

1 HB408  
2 157715-1  
3 By Representatives Scott and Robinson (O)  
4 RFD: Education Policy  
5 First Read: 04-FEB-14

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would allow K-12 schools and other  
9 authorized entities to stock and to administer  
10 premeasured doses of epinephrine to persons who are  
11 experiencing anaphylaxis, a serious allergic  
12 reaction.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to public health; to allow K-12 schools and  
19 other authorized entities to stock and to administer  
20 premeasured doses of epinephrine to persons who are  
21 experiencing anaphylaxis, a serious allergic reaction.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) For the purposes of this section, the  
24 following terms shall have the following meanings:

25 (1) ADMINISTER. The direct application of an  
26 epinephrine auto-injector to the body of a person.

1                   (2) AUTHORIZED HEALTH CARE PROVIDER. A person  
2 allowed by law to prescribe and administer prescription drugs  
3 in the course of professional practice.

4                   (3) DESIGNATED SCHOOL PERSONNEL. An employee, agent,  
5 or volunteer of a school designated by the governing authority  
6 of the school who has completed the training required under  
7 this section to provide or administer an epinephrine  
8 auto-injector.

9                   (4) 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                   (5) PROVIDE. The supply of one or more epinephrine  
13 auto-injectors to a person.

14                   (6) SCHOOL. Any public or nonpublic K-12 school.

15                   (7) SELF-ADMINISTRATION. The discretionary use by a  
16 student or other person of an epinephrine auto-injector,  
17 whether provided by the student or by a school nurse or  
18 designated school personnel pursuant to this section.

19                   (b) Any provision of law to the contrary  
20 notwithstanding, an authorized health care provider may  
21 prescribe epinephrine auto-injectors in the name of a school  
22 for use in accordance with this section, and a pharmacist or  
23 physician may dispense epinephrine auto-injectors pursuant to  
24 a prescription issued in the name of a school. A school may  
25 maintain a stock supply of epinephrine auto-injectors for use  
26 in accordance with this section.

1 (c) School nurses and designated school personnel,  
2 upon authorization by the governing body of a school, may use  
3 epinephrine auto-injectors prescribed pursuant to this section  
4 to do all of the following:

5 (1) Provide an epinephrine auto-injector to a  
6 student for self-administration in accordance with a  
7 prescription specific to the student on file with the school.

8 (2) Administer an epinephrine auto-injector to a  
9 student in accordance with a prescription specific to the  
10 student on file with the school.

11 (3) Administer an epinephrine auto-injector to any  
12 student or other person, on school premises, at  
13 school-sponsored events, or at any other time the student or  
14 person is subject to the jurisdiction or supervision of the  
15 school, who the school nurse or designated school personnel  
16 believes in good faith is experiencing anaphylaxis in  
17 accordance with a standing protocol from an authorized health  
18 care provider, regardless of whether the student or other  
19 person has a prescription for an epinephrine auto-injector or  
20 has previously been diagnosed with an allergy.

21 (d) A school may enter into arrangements with  
22 manufacturers of epinephrine auto-injectors or third-party  
23 suppliers of epinephrine auto-injectors to obtain epinephrine  
24 auto-injectors at fair-market or reduced prices or at no cost.

25 (e) (1) Designated school personnel shall complete an  
26 anaphylaxis training program before providing or administering  
27 an epinephrine auto-injector made available by a school and at

1 least every two years following completion of the initial  
2 anaphylaxis training program. The training shall be conducted  
3 by a nationally recognized organization experienced in  
4 training laypersons in emergency health treatment or other  
5 entity or person approved by the Department of Public Health.  
6 Training may be conducted online or in person and, at a  
7 minimum, shall cover all of the following:

8 a. Techniques on how to recognize symptoms of severe  
9 allergic reactions, including anaphylaxis.

10 b. Standards and procedures for the storage and  
11 administration of an epinephrine auto-injector.

12 c. Emergency follow-up procedures.

13 (2) The entity that conducts the training shall  
14 issue a certificate, on a form developed or approved by the  
15 Department of Public Health, to each person who successfully  
16 completes the anaphylaxis training program.

