

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 126** Session of
2017

INTRODUCED BY BAKER, DEAN, DRISCOLL, D. COSTA, PICKETT, ROZZI,
O'BRIEN, JAMES, READSHAW, WATSON, SAYLOR, BARRAR, NEILSON,
MOUL, MURT, STAATS, MILLARD, HELM, PHILLIPS-HILL, GILLEN,
ZIMMERMAN, WARD, TALLMAN, HEFFLEY, LAWRENCE, MARSICO,
B. MILLER, GABLER, FREEMAN, PASHINSKI, KORTZ AND DAVIS,
JANUARY 23, 2017

SENATOR BAKER, HEALTH AND HUMAN SERVICES, IN SENATE, AS AMENDED,
JUNE 13, 2017

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 the Epinephrine
8 Auto-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

1 a school entity or a nonpublic school under section 1414.2 of
2 the act of March 10, 1949 (P.L.30, No.14), known as the Public
3 School Code of 1949, which has an employee or agent who has
4 completed the required training and at which allergens capable
5 of causing anaphylaxis may be present, including, but not
6 limited to:

- 7 (1) recreation camps;
- 8 (2) colleges and universities;
- 9 (3) day-care facilities;
- 10 (4) youth sports leagues;
- 11 (5) amusement parks;
- 12 (6) restaurants;
- 13 (7) places of employment; and
- 14 (8) sports arenas.

15 "Department." The Department of Health of the Commonwealth.

16 "Epinephrine auto-injector." A single-use device used for
17 the automatic injection of a premeasured dose of epinephrine
18 into the human body.

19 "Health care practitioner." An individual who is authorized
20 to practice some component of the healing arts by a license,
21 permit, certificate or registration issued by a Commonwealth
22 licensing agency or board.

23 Section 3. Epinephrine auto-injectors for authorized entities.

24 (a) Prescribing and dispensing.--Notwithstanding any
25 provision of law to the contrary, a health care practitioner
26 with prescriptive authority may prescribe epinephrine auto-
27 injectors in the name of an authorized entity for use in
28 accordance with this section. Pharmacists and health care
29 practitioners may dispense epinephrine auto-injectors pursuant
30 to a prescription issued in the name of an authorized entity.

1 (b) Supply.--

2 (1) An authorized entity may acquire and stock a supply
3 of epinephrine auto-injectors pursuant to a prescription
4 issued in accordance with this section. The epinephrine auto-
5 injectors shall be stored:

6 (i) in a location readily accessible in an
7 emergency; and

8 (ii) in accordance with:

9 (A) the epinephrine auto-injector's instructions
10 for use; and

11 (B) any additional requirements that may be
12 established by the department.

13 (2) An authorized entity shall designate employees or
14 agents who have completed the training required under
15 subsection (d) to be responsible for the storage,
16 maintenance, control and general oversight of epinephrine
17 auto-injectors acquired by the authorized entity.

18 (c) Use.--An employee or agent of an authorized entity or
19 other individual associated with the entity who has completed
20 the training required under subsection (d) may use epinephrine
21 auto-injectors prescribed under subsection (a) to do any of the
22 following:

23 (1) Provide an epinephrine auto-injector for immediate
24 administration to any individual, or the parent, guardian or
25 caregiver of the individual, who the employee, agent or other
26 individual associated with the entity believes, in good
27 faith, is experiencing anaphylaxis, regardless of whether the
28 individual has a prescription for an epinephrine auto-
29 injector or has previously been diagnosed with an allergy.

30 (2) Administer an epinephrine auto-injector to any

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

6 (d) Training.--

7 (1) An employee or agent of the authorized entity or
8 other individual associated with the entity shall complete an
9 anaphylaxis training program as required by the department.
10 The training shall be conducted by a nationally recognized
11 organization experienced in training laypersons in emergency
12 health treatment, A HEALTH CARE PRACTITIONER EMPLOYED OR <--
13 CONTRACTED BY THE AUTHORIZED ENTITY or an entity or
14 individual approved by the department. The department may
15 approve specific entities or individuals or may approve
16 classes of entities or individuals to conduct the training.
17 Training may be conducted online or in person and, at a
18 minimum, shall cover:

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

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

23 (iii) emergency follow-up procedures.

24 (2) The entity OR INDIVIDUAL that conducts the training <--
25 shall issue a certificate, on a form developed or approved by
26 the department, to each individual who successfully completes
27 the anaphylaxis training program.

28 (e) Good Samaritan protections.--

29 (1) The following shall not be liable for any injuries
30 or related damages that result from any act or omission taken

1 under this section:

2 (i) An authorized entity that possesses and makes
3 available epinephrine auto-injectors and its employees,
4 agents and other individuals associated with the entity;

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

8 (iii) a pharmacist or health care practitioner that
9 dispenses epinephrine auto-injectors to an authorized
10 entity; and

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

13 (2) The immunity provided under paragraph (1) shall not
14 apply to acts or omissions constituting intentional
15 misconduct or gross negligence.

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

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

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

29 (i) would not have been liable for the injuries or
30 related damages had the provision or administration

1 occurred within this Commonwealth; or
2 (ii) is not liable for the injuries or related
3 damages under the law of the state in which the provision
4 or administration occurred.

5 Section 4. Effective date.

6 This act shall take effect in 60 days.