

# HOUSE BILL No. 1454

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-115.5; IC 16-41-43; IC 34-30-2-83.7.

**Synopsis:** Auto-injectable epinephrine. Allows a health care provider with prescriptive authority to prescribe auto-injectable epinephrine to a business, association, or governmental entity (entity) or an entity's branch office. Sets requirements for certain individuals employed by an entity to fill, store, and administer auto-injectable epinephrine. Provides civil immunity for: (1) a certain entity's employees in the administration of auto-injectable epinephrine; and (2) health care providers in the prescribing of auto-injectable epinephrine and in the training of employees in the administration of auto-injectable epinephrine.

**Effective:** July 1, 2015.

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## Eberhart, Clere, Brown C, Ober

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January 14, 2015, read first time and referred to Committee on Public Health.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1454

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-18-2-115.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 115.5. "Entity", for purposes of**  
4 **IC 16-41-43, has the meaning set forth in IC 16-41-43-2.**  
5 SECTION 2. IC 16-41-43 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2015]:  
8 **Chapter 43. Auto-Injectable Epinephrine**  
9 **Sec. 1. This chapter does not apply to the use of auto-injectable**  
10 **epinephrine at a school or school district governed by IC 20-34-4.5.**  
11 **Sec. 2. As used in this chapter, "entity" means any business,**  
12 **association, or governmental entity. The term includes any branch**  
13 **location of the entity.**  
14 **Sec. 3. (a) An entity may fill a prescription for auto-injectable**  
15 **epinephrine and store the auto-injectable epinephrine on the**



1 premises of the entity if a health care provider who is licensed in  
 2 Indiana and whose scope of practice includes the prescribing of  
 3 medication writes the prescription for auto-injectable epinephrine  
 4 for the entity.

5 (b) The entity shall store the auto-injectable epinephrine in a  
 6 safe location in which only the entity's personnel or agents have  
 7 access.

8 Sec. 4. (a) A nurse employed by an entity may administer  
 9 auto-injectable epinephrine obtained under section 3 of this  
 10 chapter to any of the following individuals if the individual is  
 11 demonstrating signs or symptoms of life threatening anaphylaxis  
 12 and the individual does not have epinephrine at the entity or the  
 13 individual's prescription is not available:

14 (1) Employees or agents of the entity.

15 (2) Visitors at the entity.

16 (b) An entity's employees and agents may administer  
 17 auto-injectable epinephrine obtained under section 3 of this  
 18 chapter if the following are met:

19 (1) The entity employee or agent has voluntarily received  
 20 training in:

21 (A) recognizing anaphylaxis; and

22 (B) the proper administration of auto-injectable  
 23 epinephrine;

24 by a health care provider who is licensed or certified in  
 25 Indiana, for whom the administration of auto-injectable  
 26 epinephrine is within the health care provider's scope of  
 27 practice, who has received training in the administration of  
 28 auto-injectable epinephrine, and who is knowledgeable in  
 29 recognizing the symptoms of anaphylaxis and the  
 30 administration of auto-injectable epinephrine.

31 (2) The individual to whom the epinephrine is being  
 32 administered is:

33 (A) an employee or agent of the entity; or

34 (B) a visitor at the entity.

35 Sec. 5. (a) A health care provider who is licensed in Indiana and  
 36 whose scope of practice includes the prescribing of medication may  
 37 write a prescription, drug order, or protocol for auto-injectable  
 38 epinephrine for the entity.

39 (b) A pharmacist licensed under IC 25-26 may dispense a valid  
 40 prescription, drug order, or protocol for auto-injectable  
 41 epinephrine issued in the name of an entity.

42 Sec. 6. (a) A nurse employed by an entity or an employee of the



1     **entity who administers auto-injectable epinephrine in accordance**  
2     **with the manufacturer's guidelines and with this chapter is not**  
3     **liable for civil damages resulting from the administration of**  
4     **auto-injectable epinephrine under this chapter unless the act or**  
5     **omission constitutes gross negligence or willful or wanton**  
6     **misconduct.**

7     **(b) A licensed health care provider who:**

8         **(1) writes a prescription, drug order, or protocol under this**  
9         **chapter; or**

10        **(2) provides training to an entity's personnel under this**  
11        **chapter;**

12     **is not liable for civil damages resulting from the administration of**  
13     **auto-injectable epinephrine under this chapter.**

14        SECTION 3. IC 34-30-2-83.7 IS ADDED TO THE INDIANA  
15     CODE AS A NEW SECTION TO READ AS FOLLOWS  
16     [EFFECTIVE JULY 1, 2015]: **Sec. 83.7. IC 16-41-43-6 (Concerning**  
17     **nurses, an entity's personnel, and health care providers and the**  
18     **administration of auto-injectable epinephrine).**

