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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES  
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IMPACT AND INFRASTRUCTURE  
FINANCE  
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POLICY

## MEMORANDUM

TO: Members of the House of Representatives

FROM: Representative Matt Smith

DATE: October 31, 2011

SUBJECT: Food Allergy Emergency Epinephrine Administration Legislation

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In the near future, I will be introducing a package of three pieces of legislation aimed at providing greater protection to children living with food allergies. The legislation will permit schools, eating establishments, and individuals who are 18 years or older to obtain a prescription from a physician for an epinephrine auto injector (“epi-pen”). One in 13 children suffer from the various forms of food allergies. In many cases where the child suffers an allergic reaction, the child experiences anaphylaxis – a severe allergic reaction that can result in death if not treated immediately. Anaphylaxis accounts for over 300,000 hospital visits by children each year in the United States. Medical experts recommend that individuals who are experiencing acute systemic allergic reaction be instructed to err on the side of caution and inject epinephrine promptly. The epinephrine contained in an epi-pen works quickly, usually within minutes and its effects are extremely brief. The following provides a brief summary of the three pieces of legislation.

- 1) The first bill is modeled after the recently enacted law in Illinois (Public Act 097-0361) which was signed by Governor Pat Quinn in August 2011. The legislation will allow schools to stock and utilize epi-pens to address life-threatening allergic reactions and permits authorized personnel to administer the epi-pen to any student suffering from anaphylaxis. Under this legislation, a school may obtain a physician’s prescription for a supply of epi-pens that will be maintained in the school in a safe and secure setting. This legislation is particularly vital given the data strongly suggesting that up to 25% of all epi-pen administration occurs in a school setting where the student’s risk for anaphylaxis was unknown at the time of the event. In addition, use of epinephrine within minutes of a student’s food allergy exposure can literally save a child’s life by opening his or her airways until emergency personnel arrive. This legislation provides the school with the option to maintain a supply of epi-pens and it is not mandatory.

- 2) The second bill will simply allow establishment serving food to obtain a stock prescription for epi-pens in the same manner provided for schools above. The legislation requires that the epi-pens be maintained in a secure, locked location and that training be provided to any individual responsible for administering the epi-pen. The training program shall be established by way of regulations promulgated by the Department of Health.
- 3) The third bill allows individuals who are 18 years of age or older to obtain a prescription for an epi-pen if they are working in a setting such as a summer camp, tour guide, or other role in which the person interacts with the public frequently. The individual will need to successfully complete an epi-pen training program that has been established by the Department of Health. This legislation is modeled after a recently enacted law in Alaska (Public Act 52).

If you would like to co-sponsor any of this legislation or need additional information, please contact Jamie Fetter at (717) 783-1850 or [jfetter@pahouse.net](mailto:jfetter@pahouse.net).