

1 SB392  
2 164147-4  
3 By Senator Melson  
4 RFD: Health and Human Services  
5 First Read: 21-APR-15

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8 SYNOPSIS: Under existing law, there are no statutes  
9 that address the provision of epinephrine  
10 auto-injectors for use by laypersons to administer  
11 to an individual experiencing a severe allergic  
12 reaction at places where allergens capable of  
13 causing anaphylaxis may be present.

14 This bill would create a program for the  
15 provision of single dose epinephrine auto-injectors  
16 for use by laypersons to administer to an  
17 individual experiencing a severe allergic reaction  
18 at places where allergens capable of causing  
19 anaphylaxis may be present.

20 This bill would authorize certain entities  
21 to stock epinephrine auto-injectors and to provide  
22 training for its employees to administer  
23 epinephrine auto-injectors in certain  
24 circumstances.

25 This bill would provide for emergency public  
26 access stations to store epinephrine  
27 auto-injectors.

1                   This bill would provide immunity from  
2                   actions resulting from the dispensing of or  
3                   administration of epinephrine auto-injectors in  
4                   certain circumstances.

5                   This bill would also authorize the  
6                   Department of Public Health to promulgate rules.

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8                   A BILL  
9                   TO BE ENTITLED  
10                  AN ACT

11  
12                  Relating to auto-injectible epinephrine; to create a  
13                  program for the provision of single dose epinephrine  
14                  auto-injectors for use by laypersons to administer to an  
15                  individual experiencing a severe allergic reaction at places  
16                  where allergens capable of causing anaphylaxis may be present;  
17                  to authorize certain entities to stock epinephrine  
18                  auto-injectors and to provide training for its employees to  
19                  administer epinephrine auto-injectors in certain  
20                  circumstances; to provide for emergency public access stations  
21                  to store epinephrine auto-injectors; to provide immunity from  
22                  actions resulting from the dispensing of or administration of  
23                  epinephrine auto-injectors in certain circumstances; and to  
24                  authorize the Department of Public Health to promulgate rules.  
25                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

13 (4) MEDICAL PRACTITIONER. A physician or other  
14 individual licensed under Title 34, Code of Alabama 1975,  
15 authorized to treat, use, or prescribe medicine and drugs for  
16 sick and injured humans in the state.

17 (5) PROVIDE. The supply of one or more epinephrine  
18 auto-injectors to an individual.

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

26 (c) An authorized entity may acquire and stock a  
27 supply of epinephrine auto-injectors pursuant to a

1 prescription issued in accordance with this section.  
2 Epinephrine auto-injectors shall be stored in a location  
3 readily accessible in an emergency and in accordance with the  
4 epinephrine auto-injector's instructions for use and any  
5 additional requirements that may be established by the  
6 Department of Public Health. An authorized entity shall  
7 designate employees or agents who have completed training  
8 required by this section to be responsible for the storage,  
9 maintenance, control, and general oversight of epinephrine  
10 auto-injectors acquired by the authorized entity.

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

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

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

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

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

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

20 (3) Emergency follow-up procedures.

21 (f) The following persons shall not be liable for  
22 any injuries or related damages that result from any act or  
23 omissions taken pursuant to this section, provided, however,  
24 this immunity does not apply to acts or omissions constituting  
25 unreasonable and reckless, gross, willful, or wanton  
26 negligence:

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

4           (2) A medical practitioner that prescribes or  
5 dispenses epinephrine auto-injectors to an authorized entity.

6           (3) A pharmacist that dispenses epinephrine  
7 auto-injectors to an authorized entity.

8           (4) An individual or entity that conducts the  
9 training described in this section.

10           (g) The administration of an epinephrine  
11 auto-injector in accordance with this section is not the  
12 practice of medicine or any other profession that otherwise  
13 requires licensure. This section does not alter or replace any  
14 other immunity or defense that may be available under state  
15 law.

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

25           Section 2. (a) For purposes of this section, the  
26 following words shall have the following meanings:

1 (1) EMERGENCY PUBLIC ACCESS STATION or EPAS. A  
2 locked, secure container for the storage of epinephrine  
3 auto-injectors under the general oversight of a medical  
4 practitioner that allows a lay rescuer to consult with a  
5 medical practitioner in real time by audio, televideo, or  
6 other similar means of electronic communication and, upon  
7 authorization of the consulting medical practitioner, may be  
8 unlocked to make available the epinephrine auto-injectors.

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

12 (3) HEALTH PROFESSIONAL. A physician or other person  
13 authorized by applicable law to treat, use, or prescribe  
14 medicine and drugs in this state or the state in which the  
15 physician or other person is located.

16 (b) Notwithstanding any provision of Chapter 1 of  
17 Title 20 or Chapter 21, 23, or 24 of Title 34, Code of Alabama  
18 1975:

19 (1) A health care professional may prescribe a stock  
20 supply of epinephrine auto-injectors to any entity or  
21 organization for storage in an Emergency Public Access Station  
22 (EPAS) or may place a stock supply of epinephrine  
23 auto-injectors at any entity or organization in an EPAS in  
24 accordance with protocols established by the health care  
25 professional and approved by the Department of Public Health.

26 (2) A health care professional may provide  
27 consultation to the user of an EPAS and may make the



1 epinephrine auto-injectors stored in the EPAS available to the  
2 user in accordance with protocols established by the  
3 Department of Public Health.

4 (3) Any individual may use an EPAS and may  
5 administer or provide epinephrine auto-injectors made  
6 available through the EPAS to a specific individual believed  
7 in good faith to be experiencing anaphylaxis or the parent,  
8 guardian, or caregiver of the individual.

9 (c) Any person, including any entity or organization  
10 at which an EPAS is located, a health care professional, and  
11 any user of an EPAS, who undertakes in good faith any act or  
12 omission pursuant to this section shall not be liable for any  
13 injuries or related damages that result from any such act or  
14 omission; provided, however, this immunity does not apply to  
15 acts or omissions constituting unreasonable and reckless,  
16 gross, willful, or wanton negligence. This section does not  
17 alter or replace any other immunity or defense that may be  
18 available under state law. Use of an EPAS in accordance with  
19 this section is not the practice of medicine or any other  
20 profession that otherwise requires licensure.

21 (d) The Department of Public Health may adopt rules  
22 necessary to carry out the provisions of this section.

23 Section 3. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.