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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 897 Session of  
2013

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INTRODUCED BY SMITH, TEPLITZ, WASHINGTON, FONTANA, RAFFERTY,  
COSTA, BROWNE, SOLOBAY AND BLAKE, MAY 31, 2013

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REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 31, 2013

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AN ACT

1 Permitting certain establishments to obtain a prescription for  
2 and maintain epinephrine kits; requiring the Department of  
3 Health to adopt regulations for the approval of certain  
4 training programs relating to the possession and  
5 administration of epinephrine in emergency situations; and  
6 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 Epinephrine  
11 Kit Maintenance and 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 or allergic  
19 reaction, including anaphylaxis, that requires the  
20 administration of epinephrine to avoid serious injury or death

1 and where a certified or licensed health care provider  
2 authorized to administer epinephrine is not reasonably  
3 available.

4 Section 3. Prescription and maintenance of epinephrine kit for  
5 emergency situations.

6 (a) General rule.--An establishment that serves food may,  
7 through a valid prescription from a licensed physician, obtain  
8 and maintain an epinephrine kit consisting of one or more doses  
9 of epinephrine to be administered by auto-injector.

10 (b) Location.--The epinephrine kit shall be maintained in a  
11 secure location.

12 (c) Training.--The individual administering the epinephrine  
13 must have completed a training program established by the  
14 department in accordance with section 5.

15 Section 4. Administration of epinephrine in emergency  
16 situations.

17 (a) Administration.--Epinephrine from an epinephrine kit  
18 prescribed under section 3 shall be administered only in an  
19 emergency situation when the individual administering the  
20 epinephrine reasonably believes that the signs and symptoms of  
21 an anaphylactic reaction are occurring.

22 (b) Liability.--When an individual who has completed a  
23 mandatory training program in accordance with section 3  
24 administers an epinephrine auto-injector to an individual in an  
25 emergency situation, the establishment providing the epinephrine  
26 auto-injector, the establishment's employees and agents and the  
27 physician providing standing protocol or prescription for the  
28 epinephrine auto-injector, shall not be liable, except for  
29 willful and wanton conduct, for any injury arising from the use  
30 of the epinephrine auto-injector regardless of whether the

1 individual exhibiting the allergic or anaphylactic reaction, or  
2 the parents or guardian of the individual, have provided  
3 authorization.

4 Section 5. Duties of department.

5 (a) Regulations.--The department shall promulgate  
6 regulations for the establishment of training programs for the  
7 administration of epinephrine.

8 (b) Training program requirements.--The training program for  
9 the administration of epinephrine shall include training in the  
10 following:

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

13 (2) standards and procedures for the storage of  
14 epinephrine; and

15 (3) emergency follow-up procedures.

16 Section 6. Applicability.

17 This act shall not apply to:

18 (1) An individual who is otherwise authorized under law  
19 to administer epinephrine.

20 (2) An individual who has a prescription for epinephrine  
21 for personal use.

22 (3) Public or private schools.

23 Section 7. Effective date.

24 This act shall take effect immediately.