

1 HB294  
2 173577-2  
3 By Representatives Mooney, Tuggle, Weaver, Hanes, Nordgren,  
4 Brown, Fincher, Carns, Drake, Ledbetter, Whorton (R), Pettus,  
5 McCutcheon, Fridy, Harbison, Johnson (K), Greer, Melton,  
6 Lawrence, Boyd, Butler, Henry, Ainsworth, Wingo and Moore (B)  
7 RFD: Health  
8 First Read: 24-FEB-16



1           (3) EPINEPHRINE AUTO-INJECTOR. A single-use device  
2 used for the automatic injection of a premeasured dose of  
3 epinephrine into the human body.

4           (4) MEDICAL PRACTITIONER. A physician or other  
5 individual licensed under Title 34, Code of Alabama 1975,  
6 authorized to treat, use, or prescribe medicine and drugs for  
7 sick and injured humans in this state.

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

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

19           (c) An authorized entity may acquire and stock a  
20 supply of epinephrine auto-injectors pursuant to a  
21 prescription issued in accordance with this section.  
22 Epinephrine auto-injectors shall be stored in a location  
23 readily accessible in an emergency and in accordance with the  
24 epinephrine auto-injector's instructions for use and any  
25 additional requirements that may be established by the State  
26 Board of Health. An authorized entity shall designate  
27 employees or agents who have completed training required by

1 this section to be responsible for the storage, maintenance,  
2 control, and general oversight of epinephrine auto-injectors  
3 acquired by the authorized entity.

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

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

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

21 (e) An employee, agent, or other individual  
22 described in subsection (c) or (d) shall complete an initial  
23 anaphylaxis training program and shall complete subsequent  
24 training programs at least every two years thereafter.  
25 Training shall be conducted by a nationally recognized  
26 organization experienced in training laypersons in emergency  
27 health treatment or an entity or individual approved by the

1 Department of Public Health. The Department of Public Health  
2 may approve specific entities or individuals or may approve  
3 classes of entities or individuals to conduct training. The  
4 entity that conducts the training shall issue a certificate,  
5 on a form developed by the Department of Public Health, to  
6 each individual who successfully completes the anaphylaxis  
7 training program. Training may be conducted online or in  
8 person and, at a minimum, shall cover all of the following:

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

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

13 (3) Emergency follow-up procedures.

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

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

22 (2) An individual or entity that conducts the  
23 training described in this section, but only to the extent the  
24 injuries or related damages arise from the training conducted  
25 by the individual or entity. Notwithstanding subsection (g), a  
26 health care provider who or which administers an epinephrine  
27 auto-injector shall be subject to and afforded the protections

1 provided by the Alabama Medical Liability Act, Sections  
2 6-5-480 to 6-5-488, inclusive, and Sections 6-5-540 to  
3 6-5-552, inclusive, Code of Alabama 1975, and any amendments  
4 thereto. The immunity provided in this subsection does not  
5 affect a manufacturer's liability regarding the design,  
6 manufacture, instructions regarding the use of, or training  
7 regarding the use of an epinephrine auto-injector.

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

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

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

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

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

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

12                   Section 2. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Health ..... . . . . . 24-FEB-16

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 10-MAR-16

Read for the third time and passed  
as amended..... . . . . . 23-MAR-16

Yeas 102, Nays 1, Abstains 0

Jeff Woodard  
Clerk