

Florida Department of **EDUCATION**

Bill Number: CS/CS/HB 1131

Bill Title: Emergency Allergy Treatment

Bill Sponsor: Representative Hudson

Effective Date: July 1, 2014

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Executive Summary: This bill expands provisions to apply to all emergency allergy reactions. It authorizes certain health care practitioners to prescribe epinephrine auto-injectors to authorized entities and authorizes such entities to maintain a supply of epinephrine auto-injectors. This bill authorizes certified individuals to use epinephrine auto-injectors, and authorizes uncertified individuals to use epinephrine auto-injectors under certain circumstances. It provides immunity from civil liability provided under s. 768.13, F.S., (Good Samaritan Act) to any person who possesses, administers, or stores epinephrine auto-injectors under this bill. To view a full version of the bill visit:

<http://flsenate.gov/Session/Bill/2014/1131/BillText/er/PDF>.

Section 1.

Amends s. 381.88, F.S., Emergency allergy treatment, to:

- Rename s. 381.88, F.S., and the new s. 381.885, F.S., (created in Section 2 of the bill), to be cited as the Emergency Allergy Treatment Act.
- Define the terms used in the Emergency Treatment Act:
 - "Administer,"
 - "Authorized entity,"
 - "Authorized health care practitioner,"
 - "Department,"
 - "Epinephrine auto-injector," and
 - "Self-administration."
- Provide certification for laypersons to administer epinephrine injection(s) to individuals who have a severe allergic reaction when a physician is not immediately available.
- Require laypersons who seek certification for emergency allergy treatment to obtain educational training by a nationally recognized organization experienced in training laypersons in emergency health treatment, or an entity or individual approved by the Florida Department of Health.
 - The required educational training program curriculum for emergency allergy treatment must include:
 - Recognition of the symptoms of systemic reactions to food, insect stings, and other allergens; and
 - The proper administration of an epinephrine auto-injector.
- Allow certification of training for persons who:
 - Are 18 years of age or older;

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- Have, or reasonably expected to have, responsibility for, or contact with at least one other person as a result of his or her occupational or volunteer status, including, but not limited to a: camp counselor, scout leader, school teacher, forest ranger, tour guide, or chaperone; and
- Has successfully completed the required educational training program curriculum.
- Establish that such certification of training authorizes the layperson to receive a prescription for epinephrine auto-injector from an authorized health care practitioner or the Florida Department of Health.
- Establish that such certification of training also authorized the layperson to possess and administer an epinephrine auto-injector to a person experiencing a severe allergic reaction.

Section 2.

Creates s. 381.885, F.S., Epinephrine auto-injectors; emergency administration, to:

- Allow an authorized health care practitioner to prescribe epinephrine auto-injectors in the name of an authorized entity.
- Allow an authorized entity to acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued by an authorized health care practitioner.
- Require that the epinephrine auto-injectors be stored in accordance with the epinephrine auto-injector's instructions for use as well as any additional requirements that may be established by the Florida Department of Health.
- Require an authorized entity to assign employees or agents who hold a certificate issued pursuant to s. 381.88, F.S., to be responsible for the storage, maintenance, and general oversight of the epinephrine auto-injector acquired by the authorized entity.
- Allow a layperson who holds a certificate issued pursuant to s. 381.88, F.S., to use the epinephrine auto-injector that was prescribed by an authorized health care practitioner on the premises of, or in connection with, the authorized entity.
- Allow the layperson with certification of training to provide the epinephrine auto-injector to an individual for self-administration if the certified layperson believes the individual is experiencing a severe allergic reaction, regardless of whether the individual has a prescription for an epinephrine auto-injector or has been previously diagnosed with an allergy.
- Allow the layperson with certification of training to administer an epinephrine auto-injector to an individual who the certified layperson believes is experiencing a severe allergic reaction, regardless of whether the individual has a prescription for an epinephrine auto-injector or has been previously diagnosed with an allergy.
- Expand the availability of epinephrine auto-injectors by allowing an authorized entity that acquires a stock supply of epinephrine auto-injectors pursuant to a prescription issued by an authorized health care practitioner to make the epinephrine auto-injector available to laypersons without the certification of training requirement to administer the stock epinephrine auto-injector to an individual the non-certified layperson believes to be experiencing a severe allergic reaction IF the epinephrine auto-injector is stored in a locked, secure container and made available ONLY upon remote authorization by an authorized health care practitioner after consultation with the authorized health care practitioner by audio, televideo, or other similar means of electronic communication.

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- Stipulates that the consultation with an authorized health care practitioner for this purpose is not considered the practice of telemedicine or otherwise construed as violating any law or rule regulating the professional practice of the authorized health care practitioner.
- Provides immunity from civil liability provided under s. 768.13, F.S., (Good Samaritan Act), to any person, as defined in s. 1.01, F.S., who possesses, administers, or stores epinephrine auto-injectors under this bill, including:
 - An authorized health care practitioner;
 - A dispensing health care practitioner or pharmacist;
 - Any person certified under the Emergency Allergy Treatment Act;
 - Any non-certified individual who receives epinephrine auto-injectors from an authorized entity for purposes of administering it to another person suffering from a severe allergic reaction; and
 - An individual trainer who conducts the educational training program under s. 381.88(5), F.S.

General Implementation Timeline:

July 1, 2014 The act becomes effective.