
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 478 Session of
2017

INTRODUCED BY BARTOLOTTA, LEACH, VULAKOVICH, RAFFERTY, SCAVELLO,
YUDICHAK, BROWNE, YAW, SCHWANK, MENSCH, RESCHENTHALER AND
WARD, MARCH 2, 2017

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 2, 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
16 a school entity or a nonpublic school under section 1414.2 of
17 the act of March 10, 1949 (P.L.30, No.14), known as the Public
18 School Code of 1949, which has an employee or agent who has

1 completed the required training and at which allergens capable
2 of causing anaphylaxis may be present, including, but not
3 limited to:

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

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

13 "Epinephrine auto-injector." A single-use device used for
14 the automatic injection of a premeasured dose of epinephrine
15 into the human body.

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

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

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

28 (b) Supply.--

29 (1) An authorized entity may acquire and stock a supply
30 of epinephrine auto-injectors pursuant to a prescription

1 issued in accordance with this section. The epinephrine auto-
2 injectors shall be stored:

3 (i) in a location readily accessible in an
4 emergency; and

5 (ii) in accordance with:

6 (A) the epinephrine auto-injector's instructions
7 for use; and

8 (B) any additional requirements that may be
9 established by the department.

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

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

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

27 (2) Administer an epinephrine auto-injector to any
28 individual who the employee, agent or other individual
29 believes, in good faith, is experiencing anaphylaxis,
30 regardless of whether the individual has a prescription for

1 an epinephrine auto-injector or has previously been diagnosed
2 with an allergy.

3 (d) Training.--

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

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

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

18 (iii) emergency follow-up procedures.

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

23 (e) Good Samaritan protections.--

24 (1) The following shall not be liable for any injuries
25 or related damages that result from any act or omission taken
26 under this section:

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

30 (ii) a health care practitioner that prescribes or

1 dispenses epinephrine auto-injectors to an authorized
2 entity;

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

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

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

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

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

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

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

27 (ii) is not liable for the injuries or related
28 damages under the law of the state in which the provision
29 or administration occurred.

30 Section 4. Effective date.

1 This act shall take effect in 60 days.