HB294

173577-4

By Representatives Mooney, Tuggle, Weaver, Hanes, Nordgren, Brown, Fincher, Carns, Drake, Ledbetter, Whorton (R), Pettus, McCutcheon, Fridy, Harbison, Johnson (K), Greer, Melton, Lawrence, Boyd, Butler, Henry, Ainsworth, Wingo and Moore (B)

RFD: Health

First Read: 24-FEB-16
ENROLLED, An Act,

Relating to auto-injectable epinephrine; to create a program for the prescribing of single dose epinephrine auto-injectors to authorized entities for use by laypersons to administer to an individual experiencing a severe allergic reaction; to provide immunity from actions resulting from the dispensing of or administration of epinephrine auto-injectors in certain circumstances; and to authorize the State Board of Health to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this section, the following words shall have the following meanings:

(1) ADMINISTER. The direct application of an epinephrine auto-injector to the body of an individual.

(2) AUTHORIZED ENTITY. Any entity or organization other than a K-12 public school subject to Section 16-1-48, Code of Alabama 1975, in connection with or at which allergens capable of causing anaphylaxis may be present, including, but not limited to, recreation camps, colleges and universities, day care facilities, youth sport leagues, amusement parks, restaurants, places of employment, and sports arenas.

(3) EPINEPHRINE AUTO-INJECTOR. A single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.
(4) MEDICAL PRACTITIONER. A physician or other individual licensed under Title 34, Code of Alabama 1975, authorized to treat, use, or prescribe medicine and drugs for sick and injured humans in this state.

(5) PROVIDE. The supply of one or more epinephrine auto-injectors to an individual. As used in this section, the term should not be construed to include any managerial authority on behalf of the medical practitioner.

(b) A medical practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists and medical providers may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of any authorized entity. A prescription issued pursuant to this section shall be valid for two years.

(c) An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. Epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements that may be established by the State Board of Health. An authorized entity shall designate employees or agents who have completed training required by this section to be responsible for the storage, maintenance,
control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

(d) An employee or agent of an authorized entity, or other individual who has completed the training required by this section, may use epinephrine auto-injectors prescribed pursuant to this section to do either of the following:

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

(2) Administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(e) An employee, agent, or other individual described in subsection (c) or (d) shall complete an initial anaphylaxis training program and shall complete subsequent training programs at least every two years thereafter. Training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency
health treatment or an entity or individual approved by the
Department of Public Health. The Department of Public Health
may approve specific entities or individuals or may approve
classes of entities or individuals to conduct training. The
entity that conducts the training shall issue a certificate,
on a form developed by the Department of Public Health, to
each individual who successfully completes the anaphylaxis
training program. Training may be conducted online or in
person and, at a minimum, shall cover all of the following:

(1) How to recognize signs and symptoms of severe
allergic reactions, including anaphylaxis.

(2) Standards and procedures for the storage and
administration of an epinephrine auto-injector.

(3) Emergency follow-up procedures.

(f) The following persons shall not be liable for
any injuries or related damages that result from any act or
omissions taken pursuant to this section, provided, however,
this immunity does not apply to acts or omissions constituting
willful or wanton conduct:

(1) An authorized entity that possesses and makes
available epinephrine auto-injectors and its employees,
agents, and other individuals.

(2) An individual or entity that conducts the
training described in this section, but only to the extent the
injuries or related damages arise from the training conducted
by the individual or entity. Notwithstanding subsection (g), a
health care provider who or which administers an epinephrine
auto-injector shall be subject to and afforded the protections
provided by the Alabama Medical Liability Act, Sections
6-5-480 to 6-5-488, inclusive, and Sections 6-5-540 to
6-5-552, inclusive, Code of Alabama 1975, and any amendments
thereto. The immunity provided in this subsection does not
affect a manufacturer's liability regarding the design,
manufacture, instructions regarding the use of, or training
regarding the use of an epinephrine auto-injector.

(g) All of the following individuals are immune from
any civil or criminal liability for actions authorized under
this section:

(1) A physician who prescribes or dispenses an
epinephrine auto-injector pursuant to this section, or who is
consulted pursuant to this section, and who has no managerial
authority over the individual administering the epinephrine
auto-injector.

(2) A pharmacist who dispenses an epinephrine
auto-injector pursuant to this section and who has no
managerial authority over the individual administering the
epinephrine auto-injector.

(h) The administration of an epinephrine
auto-injector in accordance with this section is not the
practice of medicine, except for licensed health care
professionals, nor is it the practice of another profession
that otherwise requires licensure. This section does not alter
or replace any other immunity or defense that may be available
under state law.

(i)(1) An authorized entity that possesses and makes
available epinephrine auto-injectors shall submit to the
Department of Public Health, on a form developed by the
Department of Public Health, a report of each incident on the
authorized entity's premises that involves the administration
of an epinephrine auto-injector pursuant to subsection (c).
The Department of Public Health shall annually publish a
report that summarizes and analyzes all reports submitted to
it under this subsection.

(2) The State Board of Health may adopt rules
necessary to carry out the intent of this section.

Section 2. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 23-MAR-16, as amended.

Jeff Woodard
Clerk

Senate  19-APR-16  Passed