

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1604

03/09/2015 Authored by Zerwas, Schoen, Schomacker, Lohmer and Halverson

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

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

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

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

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

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

1.11 (c) "Authorized entity" means an entity or organization, other than a school, as
1.12 described in section 121A.2207, approved by the commissioner to obtain and administer
1.13 epinephrine auto-injectors without a prescription.

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

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

1.17 (f) "Other individual" means a parent, guardian, or caregiver of a person who may
1.18 be experiencing anaphylaxis.

1.19 (g) "Provide" means to supply one or more epinephrine auto-injectors to an individual.

1.20 Subd. 2. **Commissioner duties.** The commissioner shall identify entities or
1.21 organizations where allergens capable of anaphylaxis may be present. The commissioner
1.22 shall initially identify a list of authorized entities no later than October 1, 2015, and
1.23 shall annually review the list for appropriate updates. Entities the commissioner may
1.24 consider for authorization include but are not limited to recreation camps, colleges and

universities, day care facilities, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas.

Subd. 3. Obtaining and storing epinephrine auto-injectors. (a) Notwithstanding section 151.37, an authorized entity may obtain and possess epinephrine auto-injectors to be maintained and administered to an individual if, in good faith, it is determined that the individual is experiencing anaphylaxis regardless of whether the individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine.

(b) Epinephrine auto-injectors possessed by an authorized entity shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements that may be established by the commissioner. An authorized entity shall designate employees or agents who have completed the training required in this section to be responsible for the storage, maintenance, and control of epinephrine auto-injectors acquired by the authorized entity.

(c) An authorized entity may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for an authorized entity's supply of epinephrine auto-injectors.

Subd. 4. Use of epinephrine auto-injectors. (a) An employee or agent of an authorized entity who has completed the training required by subdivision 5 may use epinephrine auto-injectors obtained pursuant to subdivision 3 to:

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

(2) administer an epinephrine auto-injector to any individual who the employee or agent 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.

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

Subd. 5. Training. (a) An employee or agent of an authorized entity must complete an anaphylaxis training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual otherwise approved by the commissioner. The commissioner may approve specific entities

3.1 or individuals to conduct training and classes of entities or individuals to conduct training.

3.2 Training may be conducted online or in person and, at a minimum, shall cover:

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

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

3.7 (3) emergency follow-up procedures.

3.8 (b) The entity that conducts the training shall issue a certificate to each person
3.9 who successfully completes the anaphylaxis training program. The commissioner may
3.10 develop, approve, and disseminate a standard certificate of completion.

3.11 Subd. 6. **Good samaritan protections.** An authorized entity that possesses and
3.12 makes available epinephrine auto-injectors and its employees or agents, a pharmacy or
3.13 manufacturer that dispenses epinephrine auto-injectors to an authorized entity, or an
3.14 individual or entity that conducts the training described in subdivision 5 shall not be liable
3.15 for any injuries or related damages that result from any act or omission taken pursuant
3.16 to this section. This immunity shall not apply to acts or omissions that constitute gross,
3.17 willful, or wanton negligence. This section does not eliminate, limit, or reduce any other
3.18 immunity or defense that may be available under state law, including that provided
3.19 under section 604A.01.