INTRODUCED BY BAKER, DEAN, DRISCOLL, D. COSTA, PICKETT, ROZZI, O'BRIEN, JAMES, READSHAW, WATSON, SAYLOR, BARRAR, NEILSON, MOUL, MURT, STAATS, MILLARD, HELM, PHILLIPS-HILL, GILLEN, ZIMMERMAN, WARD, TALLMAN, HEFFLEY, LAWRENCE, MARSICO, B. MILLER, GABLER AND FREEMAN, JANUARY 23, 2017

REFERRED TO COMMITTEE ON HEALTH, JANUARY 23, 2017

AN ACT

1 Providing for the use of epinephrine auto-injectors by certain
2 entities and organizations; and conferring powers and
3 imposing duties on the Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Epinephrine
8 Auto-Injector Entity Act.

9 Section 2. Definitions.

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

13 "Administer." The direct application of an epinephrine auto-
14 injector to the body of an individual.

15 "Authorized entity." Any entity or organization, other than
16 a school entity or a nonpublic school under section 1414.2 of
17 the act of March 10, 1949 (P.L.30, No.14), known as the Public

1 School Code of 1949, which has an employee or agent who has
2 completed the required training and at which allergens capable
3 of causing anaphylaxis may be present, including, but not
4 limited to:

- 5 (1) recreation camps;
- 6 (2) colleges and universities;
- 7 (3) day-care facilities;
- 8 (4) youth sports leagues;
- 9 (5) amusement parks;
- 10 (6) restaurants;
- 11 (7) places of employment; and
- 12 (8) sports arenas.

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

14 "Epinephrine auto-injector." A single-use device used for
15 the automatic injection of a premeasured dose of epinephrine
16 into the human body.

17 "Health care practitioner." An individual who is authorized
18 to practice some component of the healing arts by a license,
19 permit, certificate or registration issued by a Commonwealth
20 licensing agency or board.

21 Section 3. Epinephrine auto-injectors for authorized entities.

22 (a) Prescribing and dispensing.--Notwithstanding any
23 provision of law to the contrary, a health care practitioner
24 with prescriptive authority may prescribe epinephrine auto-
25 injectors in the name of an authorized entity for use in
26 accordance with this section. Pharmacists and health care
27 practitioners may dispense epinephrine auto-injectors pursuant
28 to a prescription issued in the name of an authorized entity.

29 (b) Supply.--

30 (1) An authorized entity may acquire and stock a supply

1 of epinephrine auto-injectors pursuant to a prescription
2 issued in accordance with this section. The epinephrine auto-
3 injectors shall be stored:

4 (i) in a location readily accessible in an
5 emergency; and

6 (ii) in accordance with:

7 (A) the epinephrine auto-injector's instructions
8 for use; and

9 (B) any additional requirements that may be
10 established by the department.

11 (2) An authorized entity shall designate employees or
12 agents who have completed the training required under
13 subsection (d) to be responsible for the storage,
14 maintenance, control and general oversight of epinephrine
15 auto-injectors acquired by the authorized entity.

16 (c) Use.--An employee or agent of an authorized entity or
17 other individual associated with the entity who has completed
18 the training required under subsection (d) may use epinephrine
19 auto-injectors prescribed under subsection (a) to do any of the
20 following:

21 (1) Provide an epinephrine auto-injector for immediate
22 administration to any individual, or the parent, guardian or
23 caregiver of the individual, who the employee, agent or other
24 individual associated with the entity believes, in good
25 faith, is experiencing anaphylaxis, regardless of whether the
26 individual has a prescription for an epinephrine auto-
27 injector or has previously been diagnosed with an allergy.

28 (2) Administer an epinephrine auto-injector to any
29 individual who the employee, agent or other individual
30 believes, in good faith, is experiencing anaphylaxis,

1 regardless of whether the individual has a prescription for
2 an epinephrine auto-injector or has previously been diagnosed
3 with an allergy.

4 (d) Training.--

5 (1) An employee or agent of the authorized entity or
6 other individual associated with the entity shall complete an
7 anaphylaxis training program as required by the department.
8 The training shall be conducted by a nationally recognized
9 organization experienced in training laypersons in emergency
10 health treatment or an entity or individual approved by the
11 department. The department may approve specific entities or
12 individuals or may approve classes of entities or individuals
13 to conduct the training. Training may be conducted online or
14 in person and, at a minimum, shall cover:

15 (i) how to recognize signs and symptoms of severe
16 allergic reactions, including anaphylaxis;

17 (ii) standards and procedures for the storage and
18 administration of an epinephrine auto-injector; and

19 (iii) emergency follow-up procedures.

20 (2) The entity that conducts the training shall issue a
21 certificate, on a form developed or approved by the
22 department, to each individual who successfully completes the
23 anaphylaxis training program.

24 (e) Good Samaritan protections.--

25 (1) The following shall not be liable for any injuries
26 or related damages that result from any act or omission taken
27 under this section:

28 (i) An authorized entity that possesses and makes
29 available epinephrine auto-injectors and its employees,
30 agents and other individuals associated with the entity;

1 (ii) a health care practitioner that prescribes or
2 dispenses epinephrine auto-injectors to an authorized
3 entity;

4 (iii) a pharmacist or health care practitioner that
5 dispenses epinephrine auto-injectors to an authorized
6 entity; and

7 (iv) an individual or entity that conducts the
8 training described under subsection (d).

9 (2) The immunity provided under paragraph (1) shall not
10 apply to acts or omissions constituting intentional
11 misconduct or gross negligence.

12 (3) The administration of an epinephrine auto-injector
13 in accordance with this section shall not be considered the
14 practice of medicine or any other profession that otherwise
15 requires licensure.

16 (4) This subsection shall not eliminate, limit or reduce
17 any other immunity or defense that may be available under
18 law, including that provided under 42 Pa.C.S. § 8332
19 (relating to emergency response provider and bystander good
20 Samaritan civil immunity).

21 (5) An entity located in this Commonwealth shall not be
22 liable for any injuries or related damages that result from
23 the provision or administration of an epinephrine auto-
24 injector outside of this Commonwealth if the entity:

25 (i) would not have been liable for the injuries or
26 related damages had the provision or administration
27 occurred within this Commonwealth; or

28 (ii) is not liable for the injuries or related
29 damages under the law of the state in which the provision
30 or administration occurred.

1 Section 4. Effective date.

2 This act shall take effect in 60 days.