
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2674 Session of
2018

INTRODUCED BY WARNER, CHARLTON, SNYDER, ROTHMAN, HILL-EVANS,
WARD, READSHAW, STEPHENS, DOWLING, GROVE, BERNSTINE, WALSH,
COOK, DEASY, DRISCOLL, JOZWIAK, ZIMMERMAN AND ROEBUCK,
SEPTEMBER 26, 2018

REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 26, 2018

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for the use of epinephrine
3 auto-injectors by certain entities and organizations; and
4 conferring powers and imposing duties on the Department of
5 Health.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 35 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 55

11 EPINEPHRINE AUTO-INJECTOR ENTITIES

12 Sec.

13 5501. Scope of chapter.

14 5502. Definitions.

15 5503. Epinephrine auto-injectors for authorized entities.

16 § 5501. Scope of chapter.

17 This chapter relates to epinephrine auto-injector entities.

18 § 5502. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Administer." The direct application of an epinephrine auto-
5 injector to the body of an individual.

6 "Authorized entity." Any entity or organization, other than
7 a school entity or a nonpublic school under section 1414.2 of
8 the act of March 10, 1949 (P.L.30, No.14), known as the Public
9 School Code of 1949, which has an employee or agent who has
10 completed the required training and at which allergens capable
11 of causing anaphylaxis may be present, including, but not
12 limited to:

- 13 (1) recreation camps;
- 14 (2) colleges and universities;
- 15 (3) day-care facilities;
- 16 (4) youth sports leagues;
- 17 (5) amusement parks;
- 18 (6) restaurants;
- 19 (7) places of employment;
- 20 (8) sports arenas; and
- 21 (9) law enforcement agencies.

22 "Department." The Department of Health of the Commonwealth.

23 "Epinephrine auto-injector." A single-use device used for
24 the automatic injection of a premeasured dose of epinephrine
25 into the human body.

26 "Health care practitioner." An individual who is authorized
27 to practice some component of the healing arts by a license,
28 permit, certificate or registration issued by a Commonwealth
29 licensing agency or board.

30 "Law enforcement agency." The Pennsylvania State Police or a

1 police department of a city, borough, incorporated town or
2 township.

3 § 5503. Epinephrine auto-injectors for authorized entities.

4 (a) Prescribing and dispensing.--Notwithstanding any
5 provision of law to the contrary, a health care practitioner
6 with prescriptive authority may prescribe epinephrine auto-
7 injectors in the name of an authorized entity for use in
8 accordance with this section. Pharmacists and health care
9 practitioners may dispense epinephrine auto-injectors pursuant
10 to a prescription issued in the name of an authorized entity.

11 (b) Supply.--

12 (1) An authorized entity may acquire and stock a supply
13 of epinephrine auto-injectors pursuant to a prescription
14 issued in accordance with this section. The epinephrine auto-
15 injectors shall be stored:

16 (i) in a location readily accessible in an
17 emergency; and

18 (ii) in accordance with:

19 (A) the epinephrine auto-injector's instructions
20 for use; and

21 (B) any additional requirements that may be
22 established by the department.

23 (2) An authorized entity shall designate employees or
24 agents who have completed the training required under
25 subsection (d) to be responsible for the storage,
26 maintenance, control and general oversight of epinephrine
27 auto-injectors acquired by the authorized entity.

28 (c) Use.--An employee or agent of an authorized entity or
29 other individual associated with the entity who has completed
30 the training required under subsection (d) may use epinephrine

1 auto-injectors prescribed under subsection (a) to do any of the
2 following:

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

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

16 (d) Training.--

17 (1) An employee or agent of the authorized entity or
18 other individual associated with the entity shall complete an
19 anaphylaxis training program as required by the department.
20 The training shall be conducted by a nationally recognized
21 organization experienced in training laypersons in emergency
22 health treatment, a health care practitioner employed or
23 contracted by the authorized entity or an entity or
24 individual approved by the department. The department may
25 approve specific entities or individuals or may approve
26 classes of entities or individuals to conduct the training.
27 Training may be conducted online or in person and, at a
28 minimum, shall cover:

29 (i) how to recognize signs and symptoms of severe
30 allergic reactions, including anaphylaxis;

1 (ii) standards and procedures for the storage and
2 administration of an epinephrine auto-injector; and
3 (iii) emergency follow-up procedures.

4 (2) The entity or individual that conducts the training
5 shall issue a certificate, on a form developed or approved by
6 the department, to each individual who successfully completes
7 the anaphylaxis training program.

8 (e) Good Samaritan protections.--

9 (1) The following shall not be liable for any injuries
10 or related damages that result from any act or omission taken
11 under this section:

12 (i) An authorized entity that possesses and makes
13 available epinephrine auto-injectors and its employees,
14 agents and other individuals associated with the entity;

15 (ii) a health care practitioner that prescribes or
16 dispenses epinephrine auto-injectors to an authorized
17 entity;

18 (iii) a pharmacist or health care practitioner that
19 dispenses epinephrine auto-injectors to an authorized
20 entity; and

21 (iv) an individual or entity that conducts the
22 training described under subsection (d).

23 (2) The immunity provided under paragraph (1) shall not
24 apply to acts or omissions constituting intentional
25 misconduct or gross negligence.

26 (3) The administration of an epinephrine auto-injector
27 in accordance with this section shall not be considered the
28 practice of medicine or any other profession that otherwise
29 requires licensure.

30 (4) This subsection shall not eliminate, limit or reduce

1 any other immunity or defense that may be available under
2 law, including that provided under 42 Pa.C.S. § 8332
3 (relating to emergency response provider and bystander good
4 Samaritan civil immunity).

5 (5) An entity located in this Commonwealth shall not be
6 liable for any injuries or related damages that result from
7 the provision or administration of an epinephrine auto-
8 injector outside of this Commonwealth if the entity:

9 (i) would not have been liable for the injuries or
10 related damages had the provision or administration
11 occurred within this Commonwealth; or

12 (ii) is not liable for the injuries or related
13 damages under the law of the state in which the provision
14 or administration occurred.

15 Section 2. This act shall take effect in 60 days.