

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 126

PRINTER NO. 2004

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 23, 2017

PRIME SPONSOR

Representative Baker

DESCRIPTION AND PURPOSE OF BILL

House Bill 126 enacts the Epinephrine Auto-Injector Entity Act which allows for the prescription, storage and administration of epinephrine auto-injectors by certain entities.

House Bill 126 enacts the Epinephrine Auto-Injector Entity Act (the "act") which governs any entity considered to be an "authorized entity." An "authorized entity" is defined as an entity or organization (other than a school entity or a nonpublic school) which has an employee or agent who has completed the required training and at which allergens capable of causing anaphylaxis may be present. Examples of authorized entities include:

- Recreation camps;
- Colleges;
- Day-care facilities;
- Youth sports leagues;
- Amusement parks;
- Restaurants;
- Places of employment; and
- Sports arenas.

The bill authorizes a health care practitioner with prescriptive authority to prescribe epinephrine auto-injectors in the name of an authorized entity. Pharmacists and health care practitioners may dispense epinephrine auto-injectors to authorized entities.

The bill allows authorized entities to acquire, stock and store epinephrine auto-injectors pursuant to a prescription. The legislation requires the auto-injectors to be stored in a location readily accessible in case of emergency and in accordance with the auto-injector's instructions for use and any additional instructions by the Department of Health ("department"). The individual responsible for the storage, maintenance, control and general oversight of the epinephrine auto-injectors must be trained in accordance with the act.

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An employee or agent of an authorized entity who has been trained in accordance with the act may either provide or administer an epinephrine auto-injector to any person whom the employee or agent believes, in good faith, is experiencing anaphylaxis.

An employee of an authorized entity is required to complete an anaphylaxis training program as required by the department. This training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment, a health care practitioner employed or contracted by the authorized entity, or an entity approved by the department.

Training may be conducted online or in person and at a minimum shall cover:

- How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- Standards and procedures for the storage and administration of an epinephrine auto-injector; and
- Emergency follow-up procedures.

The bill requires the entity or individual that conducts the training to issue a certification on a form developed or approved by the department to each individual who successfully completes the training program.

The bill provides immunity from liability for any injuries or related damages that result from any act or omission taken pursuant to this act by the following:

- An authorized entity and its employees that possess and make available epinephrine auto-injectors.
- A health care practitioner that prescribes and dispenses, and a pharmacist that dispenses epinephrine auto-injectors to an authorized entity.
- An individual or entity that conducts the required training program.

The immunity provided by the act shall not apply to acts or omission constituting intentional misconduct or gross negligence. The provisions of Title 42, section 8332 (relating to emergency response provider and bystander Good Samaritan civil immunity) shall apply to individuals who administer epinephrine auto-injectors.

This act shall take effect in 60 days.

FISCAL IMPACT:

House Bill 126 will have no fiscal impact to the Commonwealth. The Department of Health already has programs that provide training in the use of epinephrine auto-injectors that the department will be able to utilize. Any additional training of authorized entities can be accommodated within existing staffing and budget levels.