

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1351** Session of
2015

INTRODUCED BY BAKER, MURT, SCHWEYER, THOMAS, MASSER, MILLARD,
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LAWRENCE, SCHLOSSBERG, A. HARRIS, COHEN, GIBBONS, FEE,
DeLUCA, WATSON AND DONATUCCI, JUNE 18, 2015

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED,
JUNE 22, 2016

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 Epinephrine Auto-
8 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 described under section 1414.2 of the act of

1 March 10, 1949 (P.L.30, No.14), known as the Public School Code
2 of 1949, WHICH HAS AN EMPLOYEE OR AGENT WHO HAS COMPLETED THE <--
3 REQUIRED TRAINING AND at which allergens capable of causing
4 anaphylaxis may be present, including, but not 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 to any
22 individual, or the parent, guardian or caregiver of the
23 individual, who the employee, agent or other individual
24 associated with the entity believes, in good faith, is
25 experiencing anaphylaxis for immediate administration,
26 regardless of whether the individual has a prescription for
27 an epinephrine auto-injector or has previously been diagnosed
28 with an allergy.

29 (2) Administer an epinephrine auto-injector to any
30 individual who the employee, agent or other individual

1 believes, in good faith, is experiencing anaphylaxis,
2 regardless of whether the individual has a prescription for
3 an epinephrine auto-injector or has previously been diagnosed
4 with an allergy.

5 (d) Training.--

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

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

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

20 (iii) emergency follow-up procedures.

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

25 (e) Good Samaritan protections.--

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

29 (i) An authorized entity that possesses and makes
30 available epinephrine auto-injectors and its employees,

1 agents and other individuals associated with the entity;

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

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

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

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

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

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

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

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

29 (ii) is not liable for such injuries or related
30 damages under the law of the state in which such

1 provision or administration occurred.

2 Section 4. Effective date.

3 This act shall take effect in 60 days.