

1 HB294
2 173577-4
3 By Representatives Mooney, Tuggle, Weaver, Hanes, Nordgren,
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5 McCutcheon, Fridy, Harbison, Johnson (K), Greer, Melton,
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7 RFD: Health
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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.

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

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

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

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

1 control, and general oversight of epinephrine auto-injectors
2 acquired by the authorized entity.

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

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

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

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

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

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

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

14 (3) Emergency follow-up procedures.

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

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

23 (2) An individual or entity that conducts the
24 training described in this section, but only to the extent the
25 injuries or related damages arise from the training conducted

1 by the individual or entity. Notwithstanding subsection (g), a
2 health care provider who or which administers an epinephrine
3 auto-injector shall be subject to and afforded the protections
4 provided by the Alabama Medical Liability Act, Sections
5 6-5-480 to 6-5-488, inclusive, and Sections 6-5-540 to
6 6-5-552, inclusive, Code of Alabama 1975, and any amendments
7 thereto. The immunity provided in this subsection does not
8 affect a manufacturer's liability regarding the design,
9 manufacture, instructions regarding the use of, or training
10 regarding the use of an epinephrine auto-injector.

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

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

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

23 (h) The administration of an epinephrine
24 auto-injector in accordance with this section is not the
25 practice of medicine, except for licensed health care

1 professionals, nor is it the practice of another profession
2 that otherwise requires licensure. This section does not alter
3 or replace any other immunity or defense that may be available
4 under state law.

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

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

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