17 (f) (1) Not later than July 1, 2014, the State  
18 Department of Education, in consultation with the Department  
19 of Public Health, shall develop and make available to all  
20 schools guidelines for the management of students with  
21 life-threatening food allergies. The guidelines shall include,  
22 but need not be limited to, all of the following:

23 a. Education and training for school personnel on  
24 the management of students with life-threatening allergies,  
25 including training related to the administration of an  
26 epinephrine auto-injector.

1           b. Procedures for responding to life-threatening  
2 allergic reactions.

3           c. A process for the development of individualized  
4 health care and allergy action plans for every student with a  
5 known life-threatening allergy.

6           d. Protocols to prevent exposure to allergens.

7           (2) Not later than July 1, 2015, the governing  
8 authority of a school shall do all of the following:

9           a. Implement a plan based on the guidelines  
10 developed pursuant to this section for the management of  
11 students with life-threatening allergies enrolled in the  
12 schools under its jurisdiction.

13           b. Make the plan available on the website of the  
14 governing authority or the website of each school under the  
15 jurisdiction of the governing authority, or if no websites  
16 exist, make such plan publicly available through other  
17 practicable means as determined by the governing authority.

18           (g) A school that possesses and makes available a  
19 stock supply of epinephrine auto-injectors pursuant to this  
20 section shall submit to the State Department of Education, on  
21 a form developed by the department, a report of each incident  
22 that involves a severe allergic reaction or the administration  
23 of an epinephrine auto-injector. The State Department of  
24 Education shall annually publish a report that summarizes and  
25 analyzes all reports submitted to the department under this  
26 section.

1 (h) A school that possesses and makes available  
2 epinephrine auto-injectors and its governing body, school  
3 nurses, employees, agents, and volunteers; an authorized  
4 health care provider that prescribes epinephrine  
5 auto-injectors to a school; and a person or entity that  
6 conducts the training described in this section shall not be  
7 liable for damages for any injuries that result from the  
8 administration of, self-administration of, or failure to  
9 administer an epinephrine auto-injector that may constitute  
10 ordinary negligence, regardless of whether authorization was  
11 provided by the parent or guardian of the student or by the  
12 health care provider of the student. This immunity does not  
13 apply to acts or omissions constituting gross, willful, or  
14 wanton negligence. The administration of an epinephrine  
15 auto-injector in accordance with this section is not the  
16 practice of medicine. The immunity from liability provided  
17 under this subsection is in addition to and not in lieu of  
18 that provided under Section 16-5-332, Code of Alabama 1975, or  
19 other good Samaritan statute.

20 Section 2. (a) For the purposes of this section, the  
21 following terms shall have the following meanings:

22 (1) ADMINISTER. The direct application of an  
23 epinephrine auto-injector to the body of a person.

24 (2) AUTHORIZED ENTITY. Any entity or organization at  
25 or in connection with which allergens capable of causing  
26 anaphylaxis may be present including, but not limited to,

1 restaurants, recreation camps, youth sports leagues, amusement  
2 parks, and sports arenas.

3 (3) AUTHORIZED HEALTH CARE PROVIDER. A person  
4 allowed by law to prescribe and administer prescription drugs  
5 in the course of professional practice.

6 (4) EPINEPHRINE AUTO-INJECTOR. A single-use device  
7 used for the automatic injection of a premeasured dose of  
8 epinephrine into the human body.

9 (5) PROVIDE. The supply of one or more epinephrine  
10 auto-injectors to a person.

11 (6) SELF-ADMINISTRATION. The discretionary use by a  
12 person of an epinephrine auto-injector, whether provided by  
13 the student or by a school nurse or designated school  
14 personnel pursuant to this section.

15 (b) An authorized health care provider may prescribe  
16 epinephrine auto-injectors in the name of an authorized entity  
17 for use in accordance with this section, and pharmacists and  
18 physicians may dispense epinephrine auto-injectors pursuant to  
19 a prescription issued in the name of an authorized entity.

20 (c) An authorized entity may acquire and stock a  
21 supply of epinephrine auto-injectors pursuant to a  
22 prescription issued in accordance with this section.

