

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 1351

PRINTER NO. 3604

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

June 18, 2015

PRIME SPONSOR

Representative Baker

DESCRIPTION AND PURPOSE OF BILL

House Bill 1351 creates the Epinephrine Auto-Injector Entity Act.

HB 1351 Creates the Epinephrine Auto-Injector Entity Act to permit authorized entities to acquire epinephrine auto-injectors and have them available in case an individual on their premises experiences anaphylaxis.

“Authorized entities” are organizations or entities other than schools which may have allergens present that could cause anaphylaxis. These entities must also have an employee or agent who completes an anaphylaxis training program as required by the Department of Health (“DOH”). Such entities may include recreation camps, colleges and universities, day cares, youth sports leagues, amusement parks, restaurants, sports arenas, places of employment, and other similar venues.

Authorizes a health care practitioner, with prescriptive authority, to prescribe epinephrine auto-injectors in the name of the authorized entity. Pharmacists and health care practitioners are authorized to dispense the epinephrine auto-injectors in the name of the authorized entity.

Permits authorized entities to acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription. The supply must be stored in a readily accessible location in accordance with the standards established by the manufacturer and DOH. The authorized entity shall designate an employee or agent who has completed the DOH training to be responsible for the storage, maintenance, control and general oversight of the injectors.

Employees or agents of the authorized entity who have completed the training may provide or administer an epinephrine auto-injector to any individual who they, in good faith, believe is experiencing anaphylaxis. They may also provide the injector to the parent, guardian or caretaker of the individual. A script specific to that individual is not necessary.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Requires training for employees or agents of an entity to be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an organization approved by DOH. Training may be online or in person and shall include:

- how to recognize severe allergic reactions;
- storage and administration of the epinephrine auto-injectors; and
- emergency follow-up procedures.

Requires the training entity to issue a certificate of completion to each individual completing the training.

Includes Good Samaritan protections for authorized entities, employees and agents, prescribers, dispensers, and trainers, absent gross negligence or intentional misconduct. The administration of the injector shall not be considered the practice of medicine. This subsection does not eliminate or reduce any other immunity or defense that may be available. An entity located in this Commonwealth shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside the Commonwealth if the entity would not have been liable if the action occurred within the Commonwealth, or if the entity is not liable under the law of the state in which such action occurred.

This act shall take effect in 60 days.

FISCAL IMPACT:

House Bill 1351 will have no fiscal impact to the Commonwealth.