

CHAPTER 55
EPINEPHRINE AUTO-INJECTOR ENTITIES

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Enactment. Chapter 55 was added October 24, 2018, P.L.650, No.93, effective in 60 days.

§ 5501. Scope of chapter.

This chapter relates to epinephrine auto-injector entities.

§ 5502. Definitions.

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

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

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

- (1) recreation camps;
- (2) colleges and universities;
- (3) day-care facilities;
- (4) youth sports leagues;
- (5) amusement parks;
- (6) restaurants;
- (7) places of employment;
- (8) sports arenas; and
- (9) law enforcement agencies.

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

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

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

"Law enforcement agency." The Pennsylvania State Police or a police department of a city, borough, incorporated town or township.

§ 5503. Epinephrine auto-injectors for authorized entities.

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

(b) Supply.--

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

- (i) in a location readily accessible in an emergency;
- and
- (ii) in accordance with:
 - (A) the epinephrine auto-injector's instructions for use; and
 - (B) any additional requirements that may be established by the department.

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

(c) Use.--An employee or agent of an authorized entity or other individual associated with the entity who has completed the training required under subsection (d) may use epinephrine auto-injectors prescribed under subsection (a) to do any of the following:

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

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

(d) Training.--

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

- (i) how to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- (ii) standards and procedures for the storage and administration of an epinephrine auto-injector; and
- (iii) emergency follow-up procedures.

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

(e) Good Samaritan protections.--

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

- (i) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents and other individuals associated with the entity;
- (ii) a health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized

entity;

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

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

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

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

(4) This subsection shall not eliminate, limit or reduce any other immunity or defense that may be available under law, including that provided under 42 Pa.C.S. § 8332 (relating to emergency response provider and bystander good Samaritan civil immunity).

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

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

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