



March 13, 2015

ENGROSSED HOUSE BILL No. 1454

DIGEST OF HB 1454 (Updated March 11, 2015 11:50 am - DI 104)

Citations Affected: IC 16-18; IC 16-41; IC 34-30.

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.

Eberhart, Clere, Brown C, Ober

(SENATE SPONSORS — MILLER PATRICIA, BREAUX, YODER,
MISHLER)

January 14, 2015, read first time and referred to Committee on Public Health.
January 22, 2015, reported — Do Pass.
January 26, 2015, read second time, ordered engrossed. Engrossed.
January 27, 2015, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Health & Provider Services.
March 12, 2015, reported favorably — Do Pass.

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March 13, 2015

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.

ENGROSSED HOUSE BILL No. 1454

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**

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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).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1454, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1454 as introduced.)

CLERE

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill No. 1454, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1454 as printed January 23, 2015.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 0

