

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1580

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DATE	D-PG	OFFICIAL STATUS
03/11/2015	674	Introduction and first reading Referred to Health, Human Services and Housing
03/23/2015	1072a	Comm report: To pass as amended and re-refer to Judiciary
03/25/2015	1319a	Comm report: To pass as amended and re-refer to Finance See SF1458, Art. 8, Sec. 34

A bill for an act

relating to health; requiring commissioner of health to develop a list of authorized entities; allowing certain individuals to obtain and administer epinephrine without a prescription; proposing coding for new law in Minnesota Statutes, chapter 144.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[144.999] LIFE-SAVING ALLERGY MEDICATION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Administer" means the direct application of an epinephrine auto-injector to the body of an individual.

(c) "Authorized entity" means recreation camps, colleges and universities, preschools and daycares, and any other category of entities or organizations that the commissioner authorizes to obtain and administer epinephrine auto-injectors without a prescription. This definition does not include a school covered under section 121A.2207.

(d) "Commissioner" means the commissioner of health.

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

(f) "Provide" means to supply one or more epinephrine auto-injectors to an individual or the individual's parent, legal guardian, or caretaker.

Subd. 2. **Commissioner duties.** The commissioner may identify additional categories of entities or organizations to be authorized entities if the commissioner determines that individuals may come in contact with allergens capable of causing anaphylaxis. Beginning July 1, 2016, the commissioner may annually review the list of authorized entities and authorize additions to the list as the commissioner deems

2.1 appropriate. The commissioner may contract with a vendor to perform the review and
2.2 identification of authorized entities.

2.3 Subd. 3. **Obtaining and storing epinephrine auto-injectors.** (a) Notwithstanding
2.4 section 151.37, an authorized entity may obtain and possess epinephrine auto-injectors to
2.5 be provided or administered to an individual if, in good faith, an employee or agent of
2.6 an authorized entity believes that the individual is experiencing anaphylaxis regardless
2.7 of whether the individual has a prescription for an epinephrine auto-injector. The
2.8 administration of an epinephrine auto-injector in accordance with this section is not the
2.9 practice of medicine.

2.10 (b) An authorized entity may obtain epinephrine auto-injectors from pharmacies
2.11 licensed as wholesale drug distributors pursuant to section 151.47. Prior to obtaining an
2.12 epinephrine auto-injector, an owner, manager, or authorized agent of the entity must
2.13 present to the pharmacy a valid certificate of training obtained pursuant to subdivision 5.

2.14 (c) An authorized entity shall store epinephrine auto-injectors in a location readily
2.15 accessible in an emergency and in accordance with the epinephrine auto-injector's
2.16 instructions for use and any additional requirements that may be established by the
2.17 commissioner. An authorized entity shall designate employees or agents who have
2.18 completed the training program required under subdivision 5 to be responsible for the
2.19 storage, maintenance, and control of epinephrine auto-injectors obtained and possessed
2.20 by the authorized entity.

2.21 Subd. 4. **Use of epinephrine auto-injectors.** (a) An owner, manager, employee, or
2.22 agent of an authorized entity who has completed the training required under subdivision 5
2.23 may:

2.24 (1) provide an epinephrine auto-injector for immediate administration to an
2.25 individual or the individual's parent, legal guardian, or caregiver if the employee or agent
2.26 believes, in good faith, the individual is experiencing anaphylaxis, regardless of whether
2.27 the individual has a prescription for an epinephrine auto-injector or has previously been
2.28 diagnosed with an allergy; or

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

2.33 (b) Nothing in this section shall be construed to require any authorized entity to
2.34 maintain a stock of epinephrine auto-injectors.

2.35 Subd. 5. **Training.** (a) In order to use an epinephrine auto-injector as authorized
2.36 under subdivision 4, an individual must complete, every two years, an anaphylaxis

3.1 training program conducted by a nationally recognized organization experienced in
3.2 training laypersons in emergency health treatment or an entity or individual approved by
3.3 the commissioner to provide an anaphylaxis training program. The commissioner may
3.4 approve specific entities or individuals to conduct the training program or may approve
3.5 categories of entities or individuals to conduct the training program. Training may be
3.6 conducted online or in person and, at a minimum, must cover:

3.7 (1) how to recognize signs and symptoms of severe allergic reactions, including
3.8 anaphylaxis;

3.9 (2) standards and procedures for the storage and administration of an epinephrine
3.10 auto-injector; and

3.11 (3) emergency follow-up procedures.

3.12 (b) The entity or individual conducting the training shall issue a certificate to each
3.13 person who successfully completes the anaphylaxis training program. The commissioner
3.14 may develop, approve, and disseminate a standard certificate of completion. The
3.15 certificate of completion shall be valid for two years from the date issued.

3.16 Subd. 6. **Good samaritan protections.** Any act or omission taken pursuant to
3.17 this section by an authorized entity that possesses and makes available epinephrine
3.18 auto-injectors and its employees or agents, a pharmacy or manufacturer that dispenses
3.19 epinephrine auto-injectors to an authorized entity, or an individual or entity that conducts
3.20 the training described in subdivision 5 is considered "emergency care, advice, or
3.21 assistance" under section 604A.01.