

Emergency Allergy Treatment

The Act expands the law governing insect sting emergency treatment to create the “Emergency Allergy Treatment Act,” which makes epinephrine auto-injectors (EAI) available for the treatment of any severe allergic reaction and in more public places. The Act permits certain authorized entities, such as restaurants and youth sports leagues, to obtain a prescription for an epinephrine auto-injector. Authorized entities may stock and store EAIs, and their employees who have completed certain training and are certified may provide an EAI to a person suffering a severe allergic reaction for self-administration, administer an EAI to a person suffering a severe allergic reaction, or provide an EAI to a person to administer it to another person suffering a severe allergic reaction. The Act extends the civil liability immunity protections of the Good Samaritan Act to any person who possesses, administers, or stores EAIs in compliance with Emergency Allergy Treatment Act.

Submitted as:

Florida

[HB 1131](#)

Status: Signed into law on June 13, 2014.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Emergency allergy treatment.*]
- 2 (1) Definitions:
- 3 (a) “Administer” means to directly apply an epinephrine auto-injector to the body of an
- 4 individual.
- 5 (b) “Authorized entity” means an entity or organization at or in connection with which
- 6 allergens capable of causing a severe allergic reaction may be present. The term includes,
- 7 but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and
- 8 resorts, and sports arenas. However, a school as described in [Insert citation] is an
- 9 authorized entity for the purposes of subsection (4) only.
- 10 (c) “Authorized health care practitioner” means a licensed practitioner authorized by the
- 11 laws of the state to prescribe drugs.
- 12 (d) “Department” means the Department of Health.
- 13 (e) “Epinephrine auto-injector” means a single-use device used for the automatic injection of
- 14 a premeasured dose of epinephrine into the human body.
- 15 (f) “Self-administration” means an individual’s discretionary administration of an
- 16 epinephrine auto-injector on herself or himself.
- 17 (2) The purpose of this section is to provide for the certification of persons who administer
- 18 lifesaving treatment to persons who have severe allergic reactions when a physician is not
- 19 immediately available.
- 20 (3) The department may:
- 21 (a) Adopt rules necessary to administer this section.
- 22 (b) Conduct educational training programs as described in subsection (4), and approve
- 23 programs conducted by other persons or governmental agencies.

- 1 (c) Issue and renew certificates of training to persons who have complied with this section
2 and the rules adopted by the department.
- 3 (d) Collect fees necessary to administer this section. [
- 4 (4) Educational training programs required by this section must be conducted by a nationally
5 recognized organization experienced in training laypersons in emergency health treatment or
6 an entity or individual approved by the department. The curriculum must include at a
7 minimum:
- 8 (a) Recognition of the symptoms of systemic reactions to food, insect stings, and other
9 allergens; and
- 10 (b) The proper administration of an injection epinephrine auto-injector.
- 11 (5) A certificate of training may be given to a person who:
- 12 (a) Is 18 years of age or older;
- 13 (b) Has, or reasonably expects to have, responsibility for or contact with at least one other
14 person as a result of his or her occupational or volunteer status, including, but not limited
15 to, a camp counselor, scout leader, school teacher, forest ranger, tour guide, or chaperone;
16 and
- 17 (c) Has successfully completed an educational training program as described in subsection
18 (4).
- 19 (6) A person who successfully completes an educational training program may obtain a
20 certificate upon payment of an application fee of \$25.
- 21 (7) A certificate issued pursuant to this section authorizes the holder to receive, upon
22 presentment of the certificate, a prescription for epinephrine auto-injectors from an
23 authorized health care practitioner or the department. The certificate also authorizes the
24 holder, in an emergency situation when a physician is not immediately available, to possess
25 and administer a prescribed epinephrine auto-injector to a person experiencing a severe
26 allergic reaction.

27
28 Section 2. [*Epinephrine auto-injectors; emergency administration.*]

- 29 (1) Prescribing to an authorized entity. —An authorized health care practitioner may prescribe
30 epinephrine auto-injectors in the name of an authorized entity for use in accordance with this
31 section, and pharmacists may dispense epinephrine auto-injectors pursuant to a prescription
32 issued in the name of an authorized entity.
- 33 (2) Maintenance of supply.—An authorized entity may acquire and stock a supply of
34 epinephrine auto-injectors pursuant to a prescription issued in accordance with this section.
35 Such epinephrine auto-injectors must be stored in accordance with the epinephrine auto-
36 injector's instructions for use and with any additional requirements that may be established
37 by the department. An authorized entity shall designate employees or agents who hold a
38 certificate pursuant to [this Act] to be responsible for the storage, maintenance, and general
39 oversight of epinephrine auto-injectors acquired by the authorized entity.
- 40 (3) Use of Epinephrine Auto-Injectors.—An individual who holds a certificate issued pursuant to
41 [this Act] may, on the premises of or in connection with the authorized entity, use
42 epinephrine auto-injectors prescribed pursuant to subsection (1) to:
- 43 (a) Provide an epinephrine auto-injector to a person who the certified individual in good faith
44 believes is experiencing a severe allergic reaction for that person's immediate self-
45 administration, regardless of whether the person has a prescription for an epinephrine
46 auto-injector or has previously been diagnosed with an allergy.

- 1 (b) Administer an epinephrine auto-injector to a person who the certified individual in good
2 faith believes is experiencing a severe allergic reaction, regardless of whether the person
3 has a prescription for an epinephrine auto-injector or has previously been diagnosed with
4 an allergy.
- 5 (4) Expanded availability.—An authorized entity that acquires a stock supply of epinephrine
6 auto-injectors pursuant to a prescription issued by an authorized health care practitioner in
7 accordance with this section may make the auto-injectors available to individuals other than
8 certified individuals identified in subsection (3) who may administer the auto-injector to a
9 person believed in good faith to be experiencing a severe allergic reaction if the epinephrine
10 auto-injectors are stored in a locked, secure container and are made available only upon
11 remote authorization by an authorized health care practitioner after consultation with the
12 authorized health care practitioner by audio, televideo, or other similar means of electronic
13 communication. Consultation with an authorized health care practitioner for this purpose is
14 not considered the practice of telemedicine or otherwise construed as violating any law or
15 rule regulating the authorized health care practitioner's professional practice.
- 16 (5) Immunity from liability.—Any person, as defined under [Insert citation.], including an
17 authorized health care practitioner, a dispensing health care practitioner or pharmacist, an
18 individual trainer under Section 1(4) and a person certified pursuant to Section 1(6) who
19 possesses, administers, or stores an epinephrine auto-injector in compliance with this act,
20 and an uncertified person who administers an epinephrine auto-injector as authorized under
21 subsection (4) in compliance with this act, is afforded the civil liability immunity protections
22 provided 155 under [Insert citation.]