23 Epinephrine auto-injectors shall be stored in a location  
24 readily accessible in an emergency and in accordance with the  
25 instructions for use for the epinephrine auto-injectors and  
26 any additional requirements that may be established by the  
27 Department of Public Health. An authorized entity shall



1 designate employees or agents who have completed the training  
2 required by this section to be responsible for the storage,  
3 maintenance, and general oversight of epinephrine  
4 auto-injectors acquired by the authorized entity.

5 (d) An employee or agent of an authorized entity, or  
6 other person, who has completed the training required by this  
7 section, on the premises of or in connection with the  
8 authorized entity, may use epinephrine auto-injectors  
9 prescribed pursuant to this section to do all of the  
10 following:

11 (1) Provide an epinephrine auto-injector to any  
12 person who the employee, agent, or other person believes in  
13 good faith is experiencing anaphylaxis for immediate  
14 self-administration, regardless of whether the person has a  
15 prescription for an epinephrine auto-injector or has  
16 previously been diagnosed with an allergy.

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

22 (e) (1) An employee, agent, or other person described  
23 in subsection (d) shall complete an anaphylaxis training  
24 program before providing or administering an epinephrine  
25 auto-injector made available by an authorized entity and at  
26 least every two years following completion of the initial  
27 anaphylaxis training program. Training shall be conducted by a

1 nationally recognized organization experienced in training  
2 laypersons in emergency health treatment or other entity or  
3 person approved by the Department of Public Health. Training  
4 may be conducted online or in person and, at a minimum, shall  
5 cover all of the following:

6 a. Techniques on how to recognize symptoms of severe  
7 allergic reactions, including anaphylaxis.

8 b. Standards and procedures for the storage and  
9 administration of an epinephrine auto-injector.

10 c. Emergency follow-up procedures.

11 (2) The entity that conducts the training shall  
12 issue a certificate, on a form developed or approved by the  
13 Department of Public Health, to each person who successfully  
14 completes the anaphylaxis training program.

15 (f) An authorized entity that possesses and makes  
16 available epinephrine auto-injectors and its employees,  
17 agents, and other trained persons; a person who uses an  
18 epinephrine auto-injector made available pursuant to  
19 subsection (h); an authorized health care provider that  
20 prescribes epinephrine auto-injectors to an authorized entity;  
21 and a person or entity that conducts the training described in  
22 subsection (e) shall not be liable for any injuries or related  
23 damages that result from the administration of,  
24 self-administration of, or failure to administer an  
25 epinephrine auto-injector in accordance with this section that  
26 may constitute ordinary negligence. This immunity does not  
27 apply to acts or omissions constituting gross, willful, or

1 wanton negligence. The administration of an epinephrine  
2 auto-injector in accordance with this section is not the  
3 practice of medicine. The immunity from liability provided  
4 under this subsection is in addition to and not in lieu of  
5 that provided under Section 16-5-332, Code of Alabama 1975, or  
6 other good Samaritan statute. An entity located in this state  
7 is not liable for any injuries or related damages that result  
8 from the provision or administration of an epinephrine  
9 auto-injector by its employees or agents outside of this state  
10 if the entity or its employee or agent would not have been  
11 liable for such injuries or related damages had the provision  
12 or administration occurred within this state.

13 (g) An authorized entity that possesses and makes  
14 available epinephrine auto-injectors shall submit to the  
15 Department of Public Health, on a form developed by the  
16 department, a report of each incident on the premises of the  
17 authorized entity that involves the administration of an  
18 epinephrine auto-injector. The department shall annually  
19 publish a report that summarizes and analyzes all reports  
20 submitted to the department under this section.

21 (h) An authorized entity that acquires a stock  
22 supply of epinephrine auto-injectors pursuant to a  
23 prescription issued in accordance with this section may make  
24 epinephrine auto-injectors available to persons other than  
25 those trained persons described in subsection (d) if the  
26 epinephrine auto-injectors are stored in a locked, secure  
27 container and are made available only upon remote

1 authorization by an authorized health care provider after  
2 consultation with the authorized health care provider by  
3 audio, televideo, or other similar means of electronic  
4 communication. Consultation with an authorized health care  
5 provider for this purpose is not considered the practice of  
6 telemedicine or otherwise to be construed as violating any law  
7 or rule regulating the professional practice of the authorized  
8 health care provider.

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